CHIEF'S PREFACE

This Metro Transit Police Department policy manual has been developed to provide the framework to guide you in the performance of our law enforcement mission. These policies have been established as a result of an ever-changing assimilation of legal and best-practice principles in the law enforcement profession. This manual, together with your training and your professional discretion, will provide you the tools to carry out your responsibilities.

All personnel are required to be familiar with the directives in this manual and, when necessary, seek guidance from a supervisor. Department members are encouraged to submit recommendations for constructive changes to improve the efficiency and effectiveness of our operations. This manual will be updated as necessary to reflect changes in the law, best practices, personnel responsibilities as well as department goals and objectives.

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MISSION STATEMENT, CORE VALUES AND VISION

MISSION:

Safeguarding the transit community with integrity and professionalism while building trust through community partnerships.

CORE VALUES:

Committed to Our Staff

by building a strong culture and prioritizing the overall well-being of each and every member of the MTPD.

Committed to Training and Education

by giving everyone the opportunity to grow with the department.

Committed to Our Community Committed to Trust and Integrity

by investing in innovative solutions and building and strengthening partnerships to address larger societal issues - together.

Committed to Trust and Integrity

through open communication and operating with transparency.

Committed to Technology

by continuously looking ahead to what's next, while using state of the art equipment and data now to guide our methods.

VISION:

We are committed to leading the Metro Transit Police Department into its brightest chapter yet, by building a culture that is well-respected throughout Minnesota and beyond.

That culture is one that encourages collaboration, promotes innovation, and proactively addresses emerging challenges with strategic solutions.

A culture where the professional and personal growth and well-being of each and every member of the MTPD is paramount to our overall success.

At the MTPD, we take pride in leading with integrity, empathy, and professionalism.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Metro Transit Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Metro Transit 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.

100.3 CONSTITUTIONAL REQUIREMENTS

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

100.4 STATUTORY JURISDICTION

The jurisdiction of the Metro Transit Police Department is limited to offenses relating to Metropolitan Council transit property, equipment, employees, and passengers. The jurisdiction shall include traffic lanes designed for bus or transit use, freeway or expressway shoulders in the seven-county metropolitan area used by authorized transit buses and Metro Mobility buses under Minn. Stat. § 169.306, and high-occupancy vehicle lanes used by transit buses. Upon request from, or under an agreement with, any law enforcement agency and subject to the availability of its personnel and other resources, the Department may exercise general law enforcement agency authority to assist any law enforcement agency in implementing or carrying out law enforcement activities, programs, or initiatives. Because the commissioner of transportation has contracted with the Metropolitan Council for operation of commuter rail facilities under Minn. Stat. § 174.90, the jurisdiction of the Department extends to offenses relating to the operation, property, facilities, equipment, employees, and passengers of the commuter rail facilities located in and outside of the metropolitan area.

100.5 PEACE OFFICER POWERS

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

100.5.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE METRO TRANSIT POLICE DEPARTMENT

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

(a) Made pursuant to a warrant.

(b) The person is being arrested for a felony.

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(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)).

100.5.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE METRO TRANSIT POLICE DEPARTMENT

Full- and part-time, on-duty officers may make an arrest outside the jurisdiction of the Metro Transit 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 Metro Transit 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.

100.5.3 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).

100.6 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).

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(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).

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Chief Law Enforcement Officer

102.1 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).

102.1.1 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.

The Metro Transit Police Department is established under the authority of Minn. Stat. 473.407, which outlines, in part, the duties of the Chief of Police.

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Oath of Office

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

It is the policy of the Metro Transit Police Department that, when appropriate, all licensed peace officers affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

104.3 OATH OF OFFICE

Upon employment, all licensed peace officers shall be required to affirm, sign and date the oath of office expressing their 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, (officer name), do solemnly swear or affirm 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 Metro Transit Police Department and State of Minnesota.

104.4 MAINTENANCE OF RECORDS

Oaths mandated by law shall be filed as required by law.

Other oaths shall be maintained consistent with other personnel employment records.

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Policy Manual

105.1 PURPOSE AND SCOPE

The manual of the Metro Transit 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.

105.2 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CFR- Code of Federal Regulations.

Child- Any person under the age of 18 years.

Metropolitan Area - The Metropolitan Area of Metro Transit.

Civilian - A member who is not a licensed peace officer.

Department/MTPD - The Metro Transit Police Department.

DPS- The Minnesota Department of Public Safety.

DVS- The Minnesota Department of Driver and Vehicle Services.

Manual - The Metro Transit Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Metro Transit Police Department

On-duty - A member's status during the period when the member is engaged in the performance of their assigned duties.

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC- United States Code.

105.3 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.

105.3.1 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 Metro Transit Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the Metropolitan Council / Metro Transit, 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 Metro Transit Police Department reserves the right to revise any policy content, in whole or in part.

105.4 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 Interim Directives, which shall modify those provisions of the manual to which they pertain. Interim Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

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105.5 POLICY MANUAL FORMAT

The Policy Manual is formatted to the constraints set forth by Lexipol. Each policy shall contain, at a minimum, a sequential number, title, and applicable department content.

Policies and procedures should be organized into predetermined chapters and titled by subject topic.

Chapters:

1. Law Enforcement Role and Authority
2. Organization and Administration
3. General Operations
4. Patrol Operations
5. Traffic Operations
6. Investigation Operations
7. Equipment
8. Support Services
9. Custody
10. Personnel

105.6 PROCEDURE TO IMPLEMENT POLICY

The Chief of Police, or authorized designee, shall establish a procedure to implement department policies, Interim Directives or other operational temporary orders.

The Chief of Police or authorized designee may disseminate the policies, written directives, or operational orders to command staff, training officers, or others who have expertise in the area for input before implementation. The Chief of Police has final approval.

105.7 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 they have been provided access to, and have had the opportunity to review the Policy Manual and Interim Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

105.8 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

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105.9 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 they have reviewed the revisions within 28 days 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 their command are aware of any Policy Manual revision.

105.10 ARCHIVE AND STORAGE

All Interim Directives shall be archived and stored in accordance with the State of Minnesota and local ordinance retention requirements.

The Policy Manual is stored in Lexipol's policy management platform and automatically archives all department policies as new or updated policies are issued.

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Code of Ethics

106.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all members are aware of their individual responsibilities to demonstrate the core values of honesty, service, and respect in all interactions and decisions, while positively representing the Metro Transit Police Department.

106.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other officers at the time of appointment.

The Civilian Member Code of Ethics shall be administered to all members at the time of appointment or hire.

106.3 LAW ENFORCEMENT CODE OF ETHICS

As a sworn officer, my fundamental duty is to serve the community with honesty, service, and respect by maintaining peace and order, protecting community members from danger and harm, and acting to enforce the law. I will act to protect lives and property, and to promote justice and fairness. I will act to protect the vulnerable and to ensure that those who violate the rights and safety of others are held accountable in accordance with the law. I will respect the privacy and dignity of the people and communities that I serve. I will uphold the Constitution of the United States of America, the constitution of the State of Minnesota, fully obey the laws that I am called to enforce and uphold the rules of the department.

I recognize that my uniform and my badge are symbols of the public trust that are placed in me and my agency. I must always continue to earn that trust by remaining faithful to the highest principles and ethics of police service. I will never use unnecessary force. I will strive to prevent bias from affecting my decisions. I will never use my position for unjust personal gain, nor accept anything of value that might create the impression of influencing my performance as a public servant. I will never engage in or condone acts of corruption, and I will intervene to prevent or interrupt unacceptable acts by members of my profession. While I will be loyal to my fellow officers, that loyalty will never prevent me from cooperating with legally authorized agencies in the pursuit of justice.

Finally, I will lead a life demonstrating the values of honesty, service, and respect, such that these virtues are reinforced in my character and so that my life may serve as an example to others. I will always remember that my conduct, both on-duty and off, directly influence the trust and legitimacy of professional policing. I will remain composed, decisive, and courageous when faced with adversity, and exercise self-restraint in the face of scorn or ridicule. I will be ever mindful of the welfare of others, while I also care for my own well-being and encourage my fellow officers to do the same. I will continue to invest in my own learning and professional development throughout my career, for I know that I alone am responsible for maintaining the high standards of my conduct and my professional performance.

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106.4 CIVILIAN CODE OF ETHICS

As a civilian employee of the Metro Transit Police Department, I accept the responsibility to serve the community with honesty, service, and respect and support the mission of the department with dedication and care.

Commitment to Service

I will approach my duties with diligence, reliability, and a spirit of service. I will recognize that my work contributes to the safety, trust, and well-being of the community and those I serve alongside.

Honesty in Conduct

I will conduct myself with integrity and fairness in all matters. I will not misuse my role for personal advantage or gain, and I will safeguard the public trust placed in me.

Respect for All People

I will treat every person with dignity, equality, and courtesy. I will not allow personal feelings, animosities, prejudices, or friendships to influence my actions or decisions.

Stewardship of Information

I will protect the confidentiality of information entrusted to me through my duties, except when disclosure is necessary to carry out the law or my responsibilities.

Obedience to Law and Policy

I will respect and uphold the law and the rules of the department. I will model accountability in both my personal and professional life, understanding that my conduct reflects on the department.

Self-Discipline and Responsibility

I will strive for self-restraint, balance, and good judgment, and be mindful of how my actions affect others. I will work to maintain an untarnished life, consistent with the trust and responsibility of my position.

106.5 ACKNOWLEDGEMENT

The Code of Ethics is binding on all members, sworn and non-sworn. All members must acknowledge the Code of Ethics adopted by the Department.

106.6 TRAINING

The Department will provide all members with ethics training at least once every three years.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Metro Transit Police Department. The four divisions are as follows:

- Support Services Division
- Patrol Division
- Investigations Division
- Professional Standards Division

200.2.1 SUPPORT SERVICES DIVISION

The primary responsibility of the Support Services Division is to provide general management, direction and control of the Department's administrative functions, including management of the Department budget.

200.2.2 PATROL DIVISION

The primary responsibility of the Patrol Division is to provide general management, direction and control of all patrol operations, including the Homeless Action Team and Community Service Officers.

200.2.3 INVESTIGATIONS DIVISION

The primary responsibility of the Investigations Division is to provide general management of criminal investigations into transit-related crime, including all associated records, evidence and Department data.

200.2.4 PROFESSIONAL STANDARDS DIVISION

The primary responsibility of the Professional Standards Division is to provide general management of the recruitment, training and wellness of licensed personnel.

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 Chief of Police will designate a person who shall act with the authority of the Chief of Police.

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

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(a) Deputy Chief of Police.

(b) Patrol Division Captain(s).

(c) Investigations Division Captain.

(d) Professional Standards Division Captain.

(e) Support Services Division Captain.

The Chief of Police or General Manager may adjust the succession of command at any time.

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each member 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 and any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3 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.

200.3.1 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.

200.4 SPAN OF CONTROL

To achieve effective direction, coordination and control, the number of members under the immediate control of a supervisor will not be excessive. The exact number of members supervised by any one supervisor will be dependent on the nature of the job being performed, the complexity of the task, the size of the area to be supervised, the experience level of the members, and other factors having a bearing on the work environment.

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Each commanding officer will continually review the number of members being supervised by those under their command to ensure that appropriate limits are not exceeded.

The Department has 24-hour access to supervisory personnel.

200.5 ORGANIZATIONAL CHART

The Chief of Police or the authorized designee is responsible for developing and maintaining an organizational chart that graphically represents the organizational structure of the agency. The organizational chart should be updated as needed.

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Administrative Communications

204.1 PURPOSE AND SCOPE

This policy provides guidance in the use of Administrative Communications by the Chief of Police or their designee to communicate with members internally.

204.2 POLICY

It is the policy of this department to use Administrative Announcements and Personnel Orders to communicate internally with members.

204.2.1 ADMINISTRATIVE ANNOUNCEMENTS

Administrative Announcements inform Department members of the following:

- Updates to, or creation of a new policy or procedure
- Openings in units and requests for Letters of Interest
- Information regarding Department administration
- Notice of shift changes, such as canceled days off

This is not an exhaustive list. The Chief of Police or their designee may use an Administrative Announcement in other circumstances as appropriate.

Administrative Announcements that modify or create new policy or procedure will be incorporated into the manual as required upon the approval of the Chief of Police. They will be rescinded upon incorporation into the manual.

204.2.2 PERSONNEL ORDERS

Personnel Orders may be issued periodically to Department members, by the Chief of Police or designee, to announce and document promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations, and other changes in status.

This is not an exhaustive list and the Chief of Police or their designee may use the Personnel Order in other circumstances as appropriate.

Personnel Orders are private data under Minn. Stat 13.43 and shall be treated accordingly.

204.3 ACKNOWLEDGMENT OF AA'S AND PO'S

All employees are required to read and obtain any necessary clarification of Administrative Announcements or Personnel Orders.

Signed acknowledgment labels and/or e-mail receipts showing a member's acknowledgment may be required if appropriate.

204.4 EXTERNAL 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.

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All Department letterhead shall bear the signature element of the Chief of Police.

Official correspondence and use of letterhead requires the approval of a supervisor and may not be used for personal purposes.

204.5 INTERNAL CORRESPONDENCE

All surveys in the name of the department shall be authorized by the Chief of Police or their designee, before distribution.

Communications between members should be respectful and professional.

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Emergency Operations Plan

206.1 PURPOSE AND SCOPE

The Metropolitan Transit Police Department and Metropolitan Council have 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 members in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The manual provides for a strategic response to all hazards by all members and assigns specific responsibilities in the event the plan is activated.

206.2 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.

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all members of the Metro Transit Police Department are subject to immediate recall. Members 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.

206.3 LOCATION OF MANUALS

The manual is available in Administration and the shift supervisor's office as well as on the intranet at the following link:

https://metcmn.sharepoint.com/sites/metrotransit/safety/emergency%20Plans/Forms/Allitems.aspx

206.4 PLAN REVIEW

The Support Services Division supervisor, or designee, shall annually review the Emergency Operations Plan and recommend updates when applicable. The annual review, update, and approval of the plan and supporting documents must be in accord with the guidance provided by the Department of Public Safety, Division of Emergency Management and should incorporate a full or partial exercise, tabletop or command staff discussion (Minn. Stat. § 299J.10).

206.5 PLAN TRAINING

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

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206.6 AFTER-ACTION REPORTS

If after-action reports (AARs) are used to analyze incidents, operations, or training events, the Chief of Police or the authorized designee shall establish procedures governing their use. These procedures shall address the following:

(a) Criteria for identifying incidents, operations, or training exercises for which an AAR is required or appropriate.

(b) Criteria for determining the type, scope, formality, and timing of each AAR based on the nature of the activity, community impact, objectives, and available resources.

(c) Identification and assignment of members with the ability to impartially conduct an AAR and clearly organize the findings into a useful learning product.

(d) Procedures for identifying, collecting, and reviewing relevant information sources (e.g., agency records, open-source media, similar incidents, community feedback, recognized standards).

(e) Necessary training for members involved in the implementation of the AAR system.

(f) Identification of key internal and external stakeholders to include in the AAR process.

(g) Development of appropriate analysis parameters, including the intended and actual outcome, the factors that led to the actual outcome, and findings and recommendations, implementation steps, and follow-up on recommendations.

(h) Criteria for determining whether an AAR will be retained for internal use, shared with partner or stakeholder agencies, or released publicly, and the authorized means of dissemination.

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Training

208.1 PURPOSE

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

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of department members.

(c) Provide for continued professional development of department members.

(d) Ensure compliance with POST rules and regulations concerning law enforcement training.

208.2 POLICY

The department shall administer a training program that will meet the standards of federal, state, local, and POST training requirements.

The department seeks to provide ongoing training and encourages all members to participate in advanced training and formal education on a continual basis. Non-mandatory 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.

208.3 TRAINING MANAGER

The Chief of Police or designee shall appoint a Training Manager who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The plan should be reviewed annually by the Training Manager.

208.3.1 TRAINING MANAGER RESPONSIBILITIES

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

208.3.2 CAREER DEVELOPMENT

The Training Manager shall also be responsible for administering a career development strategy for officers that should:

(a) Encourage mentorship.

(b) Promote officer retention.

(c) Promote leadership development opportunities.

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208.4 TRAINING UNIT

The Training Manager shall establish a Training Unit, which will assist with identifying training needs for the department.

The Training Manager or designee will coordinate reviews of incidents when necessary, to determine whether additional training would likely improve future outcomes, or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Unit should review include, but are not limited to:

(a) Any incident involving the death or serious injury of a department member.

(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by the department as appropriate to determine possible training needs.

The Training Unit should determine by consensus whether a training need exists and submit written recommendations of its findings to the Training Manager for review. The recommendations should not identify the members involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Manager or designee will consider the recommendations of the Training Unit and determine what training should be addressed, taking into consideration the mission of the department and available resources. Training recommendations as determined by the Training Manager or designee, should be submitted to the command staff for review.

208.5 TRAINING PLAN

It is the responsibility of the Training Manager or designee to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all members. The training plan should include the anticipated costs associated with each type of training, including salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Manager or designee 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 members.

The Training Manager or designee is responsible for ensuring members of the department have been trained as required.

208.5.1 STATE MANDATED TRAINING

Peace officers will be provided with all training that is required to maintain licensure with the Minnesota POST Board.

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208.5.2 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend as scheduled unless excused by the Training Manager or designee. 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 member's participation.
5. Emergency situations

(b) When a member is unable to attend mandatory training, that member shall:

1. Notify the Training Manager or designee as soon as possible but no later than one hour prior to the start of training.
2. Make arrangements with the Training Manager or designee to attend the required training on an alternate date.

208.5.3 TRAINING RESTRICTION

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

208.6 TRAINING NEEDS ASSESSMENT

The Training Manager or designee will conduct an annual training needs assessment, to include all mandated MN POST Board training requirements and provide a report, with recommendations to the Chief of Police for review.

208.7 CLASSROOM DISCRIMINATION

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

208.8 TRAINING RECORDS

The Training Manager or designee 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 member's personnel file is retained.

208.9 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. Peace officers are responsible for responding to these requests in a timely manner and otherwise maintaining their licensed status.

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Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the department /Metropolitan Council.

Email is a communication tool available to members to enhance efficiency in the performance of their job duties.

It is to be used in accordance with generally accepted business practices, Metropolitan Council policy and current law (e.g., Minnesota Data Practices Act).

Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration or practices of the department.

212.2 EMAIL RIGHT OF PRIVACY

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

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

212.3 PROHIBITED USE OF EMAIL

The email system shall not be used for personal purposes, such as advertisements or announcements, unless that use is authorized in writing by the Chief of Police or designee.

Email messages addressed to the entire department are prohibited unless authorized by the Chief of Police or designee.

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

It is a violation of this policy to transmit a message under another user's name or email address or to use the password of another to log onto the system. Users are required to log off the network

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or lock the workstation when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password.

212.4 EMAIL RECORD MANAGEMENT

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

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

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Minn. Stat. § 626.8452).

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized Device - means a device a member has received permission from this department to carry in the performance of their duties, and for which the officer has:

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

Bodily harm - means physical pain or injury, illness, or any impairment of physical condition (Minn. Stat 609.02, subd. 7).

Deadly force - means force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm, other than a firearm loaded with less lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force. "Less lethal munitions" means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person (Minn. Stat 609.066 Subd.1).

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

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

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

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

Great Bodily Harm - means 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 (Minn. Stat. 609.02, Subd. 8).

Imminent - means something is ready to take place or is impending. Imminent does not mean instantaneous.

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

Less lethal munitions - means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person (Minn. Stat 609.066 Subd.1**).**

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

Totality of the circumstances - refers to all the facts and circumstances known to a peace officer at the time, taken as a whole, when a use of force determination is made. This includes the conduct of the officer and the subject leading up to any use of force.

300.2 POLICY

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

Peace 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.

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

The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer in the same situation, based on the totality of the circumstances known

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to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.

300.2.1 DUTY TO INTERCEDE AND REPORT
Regardless of tenure or rank, a peace officer must intercede when:

1. Present and observing another peace officer using force in violation of Minn. Stat 609.066, Subd. 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
2. Physically or verbally able to do so.

Any officer who observes another law enforcement officer or a member use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the officer. This report shall be made even if the peace officer observed using excessive force is not employed by this agency (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

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 this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

In general, when using force, officers should ensure the following:

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

300.3.1 ALTERNATIVE TACTICS: DE-ESCALATION

An officer shall use de-escalation techniques and other alternatives to force consistent with their training whenever possible and appropriate before resorting to force.

Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or the commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, by reducing or eliminating the necessity to use physical force. Not all potentially violent confrontations can be de-escalated, but officers do have the ability to impact the direction and the outcome of many situations through sound tactics and decision making.

When reasonable under the totality of circumstances, officers should gather information about the incident, assess the risks, assemble resources, attempt to slow momentum, and communicate and coordinate a response. In their interaction with individuals, officers should use warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.

Officers shall recognize that they may withdraw to a position that is tactically more secure or allows them greater distance to consider or deploy a greater variety of force options. Officers shall perform their work in a manner that avoids unduly jeopardizing their safety or the safety of others through poor tactical decisions.

When practical, supervisors will acknowledge and respond to incidents in a timely manner where use of force is probable.

300.3.2 USE OF FORCE TO EFFECT AN ARREST

When de-escalation techniques are not effective or appropriate, an officer may use reasonable force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved force techniques and equipment in the following circumstances (Minn. Stat. § 609.06 and Minn. Stat. § 629.33):

1. In effecting a lawful arrest.

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2. In the execution of a legal process.
3. In enforcing an order of the court.
4. In executing any other duty imposed by law.
5. In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime.
6. In restraining a person with a mental illness or a person with a developmental disability from self-injury or injury to another.
7. In self-defense or defense of another.

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

300.3.3 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:

1. Immediacy and severity of the threat to officers or others.
2. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
3. Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
4. The effects of suspected drug or alcohol use.
5. The individual's mental state or capacity.
6. The individual's ability to understand and comply with officer commands.
7. Proximity of weapons or dangerous improvised devices.
8. The degree to which the individual has been effectively restrained and their ability to resist despite being restrained.
9. The availability of other reasonable and feasible options and their possible effectiveness (Minn. Stat. § 626.8452).
10. Seriousness of the suspected offense or reason for contact with the individual.
11. Training and experience of the officer.
12. Potential for injury to officers, suspects, and others.
13. Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
14. The risk and reasonably foreseeable consequences of escape.

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15. The apparent need for immediate control of the individual or a prompt resolution of the situation.
16. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
17. Prior contacts with the individual or awareness of any propensity for violence.
18. Any other exigent circumstances.

300.3.4 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:

1. The degree to which the application of the technique may be controlled given the level of resistance.
2. Whether the individual can comply with the direction or orders of the officer.
3. Whether the individual has been given sufficient opportunity to comply.

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

300.3.5 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries (Minn. Stat. § 609.06, Subd. 3). The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following (Minn. Stat. § 609.06; Minn. Stat. § 609.066):

1. At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
2. Any individual who has had the carotid control hold applied, regardless of whether they were rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
3. The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
4. Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
5. The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

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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 Metro Transit Police Department for this specific purpose.

300.3.7 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

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

1. A choke hold. For purposes of this policy, a choke hold only refers to the method of applying sufficient pressure to an individual to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air.
    1. If applied, a choke hold is subject to the same guidelines and requirements as a carotid control hold.
2. Tying all of an individual's limbs together behind the person's back to render the person immobile.
3. Securing an individual in any way that results in transporting the person face down in a vehicle.

300.4 DEADLY FORCE APPLICATIONS

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

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

1. To protect the officer or another from death or great bodily harm, or

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

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

1. Can be articulated with specificity.
2. Is reasonably likely to occur absent action by the officer.

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3. Must be addressed through the use of deadly force without unreasonable delay.

However, an officer shall not use deadly force against a person based on the danger the person poses to themselves, if an objectively reasonable officer would believe, based on the totality of the circumstance known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria above ((Minn. Stat. § 609.066).

300.4.1 MOVING VEHICLES

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

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

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

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why they 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. Officers will notate in report preparation the subject's apparent race and sex as well as the officer's own race and sex.

All reports and associated forms shall be completed prior to the end of the work shift in which the use of force occurred.

300.5.1 NOTIFICATIONS TO SUPERVISORS

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

1. An individual was struck or kicked.
2. Any application of the conducted energy device or control device.
3. Any application of a restraint device other than handcuffs
4. The individual subjected to the force was rendered unconscious.
5. The application caused a visible injury.
6. Medical assistance was obtained.

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7. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
8. The individual subjected to the force complained of injury or continuing pain.
9. The individual indicates intent to pursue litigation.
10. An individual alleges unreasonable force was used or alleges that any of the above has occurred.

300.5.2 STATE REPORTING REQUIREMENTS

The Chief of Police shall provide for the filing of a report with the Bureau of Criminal Apprehension (BCA) on a monthly basis and in the form required by BCA (Minn. Stat. § 626.5534).

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

300.6 MEDICAL CONSIDERATIONS

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

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300.7 SUPERVISOR RESPONSIBILITIES

A supervisor responding to a reported application of force shall:

1. Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
    (a) If the incident involves the use of deadly force, the supervisor should follow the protocol under the Critical Incident policy and procedure.
2. Ensure that any injured parties are examined and treated.
3. When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
    (a) The content of the interview should not be summarized or included in any related criminal charges.
    (b) The fact that a recorded interview was conducted should be documented in a report.
4. If medical care has been provided, the supervisor will ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
5. Identify any witnesses not already included in related reports.
6. Review all related reports and body worn camera video.
7. Determine if there is any indication that the individual may pursue civil litigation.
    (a) If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
8. Evaluate the circumstances surrounding the incident and notify the Shift supervisor within 24 hours if any of the following circumstances may apply:

- Firearm discharge or CED deployment.
- Significant injury to individual upon whom force applied or involved officer(s).
- Use of Vascular Neck Restraint.
- Force applied to a detained or compliant individual.
- Duty to intercede exercised.

In the event that a supervisor is unable to respond, the next level of supervisor in the chain of command shall complete these responsibilities.

300.8 SHIFT SUPERVISOR RESPONSIBILITY

The shift supervisor shall complete a documented review of each use of force by any personnel within their command to ensure compliance with this policy and identify any training needs.

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Uses of force notified under 300.7.8, shall be referred to the Internal Affairs Unit for review within 24 hours of notification.

The shift supervisor may in their discretion, refer any use of force to the Internal Affairs Unit for further review.

Any use of force referred to the Internal Affairs Unit must not be discussed with the Training Unit or Use of Force Board, until approved by the Chief of Police or designee.

300.9 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).

Subject to available resources, officers should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities, and de-escalation tactics, including alternatives to force. Training should include de-escalation simulation and scenario-based trainings.

300.9.1 STATE-SPECIFIC TRAINING REQUIREMENTS

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

300.9.2 TRAINING REQUIREMENTS

Required annual training shall include:

1. Legal updates.
2. De-escalation tactics, including alternatives to force.
3. The duty to intercede.
4. The duty to request and/or render medical aid.
5. Warning shots (see the Firearms Policy).
6. All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

The Chief of Police shall maintain records of the department's compliance with use of force training requirements.

300.10 POLICY REVIEW

The Chief of Police or the authorized designee should annually review and update this policy to reflect developing practices and procedures.

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Use of Force Review Boards

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Metro Transit Police Department to review the use of force by its members.

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

302.2 POLICY

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

302.3 REVIEW BOARD

The Use of Force Review Board will meet on a quarterly basis or be convened by the Chief of Police as necessary to review the following:

- Any incident where an officer discharges any firearm, on- or off-duty, including accidental discharges. This does not include firearms training, euthanizing injured animals or during legally recognized recreational activity.
- Any incident where an officer has had force used against them which has caused death, great bodily harm or serious injury.
- Any incident where the officer has used force which resulted in death, great bodily harm or serious injury.
- Any incident where an officer has been disarmed.
- Any other incident with an unusual occurrence and/or critical incident.

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

302.3.1 COMPOSITION OF THE BOARD

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

- Representatives from each training discipline (e.g. Use of Force, Taser, Firearms etc)
- Non-administrative supervisor
- A peer officer

The Training Coordinator will serve as chairperson on the Use of Force Review Board.

302.3.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of any use of force incident. This review will be separate and distinct from

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

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

The Board shall make one of the following recommendations:

(a) The use of force appears to be within policy, and no further action is necessary.

(b) The use of force appears to be within policy, but further action is required to provide remedial training or address a policy failure.

(c) The use of force does not appear to be within policy and should be referred for an administrative investigation.

The Board does not have the authority to recommend discipline.

The Board chairperson shall submit a written report to the Internal Affairs Coordinator and include all evidence considered during its review of the incident and its recommendations. This report will be filed with the Chief of Police and will be for their exclusive and sole use. The Chief of Police shall determine how the report and recommendations are to be used.

The Chief of Police shall review the report and make a final determination as to whether the member's actions were within policy, procedure and training, and whether any additional action is appropriate.

If the Chief of Police concludes that an administrative investigation is appropriate, that process will be initiated.

At any time during the review process, the Chief of Police may request information relevant to the incident from the Use of Force Review Board.

302.4 REMOVAL FROM LINE DUTY ASSIGNMENTS

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

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Handcuffing and Restraints

305.1 PURPOSE AND SCOPE

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

305.2 POLICY

The Metro Transit Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

305.3 USE OF RESTRAINTS

Only members who have successfully completed Metro Transit 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.

305.3.1 RESTRAINT OF DETAINEES

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

305.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, 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 themself 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 detainee, officers, or others.

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See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

305.3.3 RESTRAINT OF JUVENILES

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

305.3.4 NOTIFICATIONS

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

305.4 HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

305.5 SPIT HOODS

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

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

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distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

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

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

305.6 AUXILIARY RESTRAINT DEVICES

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

305.7 LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the department shall be used. The RIPP Hobble is authorized for use by members of this Department.

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).

305.7.1 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.

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(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).

305.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall write a complete report documenting why the use of handcuffs or other restraints was necessary and state the outcome of the incident.

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

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

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

305.9 TRAINING

The Training Manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

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(c) Options for restraining those who may be pregnant without the use of leg restraints, waist chains, or handcuffs behind the body.

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

(e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

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Control Devices

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

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

306.3 ISSUING AND CARRYING 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. Furthermore, 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.

306.4 RESPONSIBILITIES

Officers shall only carry and use authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the officer, that justify the use of a device or object to counter such a threat, that has not been previously authorized.

307.4.1 WATCH COMMANDER RESPONSIBILITIES

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

307.4.2 RANGE MASTER RESPONSIBILITIES

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

Every control device will be periodically inspected by the Range Master or the designated instructor for a particular control device. The inspection shall be documented.

307.4.3 USER RESPONSIBILITIES

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

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

306.5 BATON GUIDELINES

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

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

306.6 TEAR GAS GUIDELINES

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

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

306.7 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 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.

307.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or load-bearing vest. 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.

307.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel deploying a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the use of deadly force is appropriate. See the Use of Force policy for additional guidance.

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Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

307.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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

306.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior (as defined in Minn. Stat. § 609.581), vehicle or other enclosed area, officers should provide the owner and, if available, any occupant required to be notified under Minn. Stat. § 626.745, with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean-up will be at the owner's expense. All information regarding the method of notice and the individuals notified should be included in related reports.

306.8.1 ADDITIONAL STATE REQUIREMENTS FOR POST-APPLICATION NOTICE

A peace officer may provide notice by giving a building owner or occupant the Department of Public Safety Notice Form, leave the form in a conspicuous location where it is likely to be seen by a building owner or occupant, or providing the information contained in the form orally or in another authorized format.

Upon request, the Department shall disclose information regarding chemical irritants, smoke screens, or diversionary devices deployed within a building as provided in Minn. Stat. § 626.745.

306.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

307.9.1 DEPLOYMENT AND USE

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

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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.

307.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of the 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 use of deadly force is appropriate. See Use of Force Policy for additional guidance.

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306.10 TRAINING FOR CONTROL DEVICES

The Training Manager 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 re-certified 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.

306.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Conducted Energy Device

307.1 PURPOSE AND SCOPE

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

307.2 POLICY

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

307.3 ISSUANCE AND CARRYING CEDS

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

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

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

Officers shall only use the CED and cartridges/magazines that have been inspected and approved by a certified weapons instructor or armorer and issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

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

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

(a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

(b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.

(c) Officers should not hold a firearm and the CED at the same time.

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

307.3.1 USER RESPONSIBILITIES

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

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

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307.4 VERBAL AND VISUAL WARNINGS

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

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the CED may be deployed.

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

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

307.5 USE OF THE CED

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

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

307.5.1 APPLICATION OF THE CED

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

(a) Is violent or is physically resisting.

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

(c)

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

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

307.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

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(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g. falls from height, located in water. operating vehicles).

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

307.5.3 TARGETING CONSIDERATIONS

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

307.5.4 MULTIPLE APPLICATIONS OF THE CED

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

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands or other options or tactics may be more effective.

307.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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

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307.5.6 DANGEROUS ANIMALS

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

307.5.7 OFF-DUTY CONSIDERATIONS

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

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

307.6 DOWNLOADING DEVICE INFORMATION

In addition, officers must change the CED battery after each CED device deployment that requires a report per this policy in order to download incident data. Officers should change their CED battery monthly. All CED device deployment information will be maintained in accordance with applicable retention periods. A firing log may be retained for longer if other circumstances exist and can be articulated (e.g., civil litigation, critical incident, criminal investigation, etc.)

CED devices may also be downloaded following a particular incident if the Chief of Police or their designee determines that it may be necessary.

307.7 DOCUMENTATION

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

307.7.1 CED REPORT FORM

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

(a) The brand, model, and serial number of the CED and any cartridge/magazine.

(b) Date, time, and location of the incident.

(c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.

(d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the CED was used.

(f) The type of mode used (e.g., probe deployment, drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

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(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness.

The Training Manager or Designee should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

307.7.2 REPORTS

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

(a) Identification of all personnel firing CEDs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication, or other medical problems

307.8 MEDICAL TREATMENT

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

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The CED probes are lodged in a sensitive area (e.g. groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination, or medically evaluated prior to booking.

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If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

307.9 SUPERVISOR RESPONSIBILITIES

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

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

307.10 TRAINING

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

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

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

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

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

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

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

The Training Manager should include the following training:

(a) A review of this policy

(b) A review of the Use of Force Policy

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(c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin

(e) Scenario-based training, including virtual reality training when available

(f) Handcuffing a subject during the application of the CED and transitioning to other force options

(g) De-escalation techniques

(h) Restraint techniques that do not impair respiration following the application of the CED

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety

(j) Proper tactics and techniques related to multiple applications of CEDs

Members who fail to demonstrate proficiency with the CED or knowledge of the Use of Force Policy will be provided with remedial training. If a member cannot demonstrate proficiency with the CED or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the CED and may be subject to discipline.

All qualifications, training, and proficiency assessments shall be monitored by a certified CED instructor.

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Officer-Involved Shootings and Deaths Investigations

308.1 PURPOSE AND SCOPE

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

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

308.2 TYPES OF INVESTIGATIONS

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

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

308.3 CONTROL OF INVESTIGATIONS

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

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

308.3.1 COOPERATION WITH INDEPENDENT BUREAU OF CRIMINAL APPREHENSION INVESTIGATIONS

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

308.4 INVESTIGATION PROCESS

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

308.4.1 INITIAL RESPONSE

Officers should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

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(b) Make a brief preliminary radio broadcast advising Transit Control Center and other officers of the situation.

(c) Take reasonable steps to obtain emergency medical attention for injured individuals.

(d) Request additional resources from the Department or other agencies.

(e) Coordinate a perimeter or pursuit of suspects.

(f) Check for injured persons and evacuate as needed.

(g) Keep radio transmissions to a minimum.

(h) Brief the supervisor upon arrival.

(i) Refrain from discussing the incident with bystanders at the scene.

308.5 CRIMINAL INVESTIGATION

The Prosecuting Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the Prosecuting Attorney's Office to avoid duplicating efforts in related criminal investigations.

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

(a) MTPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of MTPD 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 the officer's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

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

308.5.1 INVOLVED OFFICERS AT THE SCENE

(a) The MTPD Incident Commander will determine which officers are involved officers. The Incident Commander will promptly assign an escort officer to stay with each

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involved officer until directed by a supervisor or investigator. One escort will be assigned to each involved officer.

(b) Involved officers will not talk to anyone at the scene about the incident except the Incident Commander (for the purpose of giving a public safety statement) and the lead investigator.

(c) Involved officers should not be unreasonably denied access to a union representative and legal counsel, and may talk to them at the scene.

(d) Involved officers should not be placed in the back seat of a police vehicle.

(e) As soon as practical, and with the permission from the Incident Commander, the escorts will take the involved officers to the involved officer's room. Escorts will be keep the involved officers separate from any other involved and witness officers.

(f) Unless a supervisor has reason to believe that the officer may pose a threat to themselves or to others, or unless directed by the lead investigator or their designee, the involved officer's firearm should not be taken at the scene.

308.5.2 INVOLVED OFFICER'S ROOM

Once transported to the involved officer's room:

(a) Involved officers shall not be unreasonably denied access to:

1. Food and drink
2. Restroom facilities
3. Telephone
4. A union representative or other legal counsel
5. A representative from EAP
6. A police chaplain or other clergy

(b) Involved officers will make their firearms available for inspection and will surrender their firearm and any other requested equipment, including their department-issued cell phone, to the lead investigator. Custody of the body-worn camera will be taken pursuant to MTPD's Body-Worn Cameras policy once the criminal investigating entity has determined it is appropriate to do so. If personnel from the criminal investigating entity are not available to take custody of the firearm, an MTPD supervisor may, at the direction of the lead investigator, take custody of the firearm and equipment, package label them as evidence, and submit them to Property and Evidence intake. Involved officers shall be provided with replacement firearms and equipment as soon as reasonably possible.

(c) After having the opportunity to consult with legal counsel, involved officers or their legal counsel will inform the lead investigator of the involved officer's willingness to give a voluntary statement. Officers should be encouraged to make a voluntary statement only after a period of rest and preferably not prior to 48 hours after the incident.

(d) Officers will not view any video data of the incident including, but not limited to, body-worn camera, squad video, or other public safety cameras prior to giving a statement.

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(e) Before involved officers are released, they will be asked to provide a blood sample (Minn. Stat. § 181.951). Involved officers will be escorted to the designated medical facility where the blood sample will be using official State of Minnesota blood collection kits. After a health professional obtains the sample, it will be turned over to the criminal investigating agency as evidence. For chain of custody and integrity reasons, neither the involved officer nor their union representative should have access to the blood sample kit or collected sample.

308.5.3 AFTER INCIDENT CARE

Administrative Leave:

Involved officers will be placed on a mandatory paid administrative leave for a minimum of three calendar days following the critical incident, whether a full- or part-time officer. The Chief of Police or their designee will contact a part-time officer's home agency to advise them of the incident. The officer may request, or the Chief of Police or their designee may order, additional days of administrative leave. Prior to returning to work, the involved officer will speak with EAP or a mental health professional to ensure they are ready to return to duty. The Captain of Patrol is responsible for making sure the mental health processional has cleared the employee to return to work. An officer shall not work a scheduled shift, overtime shift, or extra-duty position while on administrative leave. An officer may work an approved, non-uniform, non-law enforcement off-duty position while on administrative leave if permitted by the Chief or their designee.

Mental Health:

Officers are encouraged to seek mental health care as needed.

308.6 WITNESS OFFICERS

The following procedures apply to managing involved officers following a critical incident.

308.6.1 WITNESS OFFICERS AT THE SCENE

(a) The Incident Commander will determine which officers are witness officers. As soon as possible, the Incident Commander shall assign an escort to each witness officer. If possible, one escort shall be assigned to each witness officer. Witness officers will be separate from involved and other witness officers.

(b) Witness officers will not talk to anyone at the scene about the incident except the Incident Commander and the lead investigator to provide details to enable the primary responders and investigators to secure the scene, facilitate the investigation, apprehend suspects, and provide for officer and civilian safety at the scene.

(c) To ensure that all evidence and witnesses are located and preserved, witness officers should voluntarily meet with the lead investigator at the scene to give them a brief overview of the incident, identify evidence, and provide other information deemed necessary to ensure the continuity of the investigation. The lead investigator will prioritize the order and urgency of witness officer interviews and will communicate the priorities to the Incident Commander and any union representative who is present or accessible.

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(d) Witness officers should not be unreasonably denied access to a union representative and legal counsel, and may talk to them at the scene.

(e) As soon as practical, witness officers will be released from the scene by the lead investigator and transported by their assigned escort officer to the designated witness officer's room. Witness officers shall be advised they are to wait at this location for an opportunity to meet with legal counsel, a police chaplain and/or EAP representative.

308.6.2 WITNESS OFFICER'S ROOM

Once transported to the witness officer's room:

(a) Witness officers shall not be unreasonably denied access to:

1. Food and drink
2. Restroom facilities
3. Telephone
4. A union representative or other legal counsel
5. A representative from EAP
6. A police chaplain or other clergy

(b) Witness officers shall be afforded an opportunity to meet with the police chaplain, the responding EAP representative, and to consult with legal counsel or union board representatives prior to providing a statement.

(c) If requested, witness officers will make their firearms available for inspection and will surrender their firearm and any other requested equipment, including their department-issued cell phone, to the lead investigator. Custody of the body-worn camera will be taken pursuant to MTPD's Body-Worn Cameras policy once the criminal investigating entity has determined it is appropriate to do so. If personnel from the criminal investigating entity are not available to take custody of the firearm, an MTPD supervisor may, at the direction of the lead investigator, take custody of the firearm and equipment, package label them as evidence, and submit them to Property and Evidence intake. Involved officers shall be provided with replacement firearms and equipment as soon as reasonably possible.

(d) Witness officers may be released from their duty shift on the advice of the lead investigating agency.

308.6.3 AFTER INCIDENT CARE

Administrative leave:

A witness officer may request to be placed on paid administrative leave for may be placed on paid administrative leave by the Chief of Police or their designee for up to three calendar days following the critical incident. The decision to grant the request shall be made at the sole discretion of the Chief of Police or their designee and that decision shall be promptly communicated to the witness officer by the Captain of Patrol or the Captain's designee. It a witness officer is placed on administrative leave, the officer shall speak with an EAP or other mental health profession prior to returning to work to ensure that they are ready to return to duty. If an officer is granted paid

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leave, the officer shall not work a uniformed off-duty job or overtime on while on administrative leave. An officer may work an approved, non-uniform, non-law enforcement off-duty job while on administrative leave at the sole discretion of the Chief of Police or their designee.

Mental Health:

Officers are encouraged to seek mental health care as needed.

308.7 CONSULTATION WITH LEGAL COUNSEL

308.7.1 INVOLVED AND WITNESS OFFICERS

Involved and witness officers are entitled to consult with legal counsel during the pending critical incident investigation, including any court proceedings or other pertinent meetings and interviews.

308.7.2 OFFICER OF GENERAL COUNSEL AND RISK MANAGEMENT

It is common for critical incidents to result in civil lawsuits being filed against the Metropolitan Council, Metro Transit and Metro Transit police officers. If an officer is served with a lawsuit, they will notify OGC and Risk Management as soon as possible and consult the Council's Employee Defense and Indemnification Procedure (HR5-1f). It is very important that, in order to properly defend against any potential lawsuit following a critical incident, OGC and Risk Management have access to incident case information as soon as possible. For this reason, both witness and involved officers will be required to meet with and otherwise cooperate with the OGC and Risk Management when appropriate to aid in the defense of any case that may arise from a critical incident.

308.8 INTERNAL INVESTIGATION

The Internal Affairs Unit is responsible for conducting an administrative investigation of all critical incidents in alignment with MTPD Policy 1020: Personnel Complaints. It is generally advisable to conduct and complete a criminal investigation prior to beginning an administrative investigation. The department's Use of Force Review Board will be also be activated for this investigation as outlined in MTPD Police 302: Use of Force Review Board.

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

When a person dies as a result of the use of force by an officer, the Department shall comply with Minn. Stat. §§ 13.825 and 626.8473 regarding inspection, release, and any necessary redaction of portable recording system data. See the Body-Worn Cameras Policy for additional guidance.

308.9 DEBRIEFING

Following an officer-involved shooting or death, the Metro Transit Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

308.10 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from Chief of Police, the lead criminal investigating agency, and other personnel or stakeholders as appropriate.

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No involved MTPD officer shall make any comment to the media.

Department members receiving inquiries regarding critical incidents occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the MTPD's Public Information Officer..

308.11 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).

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Firearms

310.1 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.

310.1.1 AUTHORIZATION TO CARRY FIREARMS

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

310.2 POLICY

The Metro Transit 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.

310.3 DEFINITIONS

Armorer - an individual who is certified to diagnose, repair and maintain firearms based on their training qualifications

Firearms Instructor - an individual who demonstrates the safe and proficient use of firearms, to include gun safety, handling, storage, cleaning and maintenance. They may also provide training and qualifications for members to whom this policy applies. The Lead Firearms Instructor oversees the in-service training session.

310.4 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 Training Coordinator or designee. 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.

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310.4.1 HANDGUNS

The authorized department-issued handgun is the Glock 17.

The following additional handguns are approved for on-duty use by part-time sworn officers:

(a) Handgun

1. Beretta, Colt, Glock, H&K, Kahr, Kel Tec, Ruger, SIG Sauer, Smith & Wesson, Springfield and Walther.

(b) Caliber

9mm.

Any officer carrying a secondary handgun must comply with the approved list at 311.3.1(a) with the following calibers:

- .380, 9mm,.357 SIG,.40 and.45
- .38 Special
- .357 Magnum
- or any other caliber approved by the Chief of Police.

All handguns must either be double action or have a de-cocking mechanism. The handgun must have a manufacturer's specified barrel length between 2 1/2 and 5 1/2 inches. Other barrel lengths must be pre-approved by the Training Coordinator. For officers choosing Smith & Wesson semi-automatics, only second generation (three digit model number) or newer will be approved.

310.4.2 PATROL RIFLES

The authorized department-issued patrol rifle is the Smith and Wesson M&P 15 / Bushmaster M4.

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.

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When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the:

- Chamber empty
- Bolt forward
- 20 or 30 round magazine (loaded with 18 or 28 rounds) inserted into the magazine well
- Dust cover closed
- Selector switch in the safe position

310.4.3 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 Armorer 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 Armorer, who will maintain a list of the information.

310.4.4 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 and on the department list of approved firearms.

(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 Armorer or designee 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.

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(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 Armorer, who will maintain a list of the information.

310.4.5 AUTHORIZED OFF-DUTY FIREARMS

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

(a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

  (a) The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) If a member desires to use more than one firearm while off-duty, the member may do so, as long as all requirements set forth in this policy for each firearm are met.

(c) When armed, officers shall carry their badges and Metro Transit Police Department identification cards under circumstances requiring possession of such identification.

310.4.6 AMMUNITION

Members shall carry only department-authorized ammunition. Subject to availability, members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. The current rotation is every other year.Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Training Coordinator or designee 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 Training Coordinator or designee when needed, in accordance with established policy.

310.5 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.

310.5.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm, which includes all components of the firearm, magazines and Red Dot Sights, to the Training Coordinator or designee.

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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 Training Coordinator.

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

310.5.2 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.

Holsters will not be modified or altered from the manufacturer's specifications without the approval of the Training Coordinator or designee.

310.5.3 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 Training Coordinator or designee. 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.

310.5.4 OPTICS, LASER SIGHTS, OR RED DOT SIGHTS (RDS)

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 Training Coordinator or designee.

Red Dot Sights (RDS) will be installed and sighted in by the Training Coordinator or designee. The only approved RDS sight is the Trijicon RMR issued by the department.

Any adjustments or battery changes to the Red Dot Sight (RDS) will be conducted by the Training Coordinator or designee.

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.

Handguns with RDS sights must have iron backup sights and tactical lights.

Current members of the Department hired prior to 11/01/24 will be allowed the option to carry RDS sights or iron sights. If a member decides they wish to transition to or from a Red Dot Sight, this will only be allowed when the member has been appropriately trained and has qualified in the Red Dot Sight weapon system prior to carrying it on duty.

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.

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310.6 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 Armorer. Members shall not dry fire or practice quick draws except as instructed by the Armorer 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 holding cell area or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the holding cell area to persons from outside agencies are responsible for ensuring firearms are not brought into the holding cell area.

(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 Armorer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Armorer 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.

310.6.1 INSPECTION AND STORAGE

Officers should inspect the functionality of their firearms at the beginning of each shift and upon access or possession by another person, to ensure they are in the proper condition and loaded with approved ammunition. Rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued.

Personally owned firearms may be safely stored in secured lockers at the end of the shift. Department-owned firearms shall be stored appropriately. Handguns may remain loaded if they are secured in an appropriate holster. Rifles shall be unloaded in a safe manner.

The Professional Standards and Training Division is responsible for conducting periodic inspections, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Professional Standards and Training Division (i.e. Armorer) has the authority to deem any department-issued or privately owned firearm unfit for service. The member

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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 Professional Standards and Training Division.

310.6.2 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).

310.6.3 ALCOHOL AND DRUGS

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

310.7 FIREARMS TRAINING AND QUALIFICATIONS

The Professional Standards and Training Division is responsible 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.

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

Members will qualify with off-duty and secondary firearms at least once a year.

Training and qualifications must be on an approved range course and monitored by a certified firearms instructor. At the end of the training, once cleared to leave, the officer will immediately clean the weapon. If no cleaning station is available, the officer must clean the weapon before their next shift.

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

310.7.1 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:

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(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.

310.8 FIREARMS INSTRUCTOR DUTIES

The range will be under the exclusive control of the Lead Firearms Instructor. All members attending will follow the directions of the Firearms Instructor(s). The Lead Firearms Instructor will maintain a roster of all members attending the range and will submit the roster to the Training Manager and/or designee after each range date. Failure of any member to sign in and out with the Lead Range 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 Lead Firearms Instructor shall complete and submit to the Training Manager and/or designee 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 the members who completed the training.

The Training Manager and/or designee should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Professional Standards and Training Division.

310.8.1 RECORD OF APPROVED FIREARMS

The Training Unit shall maintain a record of each firearm approved by the Department.

310.9 FIREARM DISCHARGE

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

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

(a) If on-duty at the time of the incident, the member shall file a written report with their Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

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(b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

310.9.1 DESTRUCTION OF ANIMALS

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

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

310.9.2 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.

310.9.3 WARNING AND OTHER SHOTS

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

Warning shots shall not be used.

310.9.4 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).

310.10 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 officers 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 Metro Transit 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

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

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

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

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

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

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

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

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

310.11 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 the officer's Metro Transit Police Department identification card whenever carrying such firearm.

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

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

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

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,

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or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

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

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LEOSA Permits

311.1 PURPOSE AND SCOPE

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

311.2 POLICY

It is the policy of Metro Transit Police Department to provide identification cards to qualified former or retired full time officers as provided in this policy.

311.3 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 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 of such service, 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.

311.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

If the Metro Transit 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.

311.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC 926C when they are:

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

1. Written confirmation from the person's former law enforcement agency that the former officer has, within the past year, been tested or otherwise found by the law enforcement agency to meet

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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.

311.4 PERSONS ELIGIBLE TO ATTEND QUALIFICATION

Retired Metro Transit Police Department officers that were employed by the department in a full time capacity, may attend designated qualification sessions administered/sponsored by the Metro Transit Police Department Training Unit. Eligible retirees shall contact the Training Coordinator in advance to obtain qualification schedules (e.g. dates, times and locations).

311.5 COURT ORDERS, ARRESTS OR CONVICTIONS

A former officer with a card issued under this policy shall immediately notify the Chief of Police if they are arrested or convicted in any jurisdiction, or the subject of a court order, in accordance with the Reporting Employee Convictions and Court Orders Policy.

311.6 OTHER 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 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 they are not prohibited by law from receiving or possessing a firearm.

311.7 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.

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311.8 FIREARM QUALIFICATIONS FOR FORMER OFFICERS

The Training Coordinator may provide former officers from this department an opportunity to qualify. Written evidence of the qualification, weapons used and date of the qualification will be provided.

Records of the qualifications, stating the name of the former officer, the date of the qualification and the weapons used, will be maintained.

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Vehicle Pursuits

312.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death.

The intent of this policy is to provide officers guidance to officers in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law, as well as minimize the potential for pursuit-related collisions.

Officers are reminded 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).

312.2 GUIDING PRINCIPLES

1. A decision to pursue should be based upon the totality of the circumstances and the information reasonably known to the officer at the time the decision is made, recognizing that law enforcement must often make immediate decisions with partial information.
2. The safety of all persons involved in a police pursuit is of primary importance and the decision to pursue must balance the risks to the public and peace officers with the consequences of failing to pursue (Minn. Stat. § 626.8458 Sub. 2 (1).
3. No officer will be disciplined for terminating a pursuit.
4. Officers, when responding to an emergency call or pursuing a fleeing vehicle shall, when approaching a stop sign or red light, slow down as necessary for safety, but may proceed cautiously if they sound a siren or display at least one red light to the front (Minn. Stat. §169.03(2).
5. The speed limitations do not apply to an authorized emergency vehicle responding to an emergency call or vehicle pursuit, although this does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequences of a reckless disregard for the safety of others (Minn. Stat. §169. 177). Officers should consider reducing their speeds and ensuring that the way is clear before proceeding through an intersection or other location where there is an increased likelihood of a collision with another vehicle or pedestrian. Evaluation of vehicle speeds should take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.
6. Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

312.3 DEFINITIONS

Definitions related to this policy include:

Serious violent felony - Criminal offenses and suspected offenses as believed or known by the officer(s) at the time of the incident. These include:

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- Homicide or attempted homicide
- Aggravated robbery, including carjacking, involving serious injury, a firearm, or weapon capable of causing great bodily harm or death
- Kidnapping
- Criminal sexual conduct involving serious injury, a firearm, or weapon capable of causing great bodily harm or death
- Aggravated assault with a firearm or weapon capable of causing great bodily harm or death
- Terrorist acts or actions that may cause mass casualties, including but not limited to:
    - Ramming attacks involving a vehicle toward people or property
    - Active shooter threats or actions
    - Possession of suspected explosives

Vehicle Pursuit: An active attempt by a sworn member operating a patrol unit or specialty unmarked unit to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer directing said driver to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer (Minn. Stat. §609.487).

Termination of a Vehicle Pursuit: A pursuit is terminated when the pursuing officer(s) notify dispatch, turn off their emergency lights and sirens, and reduce their speed to the posted speed limit.

Divided Highway: Any highway that is separated into two or more roadways by:

(a) A physical barrier, or

(b) A clearly indicated dividing section constructed so as to impede vehicular traffic.

Channeling: To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.

Compelling Path: The use of a channeling technique with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver or any vehicle traveling the path has an exit option at the narrowed end.

Pursuit Intervention Technique (PIT): A driving maneuver designed to stop a fleeing motorist by applying precision vehicle-to-vehicle-contact resulting in a predictable spin of the suspect's vehicle, bringing it to a stop.

Flee: The term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, refuse to stop the vehicle, or use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle (Minn. Stat. § 609.487 Subd. 1).

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Primary Unit: The law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.

Secondary Unit: The law enforcement unit which is actively engaged in a pursuit, travels at a safe distance behind the primary unit and is available to assume the primary role, assist with radio transmissions, apprehension or other duties as required.

Support Units: The law enforcement units which are not actively involved in the pursuit itself but assist by remaining in close proximity to the pursuing vehicle(s) so that officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. Support officers may also assume responsibility for radio traffic, and do not take over/assume control of the pursuit.

Portable Tire Deflation Device: A device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.

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 pursuit. Blocking is not a moving or stationary roadblock.

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.

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

312.4 POLICY

Officers are authorized to initiate a pursuit when it is reasonable to believe that a serious violent felony crime against a person has occurred and a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer.

Officers may not pursue a vehicle if the only reason for the pursuit is that the driver or a passenger in the vehicle is suspected of having a felony warrant for their arrest.

Officers will not pursue a vehicle if the identity of the suspect has been verified and there is a comparatively minimal risk in allowing the suspect to be apprehended at a later time.

The jurisdiction of the Metro Transit Police Department is limited to offenses relating to council transit property, equipment, employees and passengers (Minn. Stat. 473.407). Pursuits for serious violent offenses that are unrelated to Metro Transit Police Department's authority as outlined in state statute are prohibited unless exigent circumstances exist and it is articulable that the officer has a duty to respond as a licensed law enforcement officer.

312.5 PURSUIT CONSIDERATIONS

Pursuit is justified when the need for immediate apprehension of the suspect or the risk to public safety presented by the suspect, outweighs the risk created by the pursuit.

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312.5.1 INITIATING A PURSUIT

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit (Minn. Stat. § 626.8458 Subd. 2(2); Minn. R. § 6700.2701):

1. Does the suspect represent an imminent threat to public safety?
2. Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones, road construction, parades, or special events) and the speed of the pursuit relative to these factors.
3. Weather, visibility, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape (e.g. divided highways, one-way roads, intersections controlled by traffic signals, signs, or other locations where there is an increased likelihood of a collision).
4. Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officer under the conditions of the pursuit.
5. Vehicle speeds and performance capabilities of the squad car.
6. Other persons in or on the pursued or pursuing vehicles (e.g., passengers, co-offenders and hostages) when known.
7. Age of the suspect and occupants.
8. Ability to identify the offender at a later time
9. Availability of other resources, such as aircraft assistance.

312.5.2 ONGOING EVALUATION OF A PURSUIT

The following factors should be frequently re-evaluated by the involved officers to assess whether the pursuit should continue or be terminated:

a. Whether the immediate need to apprehend the offender outweighs the risk being created by the pursuit.

b. Whether the dangers created by the pursuit exceed the dangers posed by allowing the offender to escape.

In addition, specific consideration should be given to the speed of a pursuit and it should be continuously evaluated by the officer and supervisor, taking 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 consider the following additional factors when determining the reasonableness of the pursuit, whether:

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.

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312.5.3 TERMINATING A PURSUIT

Pursuits should be discontinued when the present risks of continuing the pursuit reasonably appear to outweigh the risks of the suspect's escape. Officers should consider the totality of the objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit. Officers must obey a lawful order to terminate the pursuit by a supervisor.

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) Hazards to uninvolved bystanders or motorists.

(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers will discontinue the pursuit and apprehend the offender at a later time.

(g) When radio communications are broken or inadequate.

When the danger that the continued pursuit poses to the public, the officers, or the subject is too great, balanced against the risk of allowing the suspect to remain at large, the pursuit will be terminated.

If the local jurisdiction terminates the pursuit, Metro Transit Police Department will also terminate the pursuit.

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

312.6 IMMEDIATE NOTIFICATIONS

Before engaging in a pursuit, officers will notify the Transit Control Center, who will make immediate notification to the local jurisdiction and request assistance. TCC will also ensure that the shift supervisor has been notified and acknowledges the event. The supervisor will ensure that the reason for the pursuit follows policy before giving authorization, when possible and as appropriate. The supervisor should exercise good judgment in making that decision

It is the policy of this department that a vehicle pursuit shall be conducted with full emergency lights flashing visible from the front and a siren that is continuously sounded to warn pedestrians or other drivers.(Minn. Stat. § 169.17 and Minn. Stat. § 169.68).

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Aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the shift supervisor should consider whether the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (4) and should participation continue, shall coordinate with the air unit regarding resources on the ground, progress of the pursuit, traffic congestion, road hazards and other pertinent information. The air unit may recommend terminating the pursuit if it determines that it is unsafe to continue the pursuit.

312.7 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor).

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. Any officer who drops out of a pursuit should then turn off the emergency lights and siren and proceed at legal speeds, following the appropriate rules of the road.

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

Vehicles not equipped with a red light and siren are prohibited from initiating or joining in any pursuit.

312.7.1 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 unit should notify Transit Control Center, requesting priority radio traffic and stating that a vehicle pursuit has been initiated. As soon as practicable, the officer should provide information including, but not limited to:

(a) Reason for the pursuit (specify the violent felony).

(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 of known occupants and/or description of unknown 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.

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(j) Request for medical assistance for any person injured in the course of the pursuit (Minn. Stat. § 626.8458 Subd. 2 (6); Minn. R. § 6700.2701).

(k) Unless relieved by a secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit.

No officer will intentionally make vehicle-to-vehicle contact or use roadblocks unless this action conforms to the Department's policy on Use of Force. Once a secondary unit, supervisor, or air support becomes available, the primary unit should turn over the responsibility of broadcasting the progress of the pursuit in order to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics (Minn. R. § 6700.2701).

312.7.2 SECONDARY UNIT 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) Serving as backup to the primary unit once the subject has been stopped.

(e) Operating under emergency conditions while participating in the pursuit.

312.7.3 SUPPORT UNITS NOT INVOLVED IN THE PURSUIT

The primary responsibility of support units is to remain in close proximity to the pursuing vehicle(s) so that officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit, for example, by deploying stop sticks, blocking intersections, creating compelling paths, or otherwise working to minimize risk.

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.

Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

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

312.7.4 PURSUIT DRIVING TACTICS

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.

Emergency vehicles shall be driven in a safe manner and with due regard for public safety.

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Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations, when necessary, as long as the operator continues to exercise due care in vehicle operation.

The following are tactics for units involved in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (3)):

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Officers may proceed past a red, or stop signal, or stop sign but only after slowing down and proceeding cautiously ensuring their emergency lights and sirens are operating (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) 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.

e. Options to consider, if appropriately certified or trained, during a pursuit include, but are not limited to:

1. Channeling techniques
2. Creating a compelling path
3. Air support
4. Spike Strips or other Portable Deflation Devices
5. Pursuit Intervention Techniques (PIT)
6. Blocking or Vehicle Intercept
7. Boxing in
8. GPS Tracking or other apprehension methods

312.8 SUPERVISORY CONTROL AND RESPONSIBILITIES

The use of a detached supervisor who is not directly involved in the pursuit, when available, should be considered.

Upon becoming aware that a pursuit has been initiated, the shift supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy, based on the known information. The shift supervisor has the final

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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 shift supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will:

(a) Verbally acknowledge they are monitoring the pursuit.

(b) Confirm that all information is reasonably available and current in order to continually assess the situation, risk factors and ensure that the pursuit is conducted within policy.

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

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

(e) 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.

(f) Direct that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under this policy or for any other reason and communicate that decision to all involved units.

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

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

(i) Ensure the notification and/or coordination of outside agencies is made.

(j) Prepare a post-pursuit report.

312.9 DISPATCH RESPONSIBILITIES

Upon notification that a pursuit as been initiated, the Transit Control Center will be responsible for the following (Minn. Stat. 626.8458 Subd.2(4):

a. Assign an incident number and log all pursuit activities.

b. Ensure that a supervisor, if available, is notified of the pursuit.

c. Coordinate pursuit communications of the involved units and personnel.

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

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

312.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Metro Transit Police Department officers will discontinue the pursuit when another agency has assumed the pursuit unless continued assistance of the Metro Transit Police Department is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed, upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The roles and responsibilities of officers at the termination of a pursuit initiated by this Department should be coordinated with the agency assuming the pursuit.

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Notification from another agency of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

312.10 INTER-JURISDICTIONAL PURSUIT

a. The primary unit shall update critical information to the dispatcher before leaving the jurisdiction.

b. The primary unit shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers its authority to another jurisdiction.

c. Upon receiving notification that the pursuit is entering another jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.

d. The primary unit or supervisor should determine whether to request the other agency to assume the pursuit, taking into consideration the distance traveled, unfamiliarity with the area and any other pertinent facts. 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 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).

e. If a pursuit from another agency enters the Department's jurisdiction, the Transit Control Center should notify the on-duty supervisor.

f. No pursuit will continue into another state unless permission is received from a supervisor. Prior to, or as soon as possible after crossing the state line, the Transit Control Center will notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications. The states which grant reciprocity in such circumstances are North Dakota, South Dakota, Iowa and Wisconsin (Minn. Stat. 626.65, Uniform Law on Fresh Pursuit; Reciprocal)

312.11 USE OF FIREARMS

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

312.12 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 the safety of the public and the involved officers when formulating plans to contain and capture the suspect.

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312.13 CARE AND CONSIDERATION OF INJURED PARTIES

If during a pursuit, an officer observes or is made aware of an injuury to an individual, the officer shall immediately notify dispatch to have appropriate emergency units respond. Rendering assistance includes, but is not limited to (Minn. Stat 626.8458 Subd.2(6):

- calling an ambulance
- rendering first aid until the officers are no longer needed at the injury scene
- summoning additional units to the scene for assisistance with the injured persons and/ or traffic control.

312.14 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate local and state regulations. The Records Supervisor or designee 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 officerand supervisor shall complete a pursuit summary report.

(c) After first obtaining available information, the shift supervisor will compose an interoffice memorandum that briefly summarizes the pursuit to the Chief of Police or designee. This memo should minimally contain the following information (Minn. Stat. § 626.5532):

1. Date and time of pursuit.
2. Length of pursuit in distance and time.
3. Involved units and officers.
4. Initial reason and circumstances surrounding the pursuit.
5. Starting and termination points.
6. Alleged offense, charges filed or disposition: arrest, citation or other release for each involved party (suspect, witness, etc.).
7. Arrestee information should be provided if applicable.
8. Injuries and/or property damage.
9. Medical treatment.
10. The outcome of the pursuit.
11. Name of supervisor handling and/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 the State Pursuit Report Form and forward it to the Commissioner of Public Safety within 30 days following the pursuit.

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(e) After each pursuit, the supervisor and units involved in the pursuit will evaluate the pursuit and make recommendations to the Chief of Police, where necessary, on any updates to pursuit policy, procedure and/or tactics.

(f) Annually, the Chief of Police should direct a documented review and analysis of Department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

312.14.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

In accordance with Minn. Stat. 626.8458, the Chief of Police shall provide in-service training in emergency vehicle operations and the conduct of police vehicle pursuits to every peace officer employed by the agency, who may be involved in such pursuits given the officer's responsibilities. If the Chief of Police determines a peace officer will not be involved in police vehicle pursuits, the Chief of Police must notify the Minnesota POST Board of the officer's exemption status.

The Training Coordinator 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; Minn. R. § 6700.2702).

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

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Lighting Exemption for Law Enforcement Vehicles

313.1 PURPOSE AND SCOPE

To provide guidelines for members to use when operating a vehicle without headlights or taillights while functioning as a peace officer.

313.2 DEFINITIONS

Vehicle: means every self-propelled vehicle owned, leased, or otherwise the property of this agency and used in the performance of a peace officer's law enforcement duties.

Illumination Devices: means the headlights, taillights, and watercraft lights that vehicles are required to be equipped with and used according to statute.

313.3 POLICY

It is the policy of the Metro Transit Police Department to provide a uniform guideline for all members to use when operating a department vehicle without headlights, taillights, or marine navigational lighting while while functioning as a peace officer.

313.4 STATUTORY REQUIREMENTS

A peace officer shall operate a vehicle with its illumination devices activated as required by statute when:

1. on an interstate highway,
2. traveling at speeds greater than what is reasonable and prudent under existing weather, road, and traffic conditions,
3. traveling faster than the posted speed limit, and
4. the peace officer is an active participant in the pursuit of a motor vehicle in violation of MN Staute 609.487, Fleeing Peace Officer; Motor Vehicle; Other.

313.5 EXEMPTION

When the circumstances listed in 314.4 do not apply, a peace officer may apply MN Statute 169.541 Lighting Exemption for Law Enforcement; Standards and stop or interrupt the use of their vehicle illumination devices if;

1. the peace officer does so in the performance of their duties,
2. the conduct is reasonable, and
3. the peace officer reasonably believes that turning off the vehicle's illumination devices is necessary under the circumstances to investigate a criminal violation or suspected criminal violation, contrary to state laws, rules, orders or local laws. ordinances or regulations.

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Officer Response to Calls

314.1 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).

Certain situations require an emergency response where the siren and/or emergency lights are necessary. Note that not all situations are the same, and officers may exercise discretion when there is an articulable reason. Emergency response ("code 3) may be appropriate when responding to:

- Violent crimes (homicide, shooting, stabbing, serious assault)
- Large fight/riot
- Traffic collision with apparent serious injury or death
- Serious operator assaults
- Critical incidents
- Medicals where there is imminent danger to life safety (including overdoses)
- Silent/covert alarms, once confirmed by TCC that an actual emergency exists

Supervisors may direct the appropriate call response type if necessary.

314.2 RESPONSE TO CALLS

314.2.1 RESPONSE TO EMERGENCY CALLS

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

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

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

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

314.3 REQUESTING EMERGENCY ASSISTANCE
Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. Where a situation has stabilized and emergency response is not required, the requesting officer shall promptly notify Transit Control Center.

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

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

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

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

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

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

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

The decision to continue an emergency call response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify Transit

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Control Center. An officer shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

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

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.

314.5 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Shift Supervisor prior to assigning an emergency response. The dispatcher shall:

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

(b) Immediately notify the Shift Supervisor (if applicable).

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

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

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

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Shift Supervisor.

314.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Shift Supervisor shall verify 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 Shift 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 their judgment, is inappropriate due to the circumstances.

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When making the decision to authorize an emergency call response, the Shift 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.

314.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency call response and respond accordingly. The officer shall notify the Shift Supervisor and the Transit Control Center of the equipment failure so that another unit may be assigned to the emergency response.

314.8 TRAINING

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

314.9 POLICY

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

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Canines

316.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services to the community in the detection of explosive devices.

316.2 POLICY

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

The canine is the property of the Metro Transit Police Department. As such, the department will assume financial responsibility for all reasonable expenses related to the care and maintenance of service canines.

316.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Command. However, they may be assigned by the Shift Supervisor 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 Shift Supervisor.

316.4 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 units.

(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.

316.5 HANDLER SELECTION

The minimum qualifications for the assignment of a canine handler include:

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(a) An officer who is currently off probation.

(b) Residing in an adequate residence.

(c) Living within50 miles of MTPD headquarters.

(d) Agreeing to be assigned to the position for a minimum of three years, notwithstanding a promotion.

316.6 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) The canine will only be transported in the vehicle supplied by the MTPD and only in the rear, secured area of the squad car. When not in service the handler should lock the canine vehicle at all times.

(d) Prisoners will not to be transported in the same vehicle compartment as the canine.

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

(f) Any changes in 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 or crate provided by the MTPD at the home of the handler. When a canine is kenneled at the handler’s home, the gate shall be secured with a lock. The canine may be let out of the kennel while under 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 direct supervision of the handler. The handler will take measures to ensure that the canine is not a detrimental factor in the family’s safety.

(i) 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 Shift Supervisor.

(j) 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. The handler will assume responsibility for any costs associated with boarding or other care of the canine. The handler is responsible for keeping the canine in peak condition. This includes but is not limited to:

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1. Ensuring veterinarian checkups are performed in a timely fashion and any potential health issues are handled promptly.
2. Ensuring that the canine is not physically or mentally abused by anyone.
3. Grooming and exercising the canine daily.

(k) A handler may resign from the canine unit at their own discretion but shall submit, in writing, the reasons why and the desired effective date to the Canine Coordinator.

316.7 HANDLER COMPENSATION

(a) The canine handler shall be available for call-out under conditions specified by the Canine Coordinator.

(b) The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the employee's collective bargaining agreement.

316.8 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 may include specific law enforcement operations for which the canine is trained.

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

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

(c) In the event that a canine has been determined to be missing, the handler will immediately conduct a search of the immediate area of last contact. If not recovered, the handler will notify the Canine Coordinator and Shift Supervisor, reporting the location and the circumstances of the disappearance. The following protocol will be initiated:

1. Arrange for and coordinate an area search utilizing available on-duty personnel.
2. Notify nearby law enforcement agencies of the loss and solicit assistance, when appropriate.
3. Notify any local animal control officers and provide a description.
4. If the canine is not located, ensure a physical check of all local animal control offices on a daily basis for an appropriate amount of time to be determined by the Canine Coordinator.

5. The handler will provide a memorandum including the circumstances of the escape or loss to the Canine Coordinator. The Command Captain will investigate the incident to determine the cause, prepared a report, and forward it to the Chief of Police.

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316.9 REQUESTS FOR CANINE TEAMS

Patrol Command members are encouraged to request the use of a canine. Requests for a canine team shall go through the Shift Supervisor, who will notify the Canine Coordinator. If canine teams are not available, the Shift Supervisor will reach out the Canine Coordinator.

316.10 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Shift 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) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

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

316.11 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.

316.12 REPORTING CANINE BITES AND DAMAGE TO PROPERTY

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the Canine Coordinator and Shift Supervisor. The injured person shall be promptly treated by emergency medical services personnel and, if as needed, transported to an appropriate medical facility for further treatment. The injury will be documented in an incident report.

If the injured party refuses medical treatment, this refusal will be documented in the 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.

The Canine Coordinator and handler will arrange for a veterinarian examination of the canine as soon as possible to determine if the incident was caused by an underlying health concern.

A canine who has bitten an individual will be removed from service pending an investigation and risk management assessment.

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Any incident which inflicts injury to a canine handler or instructor during training exercises should not be reported as a bite incident.

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

If a canine has damaged property, the handler will take photographs and complete a report. The handler will also notify the Canine Coordinator and the Shift Supervisor.

316.13 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.

316.14 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers, when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be appropriate. 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, and trains).

(c) Conducting preventative searches at special events, VIP visits, official buildings and other restricted areas.

(d) Assisting in the search for hidden or discarded firearms and munitions that are live or spent.

(e) Searching individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

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

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

The canine handler is responsible for maintaining an accurate record of deployments. The records will be kept in the Citrix canine system.

316.15 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 Shift 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

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records of medical treatment shall be forwarded to the designated canine veterinarian for continuity of record management.

Upon the death of an active canine (i.e. not retired or removed from service), the handler will immediately notify the Canine Coordinator. The following protocol will be followed:

(a) The Canine Coordinator will contact the department-approved veterinarian and arrange for a necropsy as appropriate.

(b) The canine's remains will be disposed of appropriately.

(c) The handler will submit a memorandum to the Canine Coordinator and Command Captain. As warranted, the Captain will investigate the incident to determine cause and circumstances of the death. These findings will be compiled into a written report and forwarded to the Chief of Police.

316.16 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current recognized standards.

The Canine Coordinator shall be responsible for scheduling periodic training for all MTPD officers in order to familiarize them with how to conduct themselves in the presence of department canines.

A canine training should be conducted while on-duty unless otherwise approved by the Canine Coordinator or Shift Supervisor.

Issues encountered during training must be reported to the Canine Coordinator and a remediation plan will be created as appropriate. All issues must be documented in the Citrix canine program.

316.16.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to current nationally-recognized standards on an annual basis. Additional training considerations are as follows:

(a) If applicable, canine teams should receive training as defined in the current contract with the Metro Transit Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the Canine Coordinator.

(c) 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.

316.16.2 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 successful certification is pending, the canine handler shall be temporarily reassigned to regular patrol duties.

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316.16.3 TRAINING RECORDS
All canine training records shall be maintained in the canine handler's and the canine's training file. These files shall be maintained by the handler and Canine Coordinator in the Citrix canine program

316.16.4 TRAINING AIDS
Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Metro Transit Police Department may work with outside trainers with the applicable licenses or permits.

316.16.5 EXPLOSIVE TRAINING AIDS
Officers may possess or use explosives or destructive devices while acting within the scope and course of employment (Minn. Stat. § 609.668, subd. 3(a)(1); Minn. Stat. § 609.668, subd. 4; 18 U.S.C § 842; 27 C.F.R 555.41).

Explosive training aids designed specifically for canine teams should be used whenever reasonably feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) Canine officers are not allowed to utilized any personal or unapproved training aids.

(b) When not in use, all explosive training aids shall be properly stored in a secure facility that is appropriate for the type of materials in accordance with federal standards. Only members of the canine team shall have access to the explosive training aids. An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The Canine Coordinator shall be responsible to verify the explosive training aids on hand against the inventory ledger once each calendar quarter.

(d) During and after the training session, a primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids. The handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(e) Any lost or damaged explosive training aids shall be promptly reported in writing to the Canine Coordinator who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

In the event that an explosive is considered unsafe or deteriorated, the Canine Coordinator will contact the appropriate bomb squad for destruction of the material. The Canine Coordinator will write a detailed report and adjust the explosive device inventory accordingly.

316.17 RETIRED CANINES
If, for any reason, the department chooses to retire a canine from service, the existing handler may be given the opportunity to adopt the canine from the department.

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Once adopted, the handler will receive a memorandum from the Canine Coordinator as a receipt of sale. The handler is responsible for all costs associated with continued ownership and care of the canine.

In the event that the handler does not choose to adopt the canine, the Chief or their designee reserves the right to determine the best course of action for the canine.

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Domestic Abuse Response and Arrest

318.1 PURPOSE AND SCOPE

The purpose of this policy is to prescribe courses of action peace officers should take in response to a domestic abuse call. prioritizing safety and underlining the Metro Transit Police Department's commitment to the ongoing protection of victims.

318.2 DEFINITIONS

Definitions related to this policy include:

A. Domestic Abuse has the meaning given to it in Minn. Stat. 518B.01, subd. 2(a), which states:

"Domestic abuse" means the following, if committed against a family or household member by a family or household member:

(1) physical harm, bodily injury, or assault;

(2) the infliction of fear or imminent physical harm, bodily injury, or assault; or

(3) threats of violence, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or

(4) interference with an emergency call within the meaning of section 609.78, subdivision 2.

B. Domestic Abuse Program means a public or private intervention project or advocacy program, which provides support and assistance to the victims of domestic abuse.

C. Child means a person under the age of 18.

D. Family or Household Member has the meaning given to it in Minn. Stat. 518B.01, subd.2(b)(1)-(7): spouses; former spouses; parents and children; persons related by blood; persons who are presently residing together, or who have resided together in the past; persons who have a child in common regardless of whether they have been married or have lived together at any time, and persons involved in a significant romantic or sexual relationship. It also includes a man and a woman, if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.

E. Domestic Call means a request for assistance to a law enforcement agency regarding domestic abuse or any other crime against a family or household member.

F. Court order means 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.

G. Order for Protection (OFP) is an order issued under Minn. Stat. 518B.01 by a judge in civil court upon the request of the petitioner. Any family or household member of the respondent may ask the court for an OFP. The relief granted to the petitioner may include an order for the respondent to stop the domestic abuse, not to contact the petitioner directly or indirectly, grant temporary custody

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of minor children, order temporary financial support, and/or order attendance at counseling. Other forms of relief are also available. Violating an OFP is a crime.

H. Domestic Abuse No Contact Order (DANCO) is an order issued under Minn. Stat. 629.75 by a judge in criminal court limiting contact between a defendant and a victim of domestic abuse. DANCOs may be issued as a pre-trial condition of release and/or as a probationary condition of sentence.

I. Harassment has the meaning given to it in Minn. Stat. 609.748, subd. 1(a): a single incident of physical or sexual assault; a single incident of using another's personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the person; repeated incidents of intrusive or unwanted acts, words or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security or privacy of another, regardless of the relationship between the actor and the intended target.

J. Stalking has the meaning given to it in Minn. Stat. 609.749, subd. 1: engaging in conduct which the actor knows or has reason to know would cause the victim under the circumstances, to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

K. Harassment Restraining Order (HRO) is an order issued under Minn. Stat. 609.748 by a judge in civil court when a petitioner requests a court order preventing the respondent from having contact with them. These orders generally prohibit all contact of any kind (including, but not limited to, phone calls, letters, email, social media and contact through a third party) and may limit the respondent's ability to come within a certain distance of the petitioner's home, work or school. This type of order can be issued no matter what the relationship between the individuals involved. Violating an HRO is a crime.

L. Qualified Domestic Violence-Related Offense (QDVRO) has the meaning given to it in Minn. Stat. 609.02, subd. 16 and includes a violation of, or an attempt to violate a domestic abuse Order For Protection; first or second degree murder; first through fifth degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth degree criminal sexual conduct; malicious punishment of a child; threats of violence; violation of a Harassment Restraining Order; stalking; interference with an emergency call; non-consensual dissemination of private sexual images; violation of a Domestic Abuse No Contact Order; and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

If a person arrested for a domestic crime has a prior QDVRO, the new offense may be chargeable as a higher-level crime.

318.3 POLICY

It is the policy of this department to recognize domestic abuse as a serious problem in today's society and to protect victims of domestic abuse by ensuring its peace officers understand the laws governing this area.

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The Metro Transit 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.

This department will aggressively enforce the laws without bias or prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

Metro Transit Police Department's goal is a safe and effective resolution of these incidents, taking steps to break the cycle of domestic abuse and supporting the victim throughout. Reports of domestic abuse will be fully investigated, gathering evidence to identify predominant aggressors and preparing cases for prosecution, without dependence on the victim's cooperation or involvement.

318.4 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.

318.5 DOMESTIC ABUSE CASE GUIDELINES

The following guidelines should be followed by officers when investigating domestic abuse cases:

1. 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.

2. When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

3. Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

4. When practicable and legally permitted, video or audio record all significant statements and observations.

5. All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Division in the event that the injuries later become visible.

6. Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

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7. If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

8. Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

9. When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

10. 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:

(a) Whether the suspect lives on the premises with the victim.
(b) Claims by the suspect that the victim provoked or perpetuated the violence.
(c) The potential financial or child custody consequences of arrest.
(d) The physical or emotional state of either party.
(e) Use of drugs or alcohol by either party.
(f) Denial that the abuse occurred where evidence indicates otherwise.
(g) A request by the victim not to arrest the suspect.
(h) Location of the incident (public/private).
(i) Speculation that the complainant may not follow through with the prosecution.
(j) Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
(k) The social status, community status, or professional position of the victim or suspect.

318.6 DISPATCHING THE CALL

318.6.1 RECEIVING THE DOMESTIC CALL

- Upon receiving a domestic call, the dispatcher will assign it a high priority and they should be dispatched as soon as practicable, this includes incomplete 9-1-1 calls.
- Dispatchers are not required to verify the validity of a court order before responding to a request for assistance.
- Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.
- At least two officers should be assigned to the call. If only one officer is available, all reasonable atttempts should be made to obtain another officer to assist the officer who was originally dispatched.

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- Officers should be familiar with the original complaint, the location of the incident, and all other applicable information to coordinate a response to the scene, i.e. victim, witness(es) and suspect information.
- All information should be accessible to officers through the CAD system in their patrol vehicle or via mobile application (Field Ops) available on their department issued cellular phones.
- Coordination with other responding units is necessary, to ensure the highest probability of safety to the officer and public.

318.6.2 INFORMATION TO BE OBTAINED

The dispatcher receiving the call should attempt to elicit from the caller and should communicate to the responding officers, as much of the following information as possible:

- nature of the incident,
- address of the incident, including apartment number, if applicable.
- telephone numbers where the caller can be reached.
- whether weapons were involved or present in the dwelling.
- whether someone is injured and the nature of the injury.
- information about the suspect including whether the suspect is present, description, direction of flight, mode of travel, etc.,
- relationship between caller and suspect.
- whether there had been prior calls involving these individuals.
- whether there is an Order for Protection (OFP), Harassment Restraining Order (HRO), or criminal pre-trial or probationary Domestic Abuse No Contact Order (DANCO).
- whether children are present at the scene, and, whether there are non-English speaking people, or people wih mobility impairments or hearing impairments at the scene.

If the caller is the victim, the dispatcher should attempt to keep the caller on he telephone as long as possible and should tell the caller that help is on the way, and when the caller can expect the peace officers arrive.

If the caller is a witness- to an incident in progress, the dispatcher should attempt to keep the caller on the phone and should relay ongoing information provided by the caller to the responding officers.

If the responding officers are some distance away, and the dispatcher cannot remain on the telephone with the caller/victim, the dispatcher should attempt to call back periodically to check on the progress of events, and call again when the officers arrive at the scene. If the dispatcher finds that a caller/victim who was recently available suddenly cannot be reached by phone, the dispatcher should relay that information to the officers.

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318.7 RESPONDING TO THE CALL

318.7.1 APPROACHING THE SCENE

1. Officers should respond directly and without unreasonable delay to the scene.

2. Officers should approach the scene with heightened awareness.

3. Officers should utlilize cover if available and observe the surroundings for signs of danger, such as screaming, physical altercations, or weapons mentioned, or in sight.

4. Officers should use the radio to communicate with dispatch and the backing officer(s) about their observations on arrival.

5. Once at the scene, officers should maintain communication with dispatch and other officers, ready to respond to any signs of escalation.

6. Officers should have a clear plan for quick extraction if the situation worsens.

7. If safe, position the backup officer strategically to monitor the situation and provide support if needed.

318.7.2 INITIAL CONTACT

1. Officers should identify themselves as peace officers and explain their presence. When possible, peace officers should ensure that all parties are aware of their presence, to prevent escalation.

2. Officers should request entry to the property and ask to see the person who is the alleged victim.

3. Officers should ensure all parties are safe.

4. It is preferred that all involved parties are separated, so that statements can be obtained without influence or intimidation.

5. If the caller is someone other than the subject of the call, the officer should not reveal the caller's name.

318.7.3 ENTRY TO THE PROPERTY

Refused Entry: If refused entry, the officers should be persistent about seeing and speaking alone with the complainant. If access to the complainant is refused, the officers should request that dispatch contacts the caller by phone.

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

Search Warrant: If the officers are refused entry and have no legal grounds to force entry, but have reasonable grounds to believe that a crime has been committed, the officers may apply for a search warrant.

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318.7.4 FIRST AID
After securing the scene, responding peace officers shall provide first aid and offer Emergency Medical Services (as applicable). Officers may preemptively request Emergency Medical Services and put them on standby while responding to the scene in an effort to minimize medical personnel response time.

318.8 PRIORITIZING VICTIM SAFETY AND ASSISTANCE

1. Assess for Injuries:

(a) Check any injuries and/or signs or expressions of pain.

(b) Provide immediate assistance if necessary.

(c) Seek medical assistance if any involved party requires treatment, as soon as practicable.

2. Assist Non-English Speaking Victims or Victims with Communication Disabilities:

Using the department resource list, contact a person to assist in those cases where the participants in the domestic call, including witnesses, are non-English speaking, are hearing-impaired, or have other communication disabilities. Officers should avoid the use of friends, family or neighbors serving as the primary interpreter for the investigation.

3. Provide Support Resources (see also 319.11):

(a) Provide the victim with MTPD's domestic abuse information handout, even if the incident may not rise to the level of a crime.

(b) Inform the victim about the resources available to assist, such as advocates, shelters, counseling, legal support, by providing them with a Victims' Rights Card.

(c) Standby for a reasonable amount of time if an involved person requests assistance while removing essential items of personal property from the location.

(d) Assist in arranging transportation to an alternate shelter if the victim expresses concern for their safety, or if the officer determines that a need exists.

(e) Make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim, have appropriate care.

(f) Contact the local domestic abuse program by phone as soon as possible on all arrest situations and provide the name and address of the victim and a brief factual account of events associated with the action. This section does not apply if prohibited by the Minnesota Data Practices Act (Minn. Stat 13.82, Subd. 10).

(g) If appropriate, seek or assist the victim in obtaining an emergency order.

318.8.1 CHILDREN
If a child is present at the scene of a domestic call or is the victim of domestic abuse, the peace officer should determine whether the child has been subjected to physical abuse, sexual abuse,

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and/or neglect, and comply with the requirements of Minn. Stat. 626.556, Reporting Maltreatment of a Minor.

The officer shall also attempt to verify whether there has been an Order for Protection (Minn. Stat. 260C.201).

If the child has been injured, the officer should escort the child to the nearest hospital for treatment.

318.9 LEGAL MANDATES AND STANDARDS FOR ARRESTS

Officers investigating a domestic abuse report should consider the following:

1. 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 14 days. 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. § 629.72).

2. 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 criteria in 319.9.3 and the officer's judgment (Minn. Stat. § 629.342, Subd. 2).

3. 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):

(a) Stalking.

(b) Domestic abuse.

(c) Violation of an order for protection.

(d) Violation of a domestic abuse no contact order.

4. 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 Shift Supervisor determines that it reasonably appears the release of the person (Minn. Stat. § 629.72):

(a) Poses a threat to the alleged victim or another family or household member.

(b) Poses a threat to public safety.

(c) Involves a substantial likelihood that the arrested person will fail to appear at subsequent proceedings.

5. 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

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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).

6. 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).

7. Following an arrest, an officer should contact the local domestic abuse program by phone as soon as possible and provide the name and address of the victim and a brief factual account of events associated with the action.

8. An officer shall arrest and take into custody a person whom the officer has probable cause to believe has violated a harassment restraining order, pursuant to Minn. Stat. § 609.748, if the officer can verify the existence of the order.

9. 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.

10.Officers should consider whether other offenses have been committed that may not qualify as a domestic abuse including, but not limited to, burglary, felony assault, other threats of violence, kidnapping, false imprisonment, witness tampering, trespassing, criminal damage to property, disorderly conduct, or assault.

318.9.1 MAKING ARRESTS

After securing the scene and providing any first aid, the peace officers will conduct an assessment of the lethality of the situation based on the totality of the circumstances and begin a criminal investigation to determine if there is probable cause to believe a crime has been committed based on the evidence and not solely upon the victim's desire to make an arrest. The officers should collect relevant physical evidence including weapons which may have been used, take photographs of the scene or any injuries and take statements from the involved parties and witnesses. Some of the evidence and statements include:

1. Photos of the scene.
2. Condition of clothing.
3. Property damage.
4. Evidence of physical injury including strangulation.
5. Excited utterances of the victim and the suspect.
6. Demeanor of the victim and the suspect.
7. Medical records including the victim's statements to paramedics, nurses and doctors.
8. Recorded interviews of witnesses including children who may have been present.
9. Evidence of any prior domestic abuse – related convictions including dates, and

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10. Any existing OFPs, HROs or DANCOs.

When determining probable cause, the peace officers should consider their observations and any statements made by the parties involved and any witnesses. Prior convictions may provide the basis for enhancement to a gross misdemeanor or felony charges.

318.9.2 FACTORS NOT TO BE CONSIDERED IN MAKING THE ARREST

The following factors should not be considered in deciding whether or not to make an arrest:

1. Ownership, tenancy rights of either party, or the fact the incident occurred in a private place.

2. Belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction.

3. Disposition of previous police calls involving the same victim or suspect.

4. Denial by either party that the abuse occurred when there is evidence of domestic abuse.

5. Lack of a court order restraining or restricting the suspect.

6. Concern about reprisals against the victim.

7. Adverse financial consequences that might result from the arrest, or,

8. Chemical dependency or intoxication of the parties.

318.9.3 PREDOMINANT AGGRESSOR AND DUAL ARRESTS

This Department discourages dual arrests (Minn. Stat. 629.342).

Where there are allegations that each party assaulted the other, the peace officer shall determine whether there is sufficient evidence to conclude that one of the parties is the predominant aggressor based on the following criteria and the officer's judgment:

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; or
5. Existence or previous existence of an order for protection.

318.9.4 VICTIM REQUEST NOT TO PROSECUTE

If the officer finds probable cause to believe that a domestic abuse offense has been committed and intends to make an arrest but the victim requests no arrest or prosecution, the officer should inform the victim that the decision to arrest is the officer's and the decision to prosecute is the prosecutor's.

318.11 POST-ARREST DECISION: STAYING AT THE SCENE AND CRIME VICTIM ASSISTANCE

1. If a suspect is arrested, officers should:

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(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail (Minn. Stat. § 629.72 Subd. 6).

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

2. If no arrest is made, the officer should remain at the scene of the incident until they believe that the likelihood of further imminent abuse has been eliminated. (Minn. Stat 629.342, Subd.2).

If an officer does not make an arrest when the officer has probable cause to believe that a person is committing or has committed domestic abuse or violated an order for protection, the officer shall provide immediate assistance to the victim (Minn. Stat. 629.342, Subd. 3). If a domestic abuse program is available, the peace officer should make contact for immediate intervention.

Assistance includes:

(a) assisting the victim in obtaining necessary medical treatment; and

(b) providing the victim with the notice of rights (Minn. Stat. 629.341, Subd.3).

3. Officers should also:

(a) Advise the parties of any options, including but not limited to:

i. Voluntary separation of the parties.
ii. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

318.11 AUTHORITY AND TYPES OF ARREST

318.11.1 WARRANTLESS PROBABLE CAUSE ARREST FOR FIFTH DEGREE OR DOMESTIC ASSAULT

Although the general rule is that officers may not make probable cause arrests for misdemeanors unless the offense occurs in their presence (or a citizen who saw the crime requests an arrest) domestic assault is an exception.

A peace officer may arrest a person anywhere 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 14 days, 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 take place in the presence of the peace officer (Minn. Stat.
629.72). A peace officer acting in good faith and exercising due care in making an arrest pursuant to this statute is immune from civil liability that might result from the officer's action.

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318.11.2 LEVEL OF ARREST FOR FIFTH DEGREE ASSAULT AND DOMESTIC ASSAULT; MISDEMEANOR, GROSS MISDEMEANOR AND FELONY

Fifth Degree Assault and Domestic Assault are deemed misdemeanor offenses. However, when enhancement factors are present, these offenses may be charged as a gross misdemeanor or felony.

1. Gross Misdemeanors:

MN Statute 609.224, subdivision 2(a), Assault in the Fifth Degree, provides for an enhancement to a gross misdemeanor violation when the offense is against the same victim within ten years of a qualified domestic violence-related offense (QDVRO) conviction or adjudication of delinquency in Minnesota, or any similar law of another state.

If the charge is Domestic Assault (MN Statute 609.2242) and the victim is a family or household member and the crime occurs within ten years of a QDVRO conviction or adjudication of delinquency of any of the above offenses against any family or household member, the same gross misdemeanor enhancement applies. The prior conviction need not be against a member of the same family or household.

If there is a prior conviction for assault or threats of violence against any person within two years, a gross misdemeanor may also be charged.

2. Felonies:

If a person commits Assault in the Fifth Degree against the same victim within ten years of the first of any combination of two or more previous QDVRO convictions or adjudications of delinquency, Assault in the Fifth Degree becomes a felony. The same enhancement applies to Assault in the Fifth Degree against any victim occurring within three years of the first of two or more of these convictions.

Domestic assault against a family or household member is also enhanceable under the same circumstances except that the prior convictions may be against any family or household member.

Per MN Statute 609.2247, subdivision 2, whomever assaults a family or household member by strangulation is guilty of a felony.

318.11.3 STALKING

The acts which constitute stalking (Minn. Stat. 609.749) include several which are frequently applicable to domestic abuse situations even when no actual assault occurred.

1. Gross Misdemeanors: A person who stalks another by committing any of the following acts is guilty of a gross misdemeanor:

> (a) directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
>
> (b) follows, monitors, or pursues another, whether in person or through any available technological or other means;

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(c) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;

(d) repeatedly makes telephone calls, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;

(e) makes or causes the telephone of another to repeatedly or continuously ring;

(f) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistance devices for the visually or hearing impaired, or any communication made through any available technologies or other objects; or

(g) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties.

The State does not have to prove the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted or intimidated Minn. Stat. 609.749., subd.1a.). The intent of the defendant is immaterial. Obtaining a complete domestic abuse history is usually the key to determining whether the current act, under the circumstances, constitutes the crime of stalking.

2) Felony/Felony Enhancements: A person who commits any offense described in 319.10.3.1 against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony.

Any of the above gross misdemeanors is enhanceable to a felony if committed within ten years of a previous QDRVO conviction or adjudication of delinquency OR if committed against a juvenile, OR if committed while possessing a dangerous weapon.

It is a felony to engage in a pattern of stalking conduct with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim. A "pattern of stalking conduct" (Minn. Stat. 609.749, Subd. 5) means two or more acts (convictions are not necessary) within a five-year period that constitute any of the following offenses: murder, manslaughter, threats of violence, fifth-degree assault, domestic assault, violation of domestic abuse orders for protection, violation of harassment restraining orders, certain trespass offenses, interference with an emergency call, obscene or harassing telephone calls, letter, telegram, or package opening or harassment, burglary, damage to property, criminal defamation, first- to fifth-degree criminal sexual conduct, and violations of Domestic Abuse No Contact Orders.

The stalking statute makes it more important than ever to document not just the facts of the current police call but also the history of abuse or stalking.

3. Venue (Minn. Stat. 609.749, subp. 1b.): If a suspect commits acts of stalking in different counties, the acts may be consolidated and prosecuted in any county in which one of the acts was

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committed. If the conduct that constitutes stalking is done through use of a wireless or electronic communication device, the conduct can be prosecuted in the county where either the suspect or victim resides.

318.11.4 PROBABLE CAUSE WARRANTLESS ARREST

The domestic abuse arrest statute (Minn. Stat. 629.72) provides that an officer may not issue a citation in lieu of arrest in harassment/stalking, domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order cases. Minn. Stat. 629.34, subd.1(c)(5) states that an officer may also make a warrantless probable cause arrest even if the offense did not occur in the officer's presence if the officer has reasonable cause to believe the offense was a gross misdemeanor or felony (no 72 hour restriction).

318.11.5 PROBABLE CAUSE FELONY ARRESTS

At a domestic call peace officers shall consider whether other felonies have been committed including but not limited to, burglary, felony assault, threats of violence, kidnapping, false imprisonment, and witness tampering.

A fifth degree assault may be chargeable as burglary in the first degree even if the home is also the offender's, if the entry is made without consent of the victim and in violation of an OFP barring the offender from the premises.

318.11.6 VIOLATION OF COURT ORDERS

The peace officer shall verify whether any of the following orders exist before or during an arrest. The peace officer or someone acting at the officer's direction may make this verification. Methods of verification include personally seeing a copy of the order or obtaining verification from the court or law enforcement agency that has the actual order. The police report shall include identifying information of the specific court order violated, including county of origin, the file number, and the provision allegedly violated.

1. Order for Protection (OFP): A peace officer shall arrest and take into custody without a warrant a person who the peace officer has probable cause to believe has violated any condition of an OFP granted pursuant to Minn. Stat. 518B.01, subds. 6, 7, and 9. 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.

Minn.Stat. 518B.01, subd. 18(a)(2), states that an OFP is not voided even if the respondent was invited back to the residence by the petitioner, and there is no hour limitation for a warrantless arrest for a violation of an OFP.

A violation of an OFP is a misdemeanor but is enhanceable to a gross misdemeanor if the offense occurs within ten years of discharge from sentence for conviction of violation of an OFP or for any conviction of assault, terroristic threats, violation of a harassment order or harassment/stalking. It is enhanceable as a felony if it occurs within ten years of discharge of the first of two or more such convictions.

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OFPs and DANCOs can be verified on the State MNJIS system, also known as the Hot Files. HROs are not in the Hot Files system at this time but are still enforceable.

2. Harassment Restraining Order (HRO): A peace officer shall arrest and take into custody a person who the peace officer has probable cause to believe has a harassment restraining order pursuant to Minn. Stat. 609.748, subds. 4 and 5, if the officer can verify the existence of the order.

A person who violates an HRO is guilty of a misdemeanor if the violator knows of the order. This offense is enhanceable to a gross misdemeanor if it occurs within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. Per Minn. Stat. 609.748, subd. 6, (d), it is enhanceable to a felony if the person knowingly violates the order:

> (a) within 10 years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency;
> (b) because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability (as defined in section 363A.03), age, or national origin;
> (c) by falsely impersonating another;
> (d) while possessing a dangerous weapon;
> (e) with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.414, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or,
> (f) against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

3. Domestic Abuse No Contact Order (DANCO) (Minn. Stat. 629.75): A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a DANCO, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer.

The pretrial DANCO is sometimes continued at the time of sentencing with a new, probationary DANCO issued as a condition of probation. This DANCO may be valid for the full probationary period indicated in the order.

The court may rescind a DANCO at any time. However, a victim's production of a copy of an apparently valid court order, absent contrary evidence, provides prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.

318.11.7 OTHER MISDEMEANORS

At a domestic abuse incident, the peace officer shall consider whether other crimes have been committed including but not limited to trespassing, criminal damage to property, disorderly conduct, witness tampering, or assault.

318.12 REPORTS AND FORMS

Peace officers shall make a report after responding to a domestic abuse call. If the officer did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of

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the reasons for the officer's decision not to arrest must be documented. The report should also include the following:

1. Detailed statements from the victim, suspect and witnesses;
2. Description of injuries.
3. Information about past abuse.
4. Description of the scene.
5. Predominant aggressor.
6. Existence of language barriers.
7. Presence of elderly victims or those with disabilities; and
8. Documentation of evidence.

318.13 FURTHER INVESTIGATION

If appropriate, an investigator shall conduct a follow up investigation.

Where there has been an arrest, the investigator shall establish the defendant's criminal record and advise the prosecutor of any enhanced criminal sanctions which may be available.

Where there has been no arrest. the peace officer shall thoroughly document all relevant information in a report and refer the report to the appropriate prosecutor for review and consideration of criminal charges.

318.14 FOREIGN COURT ORDERS

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

318.14.1 CANADIAN ORDERS FOR PROTECTION

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

318.15 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:

1. 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.

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2. Check available records or databases that may show the status or conditions of the order.
3. Contact the issuing court to verify the validity of the order.
4. 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.

318.16 COURT ORDERED FIREARM SURRENDERS

This Department shall accept firearms surrendered by an abusing party or defendant pursuant to a court order as provided in state law (Minn. Stat. § 518B.03). Firearms will normally be surrendered at the Metro Transit 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 Office in accordance with Department policy.

318.17 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. Reasonable efforts shall be made to provide notification to the petitioner of service upon request, as provided in Minn. Stat. § 609.748.

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Search and Seizure

320.1 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 Metro Transit Police Department personnel to consider when dealing with search and seizure issues.

320.2 POLICY

It is the policy of the Metro Transit 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.

320.3 SEARCHES

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

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

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

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

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

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

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320.4 SEARCH PROTOCOL

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

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

320.5 DOCUMENTATION

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

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

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

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Temporary Custody of Juveniles

322.1 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 Metro Transit 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).

322.1.1 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).

322.2 POLICY

The Metro Transit 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 Metro Transit Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

322.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Metro Transit 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 Metro Transit 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.

322.3.1 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.

322.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Metro Transit 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 Metro Transit Police Department without authorization of the arresting officer's supervisor or the Shift Supervisor.

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 Metro Transit Police Department (34 USC § 11133).

322.4.1 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 Metro Transit 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.

322.4.2 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).

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322.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Metro Transit 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 themself or others.

(b) Not return for a court hearing.

(c) Run away from or otherwise not remain in the care or control of their parent, guardian, or custodian.

(d) Face immediate endangerment to the juvenile's health or welfare.

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

322.4.4 SCHOOL NOTIFICATION

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

(a) There is probable cause to believe a juvenile has committed an offense that would be a crime if committed as an adult, where the victim is a student or staff member and the notice is reasonably necessary for the protection of the victim.

(b) There is probable cause to believe a juvenile has committed certain serious crimes regardless of whether the victim is a student or staff member.

(c) The juvenile is taken into protective custody and methamphetamine manufacture or storage is involved (see the Child Abuse Policy for guidelines) (see also, Minn. Stat. § 260C.171)

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

322.5 ADVISEMENTS

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

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

(a) Of the reasons for custody and the reasons for placement.

(b) Of the location of the facility unless there is reason to believe that disclosure would place the juvenile's health and welfare in immediate endangerment. If so, the disclosure shall not be made (Minn. Stat. § 260B.176, Subd. 5).

(c) That the juvenile's parent, guardian, or custodian and attorney or guardian ad litem may make an initial visit to the facility at any time. Subsequent visits may also be made on a reasonable basis.

(d) That the juvenile may telephone parents and an attorney or guardian ad litem immediately after being admitted to the facility and thereafter on a reasonable basis.

(e) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007, Subd. 6 for longer than 36 hours excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260B.178.

(f) That the juvenile may not be detained under Minn. Stat. § 260C.175, Subd. 1, clause (1) or (2), item (ii) longer than 72 hours at a shelter care facility excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260C.178.

(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.

322.6 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.

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(b) Date and time of arrival and release from the Metro Transit Police Department.

(c) Shift 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 Shift Supervisor shall initial the log to approve the custody, including any secure custody and shall also initial the log when the juvenile is released.

322.7 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 Metro Transit 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.

322.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Metro Transit Police Department shall ensure the following:

(a) The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Metro Transit Police Department more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Metro Transit 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.

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(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.

322.9 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 Metro Transit 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.

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

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

322.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Metro Transit 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 Metro Transit Police Department.

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322.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Minn. Stat. § 260B.181). Shift 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.

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

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

322.11.1 LOCKED ENCLOSURES

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

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

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(b) Juveniles shall have constant auditory access to department members.

(c) Initial placement into and removal from a locked enclosure shall be logged.

(d) Random personal visual checks of the juvenile by a staff member shall occur no less than every 15 minutes.

1. All checks shall be logged.
2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(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.

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

The Shift Supervisor will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Metro Transit Police Department. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police and Criminal Investigations Command Supervisor.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the Metropolitan Area attorney.

(e) Evidence preservation.

322.13 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.

322.14 RESTRICTION ON PHOTOGRAPHING

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

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Adult Abuse

323.1 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 Metro Transit Police Department members as required by law (Minn. Stat. § 626.557).

323.1.1 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.

Minnesota Adult Abuse Reporting Center (MAARC) - is the centralized statewide common entry point for mandated reporters and the public to report suspected physical, sexual and emotional abuse, financial exploitation and neglect of the care, services, or supervision necessary to maintain the health, life or safety of a vulnerable adult. MAARC is operated by the Minnesota Department of Human Services under the Vulnerable Adult Act, Minnesota Statutes 626.557.

Vulnerable Adult - s defined in Minnesota Statutes 626.5572.21 as any adult over age 18 living in a facility or participating in services licensed by Department of Human Services or the Minnesota Department of Health, such as nursing home, hospital, assisted living, foster care, or other licensed services or supports, or any adult who has a condition or impairment that impacts their ability to care for themselves or protect themselves from abuse, neglect or exploitation.

323.2 POLICY

The Metro Transit Police Department will document all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

Law enforcement officers are mandated reporters under Minnesota Statutes 626.5572 Subd.16.

323.3 MANDATORY NOTIFICATION

Members of the Metro Transit Police Department shall notify the entity responsible for receiving such reports as soon as possible, but in all cases within 24 hours (Minn. Stat. 626.557; Minn. Stat. 626.5572), 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).

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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).

323.3.1 NOTIFICATION PROCEDURE

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

(a) The identity of the vulnerable adult and any caregiver

(b) The nature and extent of the suspected maltreatment

(c) Any evidence of previous maltreatment

(d) The name and addresses of the person initiating the report or other witnesses

(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 Metro Transit Police Department, the member receiving the notification shall complete and forward the intake form to the entity responsible for receiving such reports.

323.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Minn. Stat. § 626.5571).

323.5 INVESTIGATIONS AND REPORTING

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

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

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(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 (Minn. Stat. § 626.557).

323.6 PROTECTIVE CUSTODY

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

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

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

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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.

323.7 INTERVIEWS

323.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

323.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

(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.

323.8 MEDICAL EXAMINATIONS

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

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding.

If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

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323.9 DRUG-ENDANGERED VICTIMS

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

323.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Division supervisor should:

(a) Work with professionals from the appropriate agencies, including the applicable adult protective services agency, other law enforcement agencies, medical service providers and local prosecutors, to develop community- specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine laboratories or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigation Division supervisor that he/she has responded to a drug laboratory or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

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

323.9.2 OFFICER RESPONSIBILITIES

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

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigation Division supervisor so that an interagency response can begin.

323.10 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

323.10.1 RECORDS UNIT RESPONSIBILITIES

The Records Section 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.

(b) Retaining the original adult abuse report with the initial case file.

323.10.2 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).

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323.11 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

324.1 PURPOSE AND SCOPE

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

324.2 POLICY

The Metro Transit 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.

324.3 DEFINITIONS

Definitions related to this policy include:

324.3.1 DISCRIMINATION

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

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

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

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324.3.2 SEXUAL HARASSMENT

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

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

324.3.3 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 Metropolitan Council / Metro Transit rules or regulations, or any other appropriate work-related communication between supervisor and member.

324.3.4 RETALIATION

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

324.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director, or the General Manager.

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

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

324.4.1 SUPERVISOR RESPONSIBILITIES

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

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

324.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

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

324.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police or the General Manager for further information, direction, or clarification.

324.5 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

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complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

324.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

324.5.2 FORMAL INVESTIGATION

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

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

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

Members who believe they have been discriminated against, harassed,or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police or the General Manager.

324.5.3 ALTERNATIVE COMPLAINT PROCESS

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

324.6 DOCUMENTATION OF COMPLAINTS

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

(a) Approved by the Chief of Police, the General Manager, or the Director, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

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324.6.1 NOTIFICATION OF DISPOSITION

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

324.7 TRAINING

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

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

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Child Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Metro Transit Police Department members are required to notify the county social services agency of suspected child abuse.

326.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

326.2 POLICY

The Metro Transit 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.

326.3 MANDATORY NOTIFICATION

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

(a) A child is being neglected or has been neglected within the preceding three years.

(b) A child is being physically abused or has been physically abused within the preceding three years by a person responsible for the child's care.

(c) A child is being sexually abused, threatened with sexual abuse, or has been sexually abused within the preceding three years by a person responsible for the child's care, by a person who has a significant relationship to the child, or by a person in a position of authority.

(d) A woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy, including but not limited to tetrahydrocannabinol (marijuana), or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive (Minn. Stat. § 260E.03, subd. 15; Minn. Stat. § 260E.31).

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

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

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

326.3.1 NOTIFICATION PROCEDURE

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

(a) The member tasked with the investigation shall call the county social services agency and report the alleged abuse as soon as possible but always within 24 hours. The time of the call and the name of the person should be documented.

(b) Notification, when possible, should include:

1. The child's current location and whether the child is in immediate danger.
2. A description of when and where the incident occurred and what happened to the child.
3. A description of the injuries or present condition of the child.
4. The names and addresses of the child, parents, or caregivers.
5. Whether there were any witnesses to the incident and their names.
6. Any additional information about the child, family, or caregivers that may be helpful.
7. Whether the incident occurred in a licensed facility or a school and what actions the facility employees may have taken.
8. Whether there are immediate family, relative, or community resources that would offer protection or support to the child.

(c) Forms that may be required by the county social services agency or other written notification shall be completed and faxed or delivered to the county social services agency as soon as possible but always within 72 hours, exclusive of weekends and holidays.

(d) Approved investigation reports should be forwarded to the county social services agency as soon as practical.

(e) When the child abuse occurred at a facility or by a person from a facility that requires a state license or a profession that requires a state license (e.g., foster homes, group homes, day care, educator), notification shall also be made to the agency responsible for licensing the facility or person (Minn. Stat. § 260E.11).

326.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in child-appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

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(d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

326.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

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

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

326.6 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.

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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).

326.6.1 NOTICE TO PARENT OR CUSTODIAN AND CHILD

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

If the parent or custodian was not present when the child was removed from the residence, the list shall be left with an adult who is on the premises or left in a conspicuous place on the premises if no adult is present. If the officer has reason to believe the parent or custodian is not able to read and understand English, the officer must provide a list that is written in the language of the parent or custodian (Minn. Stat. § 260C.175; Minn. Stat. § 260C.181).

326.6.2 SAFE PLACE FOR NEWBORNS

A person may leave an unharmed newborn less than seven days old with the staff of a hospital, urgent care facility or ambulance service without being subject to prosecution (Minn. Stat. § 609.3785). The responsible social service agency is charged with addressing these matters but

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may contact law enforcement if child abuse is suspected (Minn. Stat. § 145.902; Minn. Stat. § 609.3785).

326.7 INTERVIEWS

326.7.1 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.

326.7.2 DETAINING ABUSE VICTIMS FOR INTERVIEW

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

326.7.3 NOTIFICATION TO PARENTS

Generally, officers should cooperate with parents and guardians and seek consent prior to conducting interviews of children. However, when reasonably necessary, state law grants officers the authority to interview a child who is the alleged victim of abuse or neglect, and any other children who currently reside or have resided with the alleged victim, without parental consent (Minn. Stat. § 260E.22, Subd. 1).

The interview may take place at school or at any facility or other place where the alleged victim or other children might be found, or the child may be transported to, and the interview conducted at, a place that is appropriate for the interview and has been designated by the local welfare agency or law enforcement agency. When it is possible and substantial child endangerment or sexual abuse is alleged, the interview may take place outside the presence of the alleged offender and prior to any interviews of the alleged offender (Minn. Stat. § 260E.22).

The officer shall notify the parent, legal custodian, or guardian that the interview occurred as soon as reasonably practicable after the interview, unless the juvenile court has determined that reasonable cause exists to withhold the information (Minn. Stat. § 260E.22).

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326.7.4 INTERVIEWS AT SCHOOL

If officers assigned to investigate a report of maltreatment determine that an interview should take place on school property, written notification of the intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property (Minn. Stat. § 260E.22, Subd. 7).

The investigating officer shall determine who may attend the interview, although school officials may set reasonable conditions as to the time, place, and manner of the interview (Minn. Stat. § 260E.22, Subd. 7).

326.7.5 DOCUMENTING AND RECORDING INTERVIEWS

Any statement made by an alleged child abuse victim during the course of a criminal investigation shall be documented. The documentation of the interview must contain, at a minimum (Minn. Stat. § 260E.23):

(a) The date, time, place, and duration of the interview.

(b) The identity of the persons present at the interview.

(c) A summary of the information obtained during the interview if it was not audio recorded.

Members should follow the written guidelines of the county attorney's office regarding recording interviews of a child abuse victim.

326.8 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.

326.9 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.

326.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Division supervisor should:

(a) Work with professionals from the appropriate agencies, including the county social services agency, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations

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where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigation Division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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

326.9.2 OFFICER RESPONSIBILITIES

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

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigation Division supervisor so an interagency response can begin.

326.9.3 SCHOOL NOTIFICATION

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

326.10 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

326.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Minn. Stat. § 260E.35).

326.10.2 MULTIDISCIPLINARY INVESTIGATIVE TEAMS

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

326.10.3 COORDINATION WITH SOCIAL SERVICES

In every case of child abuse that would require notification to a local county social services agency, the investigating officer shall coordinate the planning and execution of the investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. The investigating officer shall prepare a report separate from the social services agency (Minn. Stat. § 260E.12; Minn. Stat. § 260E.14, Subd. 5).

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

326.10.4 NOTIFICATION PROCESS

The Patrol Supervisor is responsible for ensuring the mandatory notifications to the county social service agency are carried out. This should be achieved, in part, by establishing and reviewing related procedures and through ongoing training (Minn. Stat. § 260E.01 et seq.).

326.10.5 COURT-ORDERED FIREARM SURRENDERS

This department shall accept firearms surrendered by an abusing party or defendant pursuant to a court order as provided in state law (Minn. Stat. § 518B.03).

Firearms will normally be surrendered at the Metro Transit 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 Office in accordance with the Property and Evidence Office Policy.

326.11 TRAINING

The Professional Standards Unit should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Missing Persons

328.1 PURPOSE AND SCOPE

This department recognizes that there is a critical need for an immediate and consistent response to reports of missing and endangered persons. The decisions made and actions taken during the preliminary stages may have a profound effect on the outcome of the case.

This policy establishes the guidelines and responsibilities of members when responding to and investigating reports of missing and endangered persons.

328.1.1 DEFINITIONS

Definitions related to this policy include:

Endangered - A person the Department has confirmed is missing and there is sufficient evidence to indicate that the person is at risk of physical injury or death. Examples include (Minn. Stat. § 299C.52):

(a) The person is missing because of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary.

(b) The person is missing under known dangerous circumstances.

(c) The person is missing for more than 30 days.

(d) The person is under the age of 21 and at least one other factor is applicable.

(e) There is evidence that the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication.

(f) The person does not have a pattern of running away or disappearing.

(g) The person is mentally impaired.

(h) The person has been diagnosed with dementia, a traumatic brain injury, Alzheimer's disease, or other cognitive impairments.

(i) The person has been diagnosed with autism.

(j) There is evidence that a non-custodial parent may have abducted the person.

(k) The person has been the subject of past threats or acts of violence.

(l) There is evidence that the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate and effective investigation and search-and-rescue efforts are critical.

(m) Any other factor the Department deems to indicate the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes any person under the age of 18 or who is certified or known to be mentally incompetent (Minn. Stat. § 299C.52).

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Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the National Center for Missing and Exploited Children (NCMEC), the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, and the Minnesota Crime Alert Network.

MMBWG - means the Missing and Murdered Black Women and Girls Office of the Minnesota Department of Public Safety.

MMIR - means he Missing and Murdered Indigenous Relatives Office of the Minnesota Department of Public Safety.

Unmanned Aerial Vehicle or UAV - means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

328.2 POLICY

It is the policy of this department that members shall respond to and investigate all reports of missing and endangered persons.

The Metro Transit 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. Sworn members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

This department will respond according to the following six types of general procedures, when relevant:

1. Initial Response
2. Initial Investigation
3. Investigation
4. 30-day Benchmark
5. Prolonged Investigation
6. Recovery/Case Closure

328.3 INITIAL RESPONSE

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 other electronic means, 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 sworn 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)).

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A referral may be made if there is a more appropriate agency to conduct the investigation provided that the reporting party is amenable.

Sworn members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

1. Respond to a dispatched call as soon as practicable.
2. Obtain a detailed description of the missing person, any related vehicle and/or abductor, including recent photographs of the missing person and other relevant individuals or items of importance.
3. 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. If the initial reporting party is a child, interview the child's parent(s) or guardian(s).
4. Obtain interpretative services where necessary.
5. Obtain cell phone number(s) for the missing person and abductor(s).
6. Collect and preserve the missing person's,cellphone(s), tablet(s), and computers(s).
7. 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)) and request assistance where necessary.
8. 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.
9. Secure the crime scene and/or last known location of the missing person, attempt to identify and interview persons in the area at the time of the incident and conduct a search as applicable according to the facts, obtaining a search warrant if necessary.
10. Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
11. Determine when, where and by whom the missing person was last seen. Interview the person who last had contact with the missing person.
12. 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).
13. Broadcast an "Attempt to Locate" (ATL) or similar alert if the person is under 18 years of age and/or there is evidence that the missing person is endangered, and he broadcast would not furher endanger the missing person. The alert should be broadcast as soon as practicable but in no event more than one hour twohours after determining the missing person is under 18 years of age or may be endangered.
14. Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. Use the International Justice & Public Safety Network (Nlets), the Minnesota Crime Alert Network, and MNJIS KOPS Alert to alert regional, state and federal law enforcement

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agencies. Relay known details to all on-duty personnel as well as other local or surrounding law enforcement agencies using local and state databases.

15. Ensure that entries are made into the appropriate missing person networks, NCIC and NamUs:
    (a) Immediately, when the missing person is endangered (Minn. Stat. § 299C.53, Subd. 1(b)).
    (b) In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).
16. Activate protocols for working with the media (AMBER Alert, Minnesota Crime Alert Network).
17. Notify the family of services available through the Minnesota Missing/Unidentified Persons Clearinghouse.
18. Complete the appropriate report forms accurately and completely.
19. Initiate a search as applicable according to the facts.
20. Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
21. Collect and/or review:
    (a) A photograph and fingerprint card of the missing person, if available (Minn. Stat. § 299C.54, Subd. 2).
    (b) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
    (c) Any documents that may assist in the investigation, such as court orders regarding custody.
    (d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
22. When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier Minn, Stat. 626A.42, Subd. 2(b)(4).
23. 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.
24. Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:
    (a) The primary agency has limited resources,
    (b) The investigation crosses jurisdictional lines, or
    (c) Jurisdictions have pre-established task forces or investigative teams.

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25. Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

328.4 INITIAL INVESTIGATION

During the initial investigation, an officer or investigator should be assigned to the case for the purposes of coordinating and overseeing the investigation/search.

The officer or investigator shall ensure the following steps are taken:

1. Seek assistance from the BCA, National Center for Missing and Exploited Children (NCMEC), Missing and Murdered Black Women and Girls Office, Missing and Murdered Indigenous Relatives Office or other state agencies, as applicable to the case.
2. Seek assistance from culturally based community organizations.
3. Assign an invesigator as a family liaison and primary point of contact for the family and create a communication plan for keeping the family updated.
4. Provide general information to the family/reporting party or designee about the invesigation; only to the extent that disclosure would not adversely affect locating and protecting the missing person, apprehending a suspect, and future prosecution.
5. Conduct acanvass of the neighbourhood and of vehicles in the vicinity.
6. Send emergency phone subpoenas to phone providers for the missing person's and suspect;s phone(s), if applicable.
7. Arrange for news and social media coverage.
8. Maintain records of all communications and messages received and sent.

328.4.1 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 Records Section.

(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.
    (a) If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

(g) Ensuring the following forms and kits are available:
    1. Biological sample collection kits

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2. Medical records release form
3. Missing person school notification form
4. Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
5. Missing person report form

328.5 INVESTIGATION DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
   1. The notice shall be in writing and should also include a photograph.
   2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(c) Shall review the case file to determine whether any additional information received on the missing person indicates that the person is endangered, and shall update applicable state or federal databases accordingly (Minn. Stat. § 299C.535(b); Minn. Stat. § 299C.535(c)).

(d) Shall attempt to obtain the following, if not previously obtained, if the person remains missing after 30 days (Minn. Stat. § 299C.535(a)):
   1. Biological samples from family members and, if possible, from the missing person
   2. Dental information and X-rays
   3. Additional photographs and video that may aid the investigation or identification
   4. Fingerprints
   5. Any other specific identifying information

(e) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(f) Shall verify and update the MNJIS, the Minnesota Missing and Unidentified Persons Clearinghouse, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

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(g) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(h) Should consider taking certain actions if a person is missing after a prolonged period, generally exceeding 45 days. Those actions include:

1. Developing a profile of the possible abductor.
2. Using a truth verification device for parents, spouse, and other key individuals.
3. Reviewing all reports and transcripts of interviews, revisiting the crime scene, reviewing all photographs and videotapes, reinterviewing key individuals and reexamining all physical evidence collected.
4. Reviewing all potential witness/suspect information obtained in the initial investigation and considering background checks on anyone of interest identified in the investigation.
5. Periodically checking pertinent sources of information about the missing person for any activity, such as telephone, bank, internet or credit card activity.
6. Developing a timeline and other visual exhibits.
7. Critiquing the results of the ongoing investigation with appropriate investigative resources.
8. Arranging for periodic media coverage.
9. Considering the use of rewards and crime-stoppers programs.
10. Maintaining contact with the family and/or the reporting party or designee, as appropriate.

(i) Shall maintain a close liaison with state and local child welfare systems and the NCMEC if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(j) Should make appropriate inquiry with the Medical Examiner.

(k) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

(l) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, forward the photograph to BCA (Minn. Stat. § 299C.54), and enter the photograph into applicable missing person networks (34 USC § 41308).

(m) In the case of an endangered missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

328.6 MISSING FOR OVER 30 DAYS

If the person is still missing 30 days after being entered into NCIC, the local law enforcement agency will be contacted by the BCA Missing and Unidentified Persons Clearinghouse to request the following information (if not already received):

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- Biological samples from family members and, if possible, from the missing person,
- Dental information and x-rays,
- Additional photographs and video that may aid the investigation or identification,
- Fingerprints, and
- Other specific identifying information.

The officer or investigator overseeing the investigation shall also take the following steps:

1. Verify and update the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
2. Continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
3. Consider taking certain actions if a person is missing after a prolonged period, generally exceeding 45 days. Those actions include:
    (a) Developing a profile of the possible abductor.
    (b) Using a truth verification device for parents, spouse, and other key individuals.
    (c) Reviewing all reports and transcripts of interviews, revisiting the crime scene, reviewing all photographs and videotapes, reinterviewing key individuals and reexamining all physical evidence collected.
    (d) Reviewing all potential witness/suspect information obtained in the initial investigation and considering background checks on anyone of interest identified in the investigation.
    (e) Periodically checking pertinent sources of information about the missing person for any activity, such as telephone, bank, Internet or credit card activity.
    (f) Developing a timeline and other visual exhibits.
    (g) Critiquing the results of the ongoing investigation with appropriate investigative resources.
    (h) Arranging for periodic media coverage.
    (i) Considering the use of rewards and crime-stoppers programs.
    (j) Maintaining contact with the family and/or the reporting party or designee, as appropriate.
4. Maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
5. Make appropriate inquiry with the Medical Examiner.

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6. Obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
7. Obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, forward the photograph to BCA (Minn. Stat. § 299C.54), and enter the photograph into applicable missing person networks (34 USC § 41308).
8. In the case of an endangered missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).
9. Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

328.7 PROLONGED INVESTIGATION

During a prolonged missing and.or endangered person investigation, the primary investigator or assigned officer shall, when practical, do the following to maintain transparency and further develop tthe investigation:

1. Maintain contact with the family and/or reporting party or designee.
2. Use ttruth verification dvices with parents, spouse and other key individuals.
3. Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videos, re-interview key individuals and re-examine all physical evidence collected.
4. Review all potential witness/suspectt information obtained in the initial invesigation and consider background checks on anyone of interest identified during the investigation.
5. Periodically check pertientn sources of information about the missing person for any acttivity such as phone, bank, internet, or credit card activity.
6. Develop a timeline and other visual exhibits.
7. Critique the results of the on-going investtigation with appropriate investigative resources.
8. Arrange for periodic media coverage.
9. Utilize rewards for crime-stoppers programs.
10. Update NCIC Missing Person File information.
11. Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.

328.8 RECOVERY AND CASE CLOSURE

1. Alive - when a missing and/or endangered person is located and alive, the following steps shall be ttaken when applicable:

(a) Verify that the located person is the reported missing person.

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(b) Arrange for a comprehensive physical examination of the person, if appropriate.

(c) Conduct a careful interview with the person, document the results of the interview, and involve all appropriate agencies.

(d) Notify the family/reporting party that the missing person has been located, unless the person is an adult and they do not consent to disclosure of this information.

(e) Consider the need for reunification assistance, intervention, counseling, or other services for either the found person or family/reporting party.

(f) Notify the BCA, in the case of a child, within 24 hours.

(g) Cancel alerts (Minnesota Crime Alert Network, AMBER alert, etc.), remove case from NCIC, NamUs and other information systems (Minn. Stat. § 299C.53, Subd. 2) and remove posters/other publications from circulation.

(h) Perform a constructive post-case critique, assessing the procedures used and update the department's policies and procedures as appropriate.

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

2. Unidentified Persons - when the department is investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves, the following steps shall be taken when applicable:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.

(c) Use available resources, such as those related to missing persons, to identify the person.

3. Deceased - when an unidentified or potential missing and/or endangered person is recovered and deceased, the Investigation Division 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). The following seps shall also be taken: when applicable:

1. Secure the crime scene
2. Contact the coroner, medical examiner, or forensic pathologist to arrange for body recovery and examination.
3. Collect and preserve any evidence at the scene.
4. Consider the need for intervention, counseling, or other services for the family/ reporting party or designee.
5. Cancel allerts and remove the case from NCIC, NamUs and other information systems, and remove posters and other publications from circulation.

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6. Perform constructive post-case critique, assessing the procedures used and update the department's policies and procedures as appropriate.

4. Closure by Investigation Division supervisor:

The Investigation Division supervisor may authorize the closure of a missing person case after considering the following:

1. Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
2. If the missing person is a resident of Metro Transit 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.
3. 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.
4. 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.

328.9 TRAINING

Officers should receive training related to this policy as part of initial or field training, and following any substantive updates to policy or procedure.

Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:
    1. Assessments and interviews
    2. Use of current resources, such as Mobile Video Recorders (MVR)
    3. Confirming missing status and custody status of minors
    4. Evaluating the need for a heightened response
    5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile, catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

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(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., internet use, cell phone use).

(n) Media relations.

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Public Alerts

330.1 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.

330.2 POLICY

Public alerts may be employed using Integrated Public Alert & Warning System (IPAWS) which includes the Emergency Alert System (EAS), Wireless Emergency Alerts (WEA), and National Oceanic and Atmospheric Administration Weather Radio All Hazards), social media, platform announcements, Minnesota Crime Alert Network (MCAN), MN/DOT Freeway Variable Message Signs (VMS), 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.

330.3 RESPONSIBILITIES

330.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Metro Transit Police Department should notify their supervisor, Shift Supervisor or Investigation Division 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.

330.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

330.4 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

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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).

330.4.1 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.

330.4.2 PROCEDURE

The supervisor shall review the AMBER Alert checklist provided by the Bureau of Criminal Apprehension (BCA) to determine whether the abduction meets the AMBER Alert criteria.

As soon as possible, Records Section personnel shall enter the child's name and other critical data into the National Crime Information Center (NCIC), with appropriate flags. If the AMBER Alert criteria is met, the supervisor, Shift Supervisor or Investigation Division 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). The 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 canceled for other reasons, the Investigations Division supervisor shall immediately notify the BCA with the pertinent information

330.5 MINNESOTA CRIME ALERT NETWORK (MCAN)

MCAN is a statewide communications network that enables law enforcement agencies to quickly alert the public (Minn. Stat. § 299A.61). Law enforcement agencies, businesses, schools, and community members participate in the network.

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330.5.1 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.

330.5.2 PROCEDURE

If a supervisor determines that an MCAN alert should be requested, the supervisor should contact the BCA Operations Center and provide the requested information (Minn. Stat. § 299C.53).

The Public Information Officer should prepare a press release that includes all available information that might strengthen the assistance by the public or other law enforcement agencies. It should be updated with additional information as it becomes available and useful.

All media releases should be coordinated with the BCA. In the event of a confirmed child abduction, whether or not an AMBER Alert or MCAN alert is activated, procedures designed to inform the media should be followed. Initial information to release may include but is not limited to:

(a) The nature of the crime that has occurred.

(b) The victim's identity, age, and description, if relevant.

(c) Photograph, if available.

(d) The suspect's identity, age, and description, if known.

(e) Pertinent vehicle description.

(f) Detail regarding location of incident, direction of travel, and potential destinations, if known.

(g) Whether there is reason to believe the suspect has a relationship to the victim.

(h) Name and phone number of the Public Information Officer or other authorized individual to handle media liaison

(i) A telephone number for the public to call with leads or information.

As additional information pertinent to the case becomes available, it shall be forwarded to the BCA.

330.6 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.

330.6.1 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:

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1. The suspect poses a serious risk to the public or other law enforcement personnel.
2. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

(c) A description of the offender, the offender's vehicle (including license plate or partial license plate) is available for broadcast.

330.6.2 PROCEDURE

The on-duty supervisor should ensure that contact is made with the Minnesota Bureau of Crime 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 the BCA in a timely manner.

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Victim and Witness Assistance

332.1 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.

332.2 POLICY

The Metro Transit Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Metro Transit 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.

332.3 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 Metro Transit 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.

332.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison shall assist the Minnesota Crime Victims Reimbursement Board in performing its duties and ensure that the Records Section forwards copies of requested reports to the board or other authorized organizations within 10 days of receipt, in compliance with the Records Maintenance and Release Policy. These reports include those maintained as confidential or not open to inspection under Minn. Stat. § 260B.171 or Minn. Stat. § 260C.171 (Minn. Stat. § 611A.66).

The crime victim liaison will also (Minn. Stat. § 611A.27):

(a) Serve for a sexual assault victim or a sexual assault victim's written designee as the liaison between the Metro Transit Police Department and a forensic laboratory.

(b) Facilitate requests for information made by a sexual assault victim or written designee.

(c) Provide an appropriate response to a victim's request for investigative data within 30 days.

(d) Develop a procedure allowing a sexual assault victim to request that the sexual assault examination kit be submitted to a forensic laboratory if the victim had not previously authorized such submission.

The crime victim liaison or the authorized designee, in consultation with the Criminal Investigations Command Division Commander, should establish procedures for receiving requests for assistance in applying for U visa or T visa status, and make those procedures available to victims. The procedures should provide for responses to these requests to be made in compliance with

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applicable law and as set forth in the Immigration Violations Policy and applicable law (Minn. Stat. § 611A.95).

332.4 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.

332.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims, including domestic abuse and sexual assault victims.

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

(c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information regarding available compensation for qualifying victims of crime.

(f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(g) Notice regarding U visa and T visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the officer's name, badge number, and any applicable case or incident number.

(j) Notices and information regarding the rights of crime victims, domestic abuse victims, and offender release as detailed in the following:

1. Safe at Home address confidentiality program (Minn. Stat. § 5B.03)
2. Offender release notification (Minn. Stat. § 244.052; Minn. Stat. § 244.053; Minn. Stat. § 611A.06; Minn. Stat. § 629.73)
3. Tenancy issues (Minn. Stat. § 504B.205; Minn. Stat. § 504B.206)
4. Victim and specific domestic abuse victim information/Minnesota CHOICE (Minn. Stat. § 611A.02 et seq.; Minn. Stat. § 629.341; Minn. Stat. § 629.72)

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(k) A notice that a decision to arrest is the officer's and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution.

(l) Contact information for the Office of Justice Programs and the Emergency Fund and Crime Victims Reimbursement (Minn. Stat. § 611A.66).

(m) Information and resources specific to homicide victims, including the required information on specified rights/procedures (Minn. Stat § 611A.02).

332.6 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.

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Hate or Prejudice Crimes

334.1 PURPOSE AND SCOPE

The Metro Transit 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.

334.1.1 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).

334.2 DEFINITIONS

Hate or Prejudice Crime - Conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability (see generally Minn. Stat. § 611A.79, Subd. 1).

334.3 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.

334.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this department receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

(a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

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(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may 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 Prosecuting Attorney.

334.5 INVESTIGATION DIVISION RESPONSIBILITIES

If a case is assigned to the Investigation Division, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

(a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies, as appropriate.

(b) Maintaining contact with the victims and other involved individuals as needed.

(c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

334.5.1 STATE HATE CRIME REPORTING

This department shall report hate or prejudice crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Records Supervisor or assigned to the Investigation Division (Minn. Stat. § 626.5531, Subd. 2).

Reports are required to include (Minn. Stat. 626.5531, Subd. 1):

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(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.

334.5.2 FEDERAL HATE CRIME REPORTING

The Records Supervisor should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Section procedures and in compliance with (28 USC § 534 (a)). In most, if not all cases, this will be the responsibility of the local agency having jurisdiction over the case.

334.6 TRAINING

All members of this department will receive training on hate and prejudice crime recognition and investigation and will attend periodic training that incorporates a hate and prejudice crime training component (Minn. Stat. § 626.8451, Subd. 1 and Subd. 4).

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Standards of Conduct

336.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Metro Transit 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.

336.2 POLICY

It is the policy of this department that the continued employment or appointment of every member of the Metro Transit Police Department shall be based on conduct that reasonably conforms to these guidelines. Failure to meet the guidelines, whether on- or off-duty, may be cause for disciplinary action.

All 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.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline and this policy is not intended to cover every possible type of misconduct.

336.3 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.

336.3.1 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 Metropolitan Council / Metro Transit 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.

336.3.2 ETHICS

(a) Using or disclosing one's status as a member of the Metro Transit Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

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(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.

(c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts, or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel, or services.

(g) Cheating or attempting to subvert any POST examination or licensing process.

(h) Any other failure to abide by the standards of ethical conduct.

(i) Being the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse licensing or certification action in another jurisdiction.

336.3.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

336.3.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this department.

(f) Supporting or participating in the activities of a hate or extremist group (Minn. Stat. § 626.8436).

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336.3.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse, and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

336.3.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized 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 department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

336.3.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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336.3.8 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. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
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 Metropolitan Area policy, the collective bargaining agreement, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by Metropolitan Area policy, the collective bargaining agreement, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

336.3.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

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enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable 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 Metropolitan Area.

(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 relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(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.

336.3.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

336.3.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

336.3.12 SUPERVISOR AND MANAGER RESPONSIBILITIES

Supervisors and managers 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 the member's 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 indifference 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.

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Professional Conduct of Peace Officers

337.1 PURPOSE AND SCOPE

This policy applies to licensed peace officers of the Metro Transit Police Department engaged in official duties whether within or outside of the territorial jurisdiction of this department and is in addition to the standards of conduct expected of all members in the Standards of Conduct policy.

Conduct not specifically addressed but that violates a general principle is prohibited. Unless otherwise noted, this policy also applies to off-duty conduct.

337.2 POLICY

It is the policy of the Metro Transit Police Department to investigate circumstances that suggest an officer has engaged in unprofessional conduct, and impose disciplinary action when appropriate. Investigations into unprofessional conduct shall be conducted in accordance with MN Statute 626.89, Peace Officer Discipline Procedures Act, MN Rules 6700.2000 to 6700.2600 and the Personnel Complaints policy.

337.3 PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota State Constitution, and all applicable laws, ordinances and rules enacted or established by a a legal authority. Peace officers must understand and obey the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them and shall obey the same laws they are entrusted to enforce.

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 when permitted in the performance of their duties 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 shall not, according to MN Statute 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.

337.4 PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system. Community cooperation with the police is a product of its trust that peace officers will act honestly and with impartiality. The peace officer,

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as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

a) Peace officers shall carry out their duties with integrity, fairness and impartiality.

b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.

e) Peace officers must obey lawful orders, but a peace officer must refuse to obey any order the officer knows would require the peace officer to commit an illegal act. If in doubt as to the clarity of an order the peace officer shall, if feasible, request the issuing officer to clarify the order. An peace 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 an immediate supervisor who shall forward the information to the chief law enforcement officer. If the peace officer's immediate supervisor committed the misconduct the peace officer shall report the incident to the immediate supervisor's supervisor.

337.5 PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination. Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status regarding public assistance, disability, sexual orientation, or age.

a) Peace officers shall provide every person in our society with professional, effective, and efficient law enforcement services.

b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status regarding public assistance, disability, sexual orientation or age.

337.6 PRINCIPLE FOUR

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

A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the individual peace officer and law enforcement officers in general. Peace

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officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform.

b) Peace officers shall not consume alcoholic beverages to the extent the peace officer would be rendered unfit for their next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on their breath.

c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the peace officer shall inquire of the prescribing physician whether the medication will impair the peace officer in the performance of the officer's. The peace officer shall immediately notify their supervisor if a prescribed medication is likely to impair the peace 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 obscene behavior, except as permitted by department policy.

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 this department. 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.

337.7 PRINCIPLE FIVE

Peace officers shall treat all members of the public courteously and with respect. Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

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a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.

c) Peace officers shall promptly advise any inquiring member of the community of this department's complaint procedure and shall follow the department's established policy for processing complaints.

337.8 PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial or political gain. For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

a) Peace officers shall not use their official position, identification cards or badges for:

(1) personal or financial gain for themselves or another person;

(2) obtaining privileges not otherwise available to them except in the performance of duty; and

(3) avoiding consequences of unlawful or prohibited actions.

b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.

c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.

d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.

e) Peace officers shall not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;

f) Peace officers shall 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;

g) Peace officers shall 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.

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337.9 PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists. For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions where those actions would or could conflict with the officer's appropriate responsibilities.

a) Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.

b) Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.

c) A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.

d) A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

337.10 PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers. Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.

b) Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.

c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

337.11 MINNESOTA POST BOARD DISCIPLINARY ACTION

In addition to any discipline imposed by this department for violations of this policy, the Minnesota POST Board may impose disciplinary action as described in MN Rules 6700.1710 or Minnesota Statutes, section 626.8432, Subd. 1, paragraph (a), based on violation of one or more of the standards of conduct listed in MN Rules 6700.1600, namely:

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a) Engaging in:

1. Any offense identified in part 6700.0700, subpart 1, item D, regardless of whether or not the conduct results in criminal charges
2. Theft, prostitution, or controlled substance offenses
3. Conduct identified as a gross misdemeanor in Minnesota
4. Sexual harassment as defined in Minnesota Statutes
5. Sexual assault, as defined in Minnesota Statutes
6. Obstructing legal process
7. Fleeing by means other than a vehicle
8. Carrying a pistol while under the influence of alcohol, a controlled substance, or an intoxicating substance

b) Falsifying or knowingly providing false information to the MN POST Board, a law enforcement agency, or a court.

c) Intentionally:

1. Mishandling evidence or property
2. Making undisclosed or improper inducements to witnesses or suspects
3. Gaining unauthorized access to unlawfully misusing government data

d) Cheating or attempting to subvert the examination process.

e) Regarding the use of force:

1. Failing to intervene when observing another peace officer using force beyond that which is objectively reasonable as required under Minnesota Statutes, section 626.8475
2. Failing to report in writing within 24 hours to the chief law enforcement officer any use of force violations by another member or peace officer, as required under Minnesota Statutes, section 626.8475.
3. Engaging in unreasonable or excessive use of force, unauthorized force, or unauthorized use of deadly force.

f) Failing to:

1. Report crimes of bias or alleged crimes of bias as required under Minnesota Statutes, section 626.5531
2. Report the peace officer's arrest or criminal charge, or any violation of the standards of conduct to the MN POST Board and the officer's chief law enforcement officer within 10 days
3. Cooperate with a MN POST Board investigation
4. Comply with an order of the MN POST Board

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5. Comply with any other requirement in Chapter 6700 or Minnesota Statutes for peace officers

g) Misuse of a peace officer's authority by:

1. The use of attempted use of one's position or authority as a peace officer to obain a benefit, avoid a detriment, or harm another
2. Committing misconduct under Minnesota Statutes, section 609.43
3. Maliciously procuring a search warrant, exceeding the officer's authority in executing a search warrant, or executing a search warrant with unnecessary severity under Minnesota Statutes, section 626.22

h) Engaging in discriminatory conduct.

i) Joining, supporting, advocating for, maintaining membership in, or participating in the activities of a hate or extremist group as defined in Minnesota Rules 6700.0100, subpart 29, or a criminal gang as defined in Minnesota Statutes, section 609.229, subdivision 1.

j) Being the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction.

k) Engaging in conduct prohibited by or listed as grounds for disciplinary action in Minnesota Rules Chapter 6700, or Minnesota Statutes, chapter 214, or engaging in conduct which violates any statute enforced by the MN POST Board.

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Information Technology Use

338.1 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.

338.1.1 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 Metro Transit 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.

Cybersecurity incident - An action taken through the use of an information system or network that results in an actual or potentially adverse effect on an information system, network, or the information within (Minn. Stat. § 16E.36, Subd. 1).

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, **permanent file**, or **file** - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

338.2 POLICY

It is the policy of the Metro Transit 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.

338.3 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

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The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

338.4 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.

338.5 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Supervisors.

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.

338.5.1 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

338.5.2 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

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Downloaded information from the internet shall be limited to messages, mail, and data files.

338.5.3 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.

338.5.4 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 Metropolitan Area-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.

338.6 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

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shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

338.6.1 SECURITY AND PASSWORD AUDITS

At least annually or in compliance with state and federal requirements, the Records Supervisor or the authorized designee shall conduct:

(a) A security audit of the Metro Transit Police Department central records system, including verification of active members and that assigned accessibility rights are correct.

(b) A password audit of all shared databases.

338.7 CYBERSECURITY INCIDENTS

The Chief of Police or the authorized designee shall report any cybersecurity incident that impacts the Department to the Minnesota Bureau of Criminal Apprehension within 24 hours of an incident being identified (Minn. Stat. § 16E.36, Subd. 2).

338.8 DATA AND STORAGE FILE BACKUP

The Local Agency Security Officer shall be responsible for:

(a) Ensuring data and storage files on all central records computer systems and applicable shared databases are backed up, if any.

(b) Performing data and storage files backup using a dedicated server or system designed for that purpose.

1. If backed-up data and storage files are kept off-site, the data shall only be transmitted between the Department and the off-site facility on an encrypted virtual private network that is compliant with the current FBI CJIS Security Policy.

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Report Preparation

340.1 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.

340.1.1 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.

340.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Department-approved form (computerized RMS) unless otherwise approved by a supervisor.

340.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests

(b) All felony crimes

(c) All incidents involving violations of crimes or ordinances motivated by bias (Minn. Stat. § 626.5531)

(d) Non-felony incidents involving threats or stalking behavior

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(e) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Abuse Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate or Prejudice Crimes Policy
6. Suspicious Activity Reports Policy

(f) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

340.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any time an officer points a firearm at any person

(b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see the Traffic Collisions Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

(k) Any watercraft collision or accident, drowning death and/or general water accident should be reported on the appropriate Department of Natural Resource Form (Minn. Stat. § 86B.105(a))

340.2.3 DEATH REPORTS

Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigations Policy.

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340.2.4 INJURY OR DAMAGE BY METROPOLITAN COUNCIL / METRO TRANSIT PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a Metropolitan Council / Metro Transit employee. Additionally, reports shall be taken involving damage to Metropolitan Council / Metro Transit property or Metropolitan Council / Metro Transit equipment if not completed by the local agency having jurisdiction over the case.

340.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

(a) The injury is a result of a drug overdose.

(b) Attempted suicide.

(c) The injury is major or serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

340.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information or serial number or ability to trace the item.

1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

(d) Vehicle burglaries with no suspect information or evidence.

(e) Stolen vehicle attempts with no suspect information or evidence.

(f) Annoying telephone calls with no suspect information.

(g) Identity theft without an identifiable suspect.

(h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.

(j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims

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to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

340.3 OPTIONAL REPORTING / CAD DISPOSITIONS

In March 2015, a report writing process was implemented that no longer requires officers to write on all incidents. This process included the new incident status of "**Case Closed No Report Required**."

If an incident is given a CAD disposition of: "**Citation**", "**Cleared by Report**", "**Detox**", "**Transport**" or "**Fail to Clear**", the case status will be "**Open**" and a written report is required. The other 12 CAD dispositions will have a case disposition of; "**Case Closed No Report Required**." An officer may still write a report on an incident with a status of "**Case Closed No Report Required**" if they choose. Once completed, that incident shall have the status changed to "**Supervisor Review**."

340.4 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.

340.4.1 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.

340.4.2 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.

340.5 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor shall notify the employee by stating the reasons for rejection. The original report and the corrections needed should be returned to the reporting employee for correction as soon as practicable. This will be done by creating a "task" for the employee in the RMS. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

340.6 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

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340.7 ELECTRONIC SIGNATURES

The Metro Transit Police Department has established an electronic signature procedure for use by all employees of the Metro Transit Police Department. The Systems Administrator 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.

340.8 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 Records Section shall ensure that the report received from the health professional is forwarded to the commissioner of the Department of Health (Minn. Stat. § 626.53, Subd. 2). If the injury resulted from a hunting incident, the Records Section shall ensure that the findings of the investigation are forwarded to the commissioner of the Department of Natural Resources using the form provided by the commissioner (Minn. Stat. § 626.553, Subd. 1).

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Media Relations

342.1 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.

342.2 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, the MTPD Public Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

342.2.1 MEDIA REQUESTS

Any media request for information or access to a law enforcement situation shall be referred to the MTPD Public Information Officer, or if unavailable, an authorized representative from Metro Transit. In the absence of both the MTPD Public Information Officer and an authorized representative from Metro Transit, an authorized representative from the Metropolitan Council shall be assigned to deal with the inquiry.

(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 MTPD Public Information Officer.

(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.

342.2.2 PRESS RELEASES

Press releases shall be issued at the direction of the Chief of Police and are used to inform the public of significant incidents or major announcements.

Press releases shall be drafted by the MTPD Public Information Officer on the appropriate template and approved by the Chief of Police or designee, prior to release using the GovDelivery system.

342.3 MEDIA ACCESS

Media representatives have the right to access public environments that are not otherwise restricted by law enforcement.

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:

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(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the MTPD 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.

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 the MTPD Public Information Officer.Public Information Officer

342.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift 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).

342.3.2 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.

342.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Supervisor. This log will consist of data classified as public and should generally contain the following information (Minn. Stat. § 13.82):

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(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the MTPD Public Information Officer, or if unavailable, to the Shift Supervisor. Such requests will generally be processed in accordance with the provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.03).

342.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the MTPD Public Information Officer dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release Policy and the Personnel Records Policy). When in doubt, authorized and available legal counsel should be obtained.

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Court Appearance and Subpoenas

344.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Metro Transit Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

344.2 POLICY

Metro Transit Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

344.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so (Minn. R. Civ. P. 45.02; Minn. R. Crim. P. 22.03).

A court notice from a prosecutor or other government attorney may be served by delivery to the member's workstation or mail box. Members shall check for delivery of such documents during each shift worked.

Subpoenas shall not be accepted in a civil action in which the member or Department is not a party without properly tendered fees pursuant to applicable law (Minn. Stat. § 357.23; Minn. R. Civ. P. 45.03).

344.4 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.

344.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

344.6 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.

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344.6.1 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.

344.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with any current collective bargaining agreement .

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Outside Agency Assistance

348.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

348.2 POLICY

It is the policy of the Metro Transit Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

348.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Supervisor's office for approval. Any such response to assist an outside agency may be considered for authorization regardless of whether an agreement for reciprocal aid under Minn. Stat. § 626.76, Subd. 1 exists. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked by this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

348.3.1 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.

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348.3.2 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Metro Transit Police Department shall notify his/her supervisor or the Shift Supervisor and Transit Control Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

348.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

348.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Supervisor.

348.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Supervisor or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Transit Control Center and the Shift Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

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Major Incident Notification

352.1 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.

352.2 POLICY

The Metro Transit 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 stakeholders, the media and the public may be properly addressed.

352.3 MINIMUM CRITERIA FOR NOTIFICATION

The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides.
- Serious assaults.
- Traffic collisions with serious or fatal injuries.
- Civil unrest.
- Any other incident which has or is likely to attract significant media attention.

Supervisors should use discretion and their best judgment in deciding which events require notifications to command staff.

Critical Incidents: Refer to Policy 310/Critical Incidents regarding officer-involved shootings or when there is significant injury to or death of a member of the public due to police action. Supervisors should also refer to both 310/Critical Incidents and 1062/Line-of-Duty Deaths in the event of serious injury to or death of an officer.

352.4 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor is responsible for ensuring that the appropriate notification has been made to the lieutenant/Watch Commander or, in their absence, the Captain of Patrol. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Supervisor shall attempt to make notifications as soon as practicable.

352.4.1 STAFF NOTIFICATION

Some events may require notification to specialty units such as Crash Reconstruction or Fleet. The Shift Supervisor or their designee will make such notification(s).

352.4.2 INVESTIGATIONS NOTIFICATION

If the incident requires a response from an investigator, the Shift Supervisor or their designee will contact the Lieutenant of Investigations.

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352.4.3 CRITICAL INCIDENTS

Refer to Policy 310 and Procedure 310 regarding the notifications necessary in the event of a critical incident.

352.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer (PIO) may contact the Shift Supervisor, Watch Commander, or other command staff in the event that media information requests have been made. Officers should refer any media requests they receive to the PIO.

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Death Investigation

354.1 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.

354.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). Peace officers are not authorized to pronounce death unless they are also Coroners or deputy coroners.

Metro Transit Police Department officers responding to or encountering a death scene shall promptly notify their Shift Supervisor. The Shift Supervisor shall ensure that a supervisor from the local agency with jurisdiction over the case is also notified.

354.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes, including, but not limited to (Minn. Stat. § 390.11):

(a) Unnatural deaths, including violent deaths arising from homicide, suicide or accident.

(b) Deaths due to a fire or associated with burns or chemical, electrical or radiation injury.

(c) Unexplained or unexpected perinatal and postpartum maternal deaths.

(d) Deaths under suspicious, unusual or unexpected circumstances.

(e) Deaths of persons whose bodies are to be cremated or otherwise disposed of so that the bodies will later be unavailable for examination.

(f) Deaths of inmates of public institutions and persons in custody of law enforcement officers who have not been hospitalized primarily for organic disease.

(g) Deaths that occur during, in association with or as the result of diagnostic, therapeutic or anesthetic procedures.

(h) Deaths due to culpable neglect.

(i) Stillbirths of 20 weeks or longer gestation unattended by a physician.

(j) Sudden deaths of persons not affected by recognizable disease.

(k) Unexpected deaths of persons notwithstanding a history of underlying disease.

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(l) Deaths in which a fracture of a major bone, such as a femur, humerus or tibia, has occurred within the past six months.

(m) Deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program.

(n) Deaths of persons not seen by their physician within 120 days of demise.

(o) Deaths of persons occurring in an emergency department.

(p) Stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances, including street drugs, or in which there is a history or evidence of maternal trauma.

(q) Unexpected deaths of children.

(r) Solid organ donors.

(s) Unidentified bodies.

(t) Skeletonized remains.

(u) Unexpected deaths occurring within 24 hours of arrival at a health care facility.

(v) Deaths associated with the decedent's employment.

(w) Deaths of non-registered hospice patients or patients in non-licensed hospice programs.

(x) Deaths attributable to acts of terrorism.

354.2.2 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.

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The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

354.2.3 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 Chief of Police or designee. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction may be requested to make the personal notification. If the relatives live outside the Metro Transit Police Department's jurisdiction, 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 when a human death results from a fire, (Minn. Stat. § 299F.04 Subd. 5 (b)).

354.2.4 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.

354.2.5 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 MTPD 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)).

354.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

354.2.7 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene and the Investigation Division shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

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If the on-scene supervisor, through consultation with the Shift Supervisor or Investigation Division 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).

354.2.8 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, should ensure that the nearest office of the Minnesota Department of Labor and Industry is notified with all pertinent information.

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Identity Theft

356.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

356.2 REPORTING

(a) Officers will take a report even if the location of the crime is outside the jurisdiction of this department or has not been determined.

(b) Officers will provide the victim with department information, as set forth in the Victim and Witness Assistance Policy.

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Department of Public Safety's Driver and Vehicle Services Division) with all known report numbers.

(e) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

356.3 NCIC ENTRY

Before an entry can be made into the NCIC Identity Theft file, a police report must be on file at MTPD. The following criteria must also be met:

1. Someone is using a means of identification of the victim.
2. The identity of the victim is being used without the permission of the victim.
3. The victim's identity is being used or intended to be used to commit an unlawful activity.
4. The victim must sign a consent waiver prior to the information being entered in the NCIC Identity Theft file.
5. Information on deceased persons may be entered into the file if it is deemed by an MTPD officer that the victim's information has been stolen. No consent form is required with the entry of a deceased person's information.
6. If the Identity Theft file is going to contain the victim's Social Security Number, the MTPD officer is required to inform the individual of this fact and they must sign the "Notice about Providing Your Social Security" form.
7. Images may be entered into the NCIC record.

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356.4 PREVENTATIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report as allowed by law (Minn. Stat. § 13C.016 Subd. 2). A victim may also access the Minnesota Attorney General's office for additional detailed information.

356.5 VICTIM DATA

The victim may be provided the Consent to Create an FBI Identity Theft File Form and a Notice About Providing Your Social Security Number. These completed forms should be submitted to the Records Section for appropriate filing and entry into the NCIC Identity Theft File. Forms and details are available on the Bureau of Criminal Apprehension identity theft website.

356.6 INFORMATION

The victim should also be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online or by telephone. Additional information may be found at the U.S. Department of Justice (USDOJ) website.

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Private Persons Arrests

358.1 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).

358.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

All officers shall advise civilians of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all situations, officers should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

(c) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (Minn. Stat. § 629.39).

358.3 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).

358.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

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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.

358.5 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's 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's Arrest Form (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

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Limited English Proficiency Services

362.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

362.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations. This includes individuals who, because of difficulty in speaking or comprehending the English language, cannot fully understand any charges made against them, the seizure of their property, or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31).

Qualified bilingual member - A member of the Metro Transit Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

362.2 POLICY

It is the policy of the Metro Transit Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

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362.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

(a) Coordinating and implementing all aspects of the Metro Transit Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Supervisor and Communications Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

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362.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

362.5 TYPES OF LEP ASSISTANCE AVAILABLE

Metro Transit Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

362.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

362.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

362.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently

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communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other Metropolitan Area departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

362.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

362.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

The Metro Transit Police Department currently contracts with Betmar Languages for communicating with LEP individuals. Betmar Languages may be utilized with the permission of a supervisor and can be contacted at (763) 572-9711 or via their website at: www.betmar.com

Metro Transit Police supervisors also have access to RTT Mobile Interpretation which is capable of providing on-demand LEP services through a proprietary device called ELSA (Enabling Language Services Anywhere). Contact a supervisor for assistance with this technology. www.rttmobile.com

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Other sources may include:

- Qualified bilingual members of this department or personnel from other Metropolitan Council / Metro Transit departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

362.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

362.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

362.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Metro Transit Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

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362.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Transit Control Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

362.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

362.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

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- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

362.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

362.14.1 OTHER TIMING AND NOTIFICATION MANDATES

The investigating or arresting officer shall immediately make necessary contacts to get an authorized interpreter for an in-custody LEP person at the earliest possible time in order to assist the person throughout the interrogation or taking of a statement. This applies even when the interrogation will be conducted by a bilingual member (Minn. Stat. § 611.32).

The following shall be explained to the LEP person with the assistance of the authorized interpreter (Minn. Stat. § 611.32):

(a) All charges filed against the person

(b) All procedures relating to the person's detainment and release

(c) In the case of any seizure under the provisions of the Asset Forfeiture Policy:

1. The possible consequences of the seizure
2. The person's right to judicial review

362.14.2 OATH

Every authorized interpreter shall be administered and take the following oath prior to assisting in taking a statement related to a criminal matter from an in-custody LEP person (Min. Stat. § 611.33):

“I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the

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statements, in the English language, of said person to the officials before whom the proceeding is taking place."

362.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

362.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

362.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

362.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Coordinator shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

362.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency

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in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Communications with Persons with Disabilities

370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102). This includes those who, because of a hearing, speech or other communication disorder, cannot fully understand any charges made against them, the seizure of their property or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31).

Qualified Interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

370.2 POLICY

It is the policy of the Metro Transit Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

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(a) Working with the Metropolitan Council / Metro Transit ADA coordinator regarding the Metro Transit Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Supervisor and Communications Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability
3. Type of services provided

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

370.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

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(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However in an emergency availability may factor into the type of aid used.

370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation when a member knows or suspects an individual requires assistance to effectively communicate the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include for example exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Metro Transit Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

370.6 TYPES OF ASSISTANCE AVAILABLE

Metro Transit Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

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A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

370.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

370.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available by some means, even remotely, within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time as needed for effective communication due to the slower nature of TTY and TDD communications.

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The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist approved community volunteers who have demonstrated competence may be called upon when appropriate. However department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

370.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

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370.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video

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remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, as with all custodial interviews, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

370.14.1 OTHER TIMING AND NOTIFICATION MANDATES

The investigating or arresting officer shall immediately make necessary contacts to get a qualified interpreter for a person in custody at the earliest possible time (Minn. Stat. § 611.32).

The following shall be explained with the assistance of the qualified interpreter (Minn. Stat. § 611.32):

(a) All charges filed against the person

(b) All procedures relating to the person's detainment and release

(c) In the case of any seizure under the Asset Forfeiture Policy:

1. The possible consequences of the seizure
2. The person's right to judicial review

370.14.2 OATH

Every qualified interpreter shall be administered and take the following oath prior to assisting in taking a statement related to a criminal matter from an in-custody deaf or hard of hearing person (Minn. Stat. § 611.33):

“I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place.”

370.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If

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necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

370.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

370.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Coordinator shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

370.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

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(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Transit Control Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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Pupil Arrest Reporting

367.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

367.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting officer shall include the necessary information in the report to ensure that the Records Division notifies the chief administrative officer of the school, or an appropriate designee, of the pupil's arrest.

If there is probable cause to believe an incident involved alcohol or a controlled substance, the arresting officer shall complete the appropriate form and submit the form with the report to the Records Division. The Records Division shall ensure the form is distributed to the chemical abuse pre-assessment team of the school within two weeks of the occurrence (Minn. Stat. § 121A.28).

Arrest reporting may involve the officer, Investigative Division and/or the local agency having jurisdiction over the case.

367.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school, may reduce disruption to school operations and other students.

367.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the officer or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

367.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and where the pupil will be taken.

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Biological Samples

368.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

368.2 POLICY

The Metro Transit Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

368.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following persons must submit a biological sample:

(a) Adults who are subject to a court order requiring a biological sample after sentencing (Minn. Stat. § 609.117).

(b) Juveniles who are subject to a court order requiring a biological sample after being adjudicated delinquent (Minn. Stat. § 609.117).

368.4 PROCEDURE

When an individual is required to provide a biological sample, a qualified employee shall attempt to obtain the sample in accordance with this policy.

368.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Minn. Stat. § 609.117.

(b) Verify that a biological sample has not been previously collected from the offender by querying the person’s criminal history. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use the designated collection kit provided by the Minnesota Bureau of Criminal Apprehension to perform the collection and take steps to avoid cross contamination.

368.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

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(a) The person’s parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person’s next court appearance.

(d) The person’s attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

368.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department’s records retention schedule.

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Public Safety Video Surveillance System

372.1 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.

372.2 POLICY

The Metro Transit 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 Metropolitan Council / Metro Transit service area 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 Metropolitan Council / Metro Transit 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.

372.3 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

372.4 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, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

372.5 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

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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.

372.5.1 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.

372.5.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

372.5.3 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 Metropolitan Council / Metro Transit 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.

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. Images may be transmitted to monitors installed in the Shift Supervisor’s

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office and Transit Control Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Shift Supervisor or trained Transit Control Center personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose. The system will not be used where there is a reasonable expectation of privacy.

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. Misuse of this system may lead to the loss of access, criminal charges, and/or civil penalties.

372.6 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.

372.6.1 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.

372.7 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.

372.7.1 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.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

372.7.2 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

(a) Date and time access was given.

(b) Name and agency of the person being given access to the images.

(c) Name of person authorizing access.

(d) Identifiable portion of images viewed.

372.8 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Metro Transit 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 Shift 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.

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Child and Dependent Adult Safety

374.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or vulnerable adult investigation. These are covered in the Child Abuse and Adult Abuse.

374.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Metro Transit Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

374.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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374.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the county social services agency, if appropriate.

(e) Notify the field supervisor or Shift Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

374.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

374.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting employee will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting employee should document the following information about the dependent adult:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

374.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

374.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service entity to determine whether protective custody is appropriate (Minn. Stat. § 260C.007; Minn. Stat. § 260C.175).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

374.5 TRAINING

The Training Coordinator is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Service Animals

376.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

376.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Minn. Stat. § 363A.19 (c)).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

376.2 POLICY

It is the policy of the Metro Transit Police Department to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to any person who is training a service dog (Minn. Stat. § 256C.02).

376.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Metro Transit Police Department affords to all members of the public (28 CFR 35.136; Minn. Stat. § 256C.02; Minn. Stat. § 363A.19).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.

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- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

376.4 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

376.5 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b); 28 CFR 35.139).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

376.6 COMPLAINTS

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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Native American Graves Protection and Repatriation

380.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

380.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

380.2 POLICY

It is the policy of the Metro Transit Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects,

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sacred objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

380.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - State archaeologist (Minn. Stat. § 307.08, Subd. 7)
- Tribal land - Responsible Indian tribal official

380.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

380.5 BURIAL GROUNDS

All human burials, human remains and human burial grounds shall be afforded equal treatment and respect for human dignity, regardless of ethnic origins, cultural backgrounds or religious affiliations (Minn. Stat. § 307.08, Subd. 1).

This department shall cooperate with other government agencies, the Minnesota Office of the State Archaeologist and the Minnesota Indian Affairs Council to carry out any provisions of state law (Minn. Stat. § 307.08, Subd. 9).

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Off-Duty Law Enforcement Actions

382.1 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 Metro Transit Police Department with respect taking law enforcement action while off-duty.

382.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any licensed member of this department who becomes aware of an incident or circumstance that the member reasonably believes would justify the use of deadly force or result in significant property damage may take reasonable action to minimize or eliminate the threat. See the Use of Force Policy for additional guidance.

382.3 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.

382.4 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.

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(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.

382.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if reasonably possible.

Whenever reasonably practicable, the officer should loudly and repeatedly identify him/herself as an Metro Transit Police Department officer until acknowledged. Official identification should also be displayed.

382.4.2 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.

382.4.3 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.

382.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

382.5 REPORTING

As soon as practicable following any off-duty law enforcement action (whether or not force was used), the officer must notify the Shift Supervisor who will 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.

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Department Use of Social Media

383.1 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).

383.1.1 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.

383.2 POLICY

The Metro Transit 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.

383.3 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.

383.4 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:

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(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.

383.4.1 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.

383.5 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 Metro Transit 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.

383.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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383.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

383.7 RETENTION OF RECORDS

The Administration Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

383.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Community Relations

384.1 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, including the:

- Hate or Prejudice Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

384.2 POLICY

It is the policy of the Metro Transit 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.

384.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).

(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 relations coordinator 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 or Transit Control Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Transit Control Center of their location and status during the foot patrol.

384.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. 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.

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(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) 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 the Patrol Division Commander 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) Attending Metropolitan Area council and other community meetings to obtain information on community relations needs.

(h) 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.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

384.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Department

(b) Overall competence of department members

(c) Attitude and behavior of department members

(d) Level of community trust in the Department

(e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

384.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator 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:

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(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood Watch and crime prevention programs.

384.7 INFORMATION SHARING

The community relations coordinator 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.

384.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator 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) Presentations to driver education classes.

(d) Instruction in schools.

(e) Department ride-alongs (see the Ride-Along Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Department.

(h) 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.

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384.9 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.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

384.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee 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 committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the Department to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the Department and the community.

(d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Manager should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

384.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the Prosecuting Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

384.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community

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advisory committee to identify information that may increase transparency regarding department operations.

384.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(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.

384.12.1 STATE-MANDATED TRAINING

The Training Manager is responsible for ensuring that members receive community policing as required by Minn. Stat. § 626.8455.

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Predatory Offender Registration and Community Notification

385.1 PURPOSE AND SCOPE

This policy establishes guidelines by which MTPD will address issues associated with certain offenders who are required to register with the Department of Public Safety Predatory Offender Unit, in accordance with Minn. Stat. § 243.166, 243.167, 244.10, 244.052, 244.053 and Minn. Stat. Chapter 13.

385.2 POLICY

This department does not have primary jurisdiction over any individual place of residence.

This department will direct predatory offenders seeking to register their place of residence with this department, to the agency which has primary jurisdiction over the offender's address.

If an officer establishes that a predatory offender has failed to register as required, the offender will be taken into custody and the agency with primary jurisdiction will be notified.

385.3 DISCLOSURE TO A WELFARE AGENCY

Upon request, members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Chapter 260E (Minn. Stat. § 243.166).

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-organization cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Metro Transit, respond to calls for assistance, act as a deterrent to crime, enforce state, local and, when authorized or empowered by agreement or statute, federal laws and respond to emergencies 24 hours per day, seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities, such as inspecting Metropolitan Council and Metro Transit property as well as community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol Division and other divisions within the Department, as well as other government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

(i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Metro Transit 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 Division Supervisor in a timely fashion.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organization cooperation and information flow between the various commands of the Metro Transit Police Department.

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate unit for retention or follow-up investigation.

400.2.2 PATROL BRIEFINGS

Patrol supervisors, investigative supervisors/officers and special unit supervisors/officers 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 or via electronic mail.

400.2.3 INFORMATION CLIPBOARDS / BOOKS

Several information clipboards and/or books will be maintained in the roll call room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol briefing clipboard, the roll call sheet book and the written directive/ administrative announcement clipboard.

400.2.4 BULLETIN BOARDS / INTERNAL WEBSITE

A bulletin board may be kept in the roll call room for display of suspect information, investigative reports and photographs. Roll Call Sheets and other information can also be found on the Department's internal website. Members of the Department can go to: http://metnet/mt/pd/SitePages/Home.aspx to be re-directed to the internal website. New Interim Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Interim Directive will be placed on the briefing room clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

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Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Impartial Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Metro Transit Police Department's commitment to policing that is fair, ethical and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.2 DEFINITIONS

Definitions related to this policy include:

Bias-influenced policing or improper profiling - means inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

Racial profiling - any action iniated by law enforcement that relies upon the race, ethnicity, or naional origin of an individual rather than:

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

This also includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject (Minn. Stat. § 626.8471, Subd. 2).

402.3 POLICY

The Metro Transit Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group (Minn. Stat. § 626.8471, Subd. 3).

402.4 BIAS-INFLUENCED POLICING PROHIBITED

Bias-influenced policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

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402.5 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-influenced policing to a supervisor. A supervisor who receives a report of bias-based policing, shall inform the Chief of Police as soon as practicable and the department may, if warranted, initiate an internal investigation into the alleged conduct.

Members should, when reasonable to do so, intervene to prevent any bias-influenced actions by another member.

402.5.1 REASON FOR CONTACT

Pedestrian or vehicle stops, detentions, arrests, searches, and property seizures by peace officers shall be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution.

Peace officers must be able to articulate specific facts, circumstances, and conclusions that support reasonable suspicion or probable cause when conducting investigations or other law related functions, independent of any protected characteristic of the individual, as defined in 402.1.1.

To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

To prevent the perception of bias, when interacting with suspects, victims, or other members of the community, officers shall:

1. Be respectful and professional.
2. Introduce or identify themselves to the person contacted and state the reason for the contact as soon as practicable unless providing the information could compromise officer or public safety.
3. Ensure detentions are compliant with state and federal law.
4. Attempt to answer questions the person contacted may have regarding the contact, including relevant referrals to other agencies when appropriate.
5. Explain the basis and reason for the contact, especially when reasonable suspicion does not result in a finding of criminal or unlawful behavior/conduct.
6. Provide their last name or badge number when requested.
7. When requested, should inform a member of the public of the process to file a misconduct complaint for bias- policing against a member of the, and that bias-policing complaints may be made by calling the Attorney General's office (Minn. Stat. § 626.9514).

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402.6 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

1. Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.
    1. Supervisors should document these discussions in the prescribed manner.
2. Supervisors should periodically review Mobile Audio Video (MAV) recordings, body-worn camera (BWC) media, Mobile Digital Computer (MDC) data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
    (a) Supervisors should document these periodic reviews.
    (b) Recordings or data that capture a potential instance of bias-influenced policing should be appropriately retained for administrative investigation purposes.
3. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
4. Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-influenced policing.

402.7 ADMINISTRATION

The Patrol Division Captain should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The report should also include a documented review of department activities with potential for bias. This may include traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. The annual report should not contain any identifying information about any specific complaint, member of the public, or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

402.8 TRAINING

Training on fair, ethical and objective policing shall be conducted initially and annually:

It shall include:

1. Explicit and implicit biases.
2. Avoiding improper profiling.
3. A review of this policy and the Codes of Ethics.

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402.8.1 ADDITIONAL TRAINING REQUIREMENTS

The Training Manager should ensure that Board of Peace Officer Standards and Training (POST) approved in-service training is provided to officers on recognizing and valuing community diversity and cultural differences, including implicit bias, as required by Minn. Stat. § 626.8469, Subd. 1.

The Chief of Police and supervisors should receive and review training materials prepared by POST on how to detect and respond to racial profiling (Minn. Stat. § 626.8471, Subd. 7). Sustained violations of this policy must be reported to the POST Board and will result in remedial training and/or disciplinary action up to and including termination.

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Roll Call Training

404.1 PURPOSE AND SCOPE

Roll Call training is generally conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call. However, officers may conduct Roll Call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Notifying officers of new Interim Directives or changes in Interim Directives.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

404.2 PREPARATION OF MATERIALS

The supervisor conducting Roll Call, or the officer if the supervisor is unable to participate in a group briefing session, is responsible for collection and preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

404.3 RETENTION OF BRIEFING TRAINING RECORDS

Roll Call training materials and a curriculum or summary shall be forwarded to the Training Coordinator for inclusion in training records as appropriate.

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Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the Metro Transit 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.

406.3 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.

406.4 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.

406.5 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

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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.

406.5.1 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.

406.6 EXECUTION OF HEALTH ORDERS

Any licensed member of this department may assist in the enforcement of all directives of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Minn. Stat. § 144.4195, Subd. 2(c)).

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Ride-Along Policy

410.1 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.

410.1.1 ELIGIBILITY

The Metro Transit Police Department Ride-Along Program is offered to residents, students and those employed within the Metropolitan Council / Metro Transit. Every reasonable attempt will be made to accommodate interested persons. Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by Chief of Police or designee.

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week. The ride-along times are from 8:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Deputy Chief of Police, Patrol Captain or Shift Supervisor.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Ride-along requests will be submitted to the Chief of Police or their designee for approval.

Prior to being scheduled, the participant will complete the MTPD Ride Along Request Form and submit a copy of their driver's license or similar government issued photo identification for identity verification. A background that includes a criminal history and records check will be completed, and the Shift Supervisor or their designee who is scheduling the ride along will be notified of its completion.

If approved, the Shift Supervisor will schedule a date, based on availability, sometime after the date of application.

If the ride-along is denied, a representative of the Department will contact the applicant and advise them of the denial.

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410.2.1 PROGRAM REQUIREMENTS
Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: chaplains, police applicants and all others with approval of the Shift Supervisor.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for CSO's are covered in Policy Manual § 1048, "Community Service Officers."

410.2.2 SUITABLE ATTIRE
Any person approved to ride-along is required to be suitably dressed. Sandals, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Supervisor or field supervisor may refuse a ride-along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Shift Supervisor. 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 or as directed by an on-duty member.

410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Minnesota Bureau of Criminal Apprehension Criminal History System check prior to approval (provided that the ride-along is not an employee of the).

410.3 OFFICER'S RESPONSIBILITIES
The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Shift Supervisor.

The Shift Supervisor is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Shift Supervisor with any comments that may be offered by the officer.

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410.4 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, for any reason, and the officer will return the observer to his/her home or to the station.

(d) The officer may terminate the ride-along at any time, for any reason, and return the observer to their home or to the station

(e) The ride-along will not interfere with the performance of any officer's duties; doing so may be cause for termination of the ride-along

(f) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(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.

(h) 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.

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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to members as a result of their exposure. To comply with Minnesota law, the following represents the policy of this department.

412.2 DEFINITIONS

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.

412.3 POLICY

It is the policy of the Metro Transit Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

412.4 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When members 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 they are 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).

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(f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area are established.

412.5 REPORTING EXPOSURE(S)

Department members 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 member and forwarded through the chain of command to their Division Commander. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the documentation required.

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.

412.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, they shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.

412.6 TRAINING

The Training Manager should ensure initial and annual refresher training in hazardous material awareness is provided to members who may encounter an emergency involving hazardous materials in the course of their duties.

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Hostage and Barricade Incidents

414.1 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.

414.1.1 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.

414.2 POLICY

It is the policy of the Metro Transit 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.

414.3 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.

414.3.1 EMERGENCY COMMUNICATION

A supervisor with probable cause to believe that a person is being unlawfully confined may order a telephone company to cut, reroute, or divert telephone lines for the purpose of establishing and controlling communications with a suspect (Minn. Stat. § 609.774).

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414.4 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.

414.4.1 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:

- Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- Provide responding emergency personnel with a safe arrival route to the location.
- Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- 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.
- Establish an inner and outer perimeter as circumstances require and resources 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 (e.g., command staff and the Public Information Officer etc).

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- If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- Establish a command post.

414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- Provide responding emergency personnel with a safe arrival route to the location.
- Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- Coordinate pursuit or surveillance vehicles and control of travel routes.
- Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- Determine the need for and notify the appropriate persons within and outside the Department, such as command staff and the Public Information Officer.

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- If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 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 tactical response if appropriate and apprising the Tactical Team 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) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the Metropolitan Area during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Transit Control Center.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

414.6 CRISIS RESPONSE UNIT

It will be the Incident Commander's decision, with input from the Emergency Response Unit / Tactical Team Commander, whether to deploy the Unit / Team during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Unit / Team Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the Unit / Team. The Incident Commander and the Unit / Team Commander or the authorized designee shall maintain communications at all times.

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414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Metro Transit 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.

416.2 POLICY

It is the policy of the Metro Transit Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Supervisor is immediately advised and informed of the details. This will enable the Shift Supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

416.4.1 METRO TRANSIT POLICE DEPARTMENT FACILITY

If the bomb threat is against the Metro Transit Police Department facility, the Shift 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.

416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Metro Transit 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 Shift Supervisor deems appropriate.

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416.4.3 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.

416.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a Metropolitan Council / Metro Transit location, 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 Shift Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

416.5.1 ASSISTANCE

The Shift Supervisor should be notified when police assistance is requested. The Shift 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 Shift Supervisor determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

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(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

416.6 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 Shift Supervisor including:

1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

416.7 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.

416.7.1 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.

416.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Shift Supervisor
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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416.7.3 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.

416.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift 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.

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Civil Commitments

418.1 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.051).

418.2 POLICY

It is the policy of the Metro Transit Police Department to protect the public and individuals through legal and appropriate use of the 72-hour hold process.

418.3 AUTHORITY

An officer, having probable cause to believe that any individual because of mental illness, chemical dependency, or public intoxication is in danger of injuring him/herself or others if not immediately detained, may take, or cause to be taken, the individual to an appropriate treatment facility for a 72-hour evaluation (Minn. Stat. § 253B.051, Subd. 1).

The officer shall make written application for admission of the individual to an appropriate treatment facility. The application shall contain the officer's reasons for and circumstances under which the individual was taken into custody. If danger to specific individuals is a basis for the requested emergency hold, the statement must include identifying information for those individuals to the extent reasonably practicable. 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.051, Subd. 1).

418.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 72-hour hold, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to the Minnesota Commitment and Treatment Act.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the application for a 72-hour hold, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

418.4 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.

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(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

418.5 TRANSPORTATION

When transporting any individual for a 72-hour hold, the transporting officer should have Transit Control Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Supervisor approval is required before transport commences.

418.5.1 TYPE OF TRANSPORTATION

When transporting any individual on a Minn. Stat. § 253B.051 admission, and if reasonably practicable, officers should not be in uniform and should not use a vehicle visibly marked as a law enforcement vehicle (Minn. Stat. § 253B.051, Subd. 1(e)).

418.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 72-hour hold and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

418.7 DOCUMENTATION

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for purposes of a 72-hour hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

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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 instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

418.9 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.

418.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, 72-hour holds and crisis intervention.

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Cite and Release Policy

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Metro Transit 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.

420.2 POLICY

The Metro Transit 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.

420.3 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.

420.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

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(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.

420.5 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.

420.6 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).

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Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Metro Transit Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY

The Metro Transit 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.

422.3 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.

422.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(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.

422.5 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.

422.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

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(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

424.2 POLICY

The Metro Transit 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.

424.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

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(g) The availability of rifles, 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).

424.4 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.

424.5 PLANNING

A Patrol Division Commander or designee should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

424.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

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(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Metro Transit Police Department to ensure equal enforcement of the law and equal service to all persons regardless of their immigration status. The immigration status of an individual alone is generally not a matter for action by this department.

428.2 POLICY

It is the policy of the Metro Transit 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 national origin or immigration status.

The Metro Transit Police Department is concerned for the safety of the public and thus detection of criminal activity is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, culture, group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of enforcement service or the enforcement of the law (Minn. Stat. §626.8471, Subd.3).

Metro Transit police officers and staff shall not undertake any law enforcement action for the sole purpose of detecting the presence of an undocumented person or persons or to verify immigration status, including but not limited to questioning any person or persons about their immigration status. Metro Transit police officers and staff shall not question or detain any person for violations of federal civil immigration laws except when immigration status is an element of the crime or when enforcing 8 USC § 1324c.

428.3 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 lead to immigration inquiry. While it may be necessary to determine the identity of a victim or witness, Department 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.

428.4 ENFORCEMENT

The Metro Transit Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented persons. The Metro Transit Police Department does not participate in ICE or other immigration related sweeps or concentrated efforts to detain suspected undocumented persons.

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Unless immigration status is relevant to another criminal offense or investigation (e.g., human trafficking, smuggling, terrorism), the fact that an individual is suspected of being an undocumented person shall not be the sole basis for contact, detention or arrest.

428.4.1 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 a 287(g) certified officer)

(b) Immigration and Customs Enforcement (ICE)

(c) U.S. Customs and Border Protection (CBP).

428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

An officer will not notify ICE when booking arrestees at the county jail.

428.6 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, for assistance from this department should be directed to the Chief of Police. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies if approved by the Chief of Police. The Chief of Police need not be consulted in the event of exigent circumstances such as an imminent loss of life and/or officer safety concerns.

428.7 INFORMATION SHARING

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (8 USC § 1373).

428.8 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 Division supervisor assigned to oversee the handling of any related case. The Investigation Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

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(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

428.9 TRAINING

The Training Manager shall ensure that all appropriate members receive immigration training.

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Criminal Conduct on School Buses

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers guidance in responding to and investigating reports of alleged criminal conduct on school buses. This department, in cooperation with any other law enforcement agency that may have concurrent jurisdiction, is responsible for responding to all reports of criminal misconduct on school buses in this jurisdiction.

This policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses (Minn. Stat. § 169.4581).

429.2 POLICY

Where reports of criminal conduct on school buses are received by the Transit Control Center, they will be referred to the local law enforcement agency with primary jurisdiction over the alleged offense and MTPD may provide assistance to that agency, if requested.

The Metro Transit 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

If the assistance of MTPD is requested by the agency with primary jurisdiction, MTPD officers should take reasonable actions to complete the following:

(a) Provide for the safety of any person involved in the incident or present at the incident.

(b) Coordinate any appropriate care.

(c) Investigate reports of crimes committed on school buses using the same procedures as followed in other criminal investigations as appropriate for juveniles and/or adults.

(d) Issue citations, release pending further investigation, or apprehend and transport individuals committing crimes on school buses to the extent authorized by law.

(e) Submit reports regarding the incident for review, approval and consideration for prosecution.

(f) Complete follow-up and additional investigation as reasonably necessary to prepare a case pertaining to criminal conduct on school buses as required for prosecution.

(g) Provide information to the relevant school regarding the incident as required or authorized by law.

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Emergency Utility Service

430.1 PURPOSE AND SCOPE

The local jurisdiction's Public Works Department and Metro Transit have personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

Regardless of what the break or malfunction is (e.g. water line, electrical line, traffic signal etc), if it belongs to a local jurisdiction, that jurisdiction shall be notified. If the break or malfunction belongs to the Metropolitan Council / Metro Transit, the proper owner shall be notified. Upon the officer notifying the TCC of the break and/or malfunction, TCC will make the necessary notifications on behalf of the officer.

430.1.1 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for Metropolitan Council / Metro Transit emergencies will be maintained by the Transit Control Center.

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Patrol Rifles

433.1 PURPOSE AND SCOPE

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

433.2 PATROL RIFLE

433.2.1 DEFINITION

Patrol Rifle - An authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the Department armorer.

433.3 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 and/or Bushmaster M4.

433.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Armorer or armorer, who shall inspect and service each patrol rifle on an annual basis.

(b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.

(c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor, the Armorer or armorer.

(d) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.

(e) Each patrol rifle shall be subject to inspection by a supervisor, the Armorer or armorer at any time.

(f) No modification shall be made to any patrol rifle without prior written authorization from the Armorer or armorer.

433.5 TRAINING

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

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Any officer who fails to qualify or who fails to successfully complete a Department-sanctioned training/qualification session within a calendar year will no longer be authorized to carry the patrol rifle without successfully passing remedial training and qualification.

433.6 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.

(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.

433.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Use of Force Policy and the Shooting Policy.

433.8 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 at the start of their shift and the following conditions are met:

(a) The fire selector switch is in the safe position.

(b) The chamber is empty.

(c) The bolt is forward.

(d) A 20 or 30 round magazine (loaded with 18 or 28 rounds) is inserted into the magazine well.

(e) The dust cover is closed.

433.9 RIFLE STORAGE

(a) When not in use or assigned to a squad, patrol rifles will be stored in the Department armory.

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(b) The last three digits of the assigned patrol rifle serial number will be recorded on the Daliy Activity Log.

(c) In-service patrol rifles should be secured in the vehicle gun lock or cased in the trunk if a gun lock is not available.

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Field Training Program

435.1 PURPOSE AND SCOPE

This policy provides guidelines for field training and evaluation to ensure a standardized and consistent approach to training entry level and lateral officers, through the department's Field Training Program.

The Field Training Program facilitates a transition from the academic setting to the actual performance of general law enforcement duties and introduces the policies, procedures, and operations of the Metro Transit Police Department.

This policy addresses the administration of the Field Training Program and includes the selection, supervision, training, and responsibilities of those administering it.

435.2 DEFINITIONS

Academy Officer (AO) - an entry level or lateral policeofficer newly appointed to the Metro Transit Police Department who is actively engaged in the MTPD Academy and possesses a Minnesota POST license or is eligible to be licensed.

Recruit Officer (RO) - an officer currently engaged in the MTPD Field Training Program.

Field Training Program (FTP) - the required program Recruit Officers must complete prior to being able to work without a Field Training Officer.

Field Training Officer (FTO) - an officer dedicated to the field training of entry level or newly appointed lateral officers.

435.3 POLICY

It is the policy of the Metro Transit Police Department that all newly hired or appointed officer will participate in the MTPD Field Training Program that is coordinated by the Professional Standards and Training Division and delivered by Field Training Officers.

435.4 REQUIRED TRAINING

Entry-level officers shall be required to successfully complete the MTPD Field Training Program, which consists of a minimum of 160 hours training. It should be conducted on at least two different shifts, with at least two different FTOs, if reasonably possible..

The training period for lateral officers may be modified depending on the officer's demonstrated performance and level of experience.

435.4.1 FIELD TRAINING GUIDE

Each new officer will be issued a Field Training Guide at the beginning of the MTPD Academy. This guide is an outline of the subject matter and skills necessary to properly function as an officer with the Metro Transit Police Department. The officer shall become knowledgeable of the subject matter as outlined. They shall also become proficient with those skills as set forth in the Guide.

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The Field Training Guide will specifically cover those policies, procedures, rules, and regulations enacted by the Metro Transit Police Department and include standardized guidelines used by FTOs to evaluate a new officer's performance.

435.5 FIELD TRAINING OFFICER PROGRAM COORDINATOR

The Field Training Officer Program Coordinator will be selected by the Field Training Program Manager or designee.

The responsibilities of the FTO Program Coordinator include the following:

(a) Assignment of ROs to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure the FTO/RO performance evaluations are completed.

(d) Maintain, update and issue the Field Training Guide to each officer.

(e) Monitor the individual performance of FTOs.

(f) Monitor the FTP and report any issues to the FTP Manager.

(g) Maintain liaison with the FTO coordinators of other agencies.

(h) Maintain liaison with academy staff on RO performance during the academy.

(i) Develop and provide ongoing FTO training.

(j) Provide written confirmation that the FTP has been successfully completed to RO's and the Patrol Division Commander.

The FTO Program Coordinator will be required to obtain a Field Training Officer Supervisory certificate from a Minnesota POST Board-approved course within one year of appointment to this position.

435.6 FIELD TRAINING OFFICERS

Field Training Officers are officers selected by the department to provide field training and evaluation of entry level and lateral police officers in the practical application of their previously acquired knowledge and skills.

435.6.1 SELECTION PROCESS

Field Training Officers will be selected based on the following requirements:

(a) Submission of a letter of interest to the Field Training Program Manager.

(b) Minimum of one year of patrol experience at this department.

(c) Demonstrated ability to act as a positive role model.

(d) Suitability assessment by the FTO Program Coordinator and FTO Program Manager.

435.7 EVALUATIONS

Evaluations are an important component of the training process and shall be completed by the Field Training Officer as follows:

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(a) Daily submission of a written evaluation on the performance of the assigned RO to the FTO Program Coordinator.

(b) Daily review of the performance evaluations with the assigned RO.

(c) Completion of a detailed end-of-phase performance evaluation on the assigned RO at the end of each phase of training.

(d) Signing off on all completed topics contained in the Field Training Guide, noting the method of learning and evaluating the performance of the assigned trainee.

435.8 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 Performance Evaluations.

(b) End of phase evaluations.

(c) Confirmation of successful completion of the FTP.

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Obtaining Air Support

437.1 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.

437.2 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.

437.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Shift Supervisor or designee will call the closest agency having air support available. The Shift Supervisor will apprise that agency of the specific details of the incident prompting the request.

437.2.2 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 Shift Supervisor or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

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Contacts and Temporary Detentions

439.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

439.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Video Recorder (MVR) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the [officer_deputy], the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

439.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer’s suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Metro Transit Police Department to strengthen community involvement, community awareness, and problem identification.

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439.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

439.3 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

439.4 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

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439.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should note in a report that the subject consented to the photograph being taken.

439.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

439.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Supervisor with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Supervisor should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift Supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

439.4.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken. Field photographs shall be classified as law enforcement data under Minn. Stat. § 13.82, and shall be collected, maintained,

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and disseminated consistent with the Minnesota Government Data Practices Act. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

439.5 POLICY

The Metro Transit Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

439.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

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

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if reasonably available, prior to transport.

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Photography of Metropolitan Council / Metro Transit Property

440.1 PURPOSE AND SCOPE

The Metropolitan Council / Metro Transit (herein referred to as "Council") has security and public relations interests in persons wishing to take photographic or video images on, in or of Council property, vehicles and/or employees. Although in most cases there is no particular harm involved in taking photographic or video images on, in or of Council property, vehicles or employees, intelligence indicates that persons who wish to target particular locations for terrorist purposes are likely to use photography as part of their pre-attack surveillance and planning. As such, the Council has not only an obligation to protect its customers, employees, property and to deter and prevent terrorism, but also an inherent responsibility to regulate photography on, in or of Council property, vehicles and employees.

440.2 POLICY

In order to provide the highest level of security to its customers and employees, the Council requires that any person on or in Council property or vehicles taking non-commercial/personal use photographic or video images, including but not limited to, film, digital or video recording (hereinafter referred to as "pictures") of Council property, vehicles and/or employees, must provide proper identification upon request of a Metro Transit Police officer.

Any person observed taking pictures on, in or of Council property, vehicles and/or employees who refuses to provide proper identification to a Metro Transit Police officer or other Council official upon request; or any person observed taking pictures on, in or of a restricted area (i.e. an area not open to the public) will be directed to stop taking pictures and will be subject to additional law enforcement action as appropriate.

Any person wishing to take pictures for any type of commercial purpose or use (e.g. movies, commercials, trade publications etc.) must first obtain permission from the Council Marketing Department.

440.3 TYPES OF PHOTOGRAPHY

Photography of Council property will typically fall into one of the following three categories:

(a) Non-Commercial / Personal Use Photography

1. No permission is required for non-commercial / personal use pictures taken in public areas. However, any person taking pictures on, in or of Council property, vehicles and/or employees must provide proper identification (preferably in the label of state issued identification) upon request of a Metro Transit Police officer or other Council official. The Metro Transit Police officer or Council official may allow the person to take pictures at the specific location under the following conditions:

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(a) The person provides proper identification.

(b) The circumstances indicate that the subject(s) of the picture(s) does/do not pose a security or safety threat or in any way cause disruption of service or operations of the Council; and

(c) The picture(s) is/are for personal or educational use only (e.g. tourist, railroad buff, student, artist etc).

2. Non-commercial / personal use photographers are prohibited from using tripods, monopods, wiring or any like equipment that may have an impact on the safety of customers and/or employees and are prohibited from interfering with the free flow of passengers or disrupting service in any manner.

(b) Commercial Photography

(a) Any person wishing to take pictures for any type of commercial purpose or use must first obtain permission from the Metropolitan Council / Metro Transit Marketing Department located at: 560 6th Ave N in the City of Minneapolis, Minnesota 55411 or by calling (612) 349-7525. If permission is granted, it will be valid for a specific location, date and time.

(c) News Media Photography

(a) News media photographers shall display their Press credentials and will be allowed to take pictures in the public areas on, in or of Council property, vehicles and/or employees so long as they do not interfere with the free flow of passengers or disrupt service in any manner.

(b) News media photographers are requested to make prior notification to the Metropolitan Council / Metro Transit - Public Information Officer at (612) 373-3333 and to the Metro Transit Police Department at (612) 349-7200.

(c) News media photographers are not allowed inside any crime or incident scene without the permission of, and an escort provided by, the on-scene Metro Transit Police Incident Commander or their designee.

440.4 DOCUMENTING PHOTOGRAPHY INCIDENTS

All Metro Transit Police officers operating within the scope of this policy will document all incidents on the appropriate Metro Transit Police report label(s) and/or records management system. Officers may refer to the Report Preparation Policy if further information is needed.

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Criminal Gangs

441.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Metro Transit Police Department appropriately utilizes criminal intelligence systems and temporary information filesto support investigations of criminal organizations and enterprises.

441.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

441.2 POLICY

The Metro Transit Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

441.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

441.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance

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with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

441.3.2 ENTRIES INTO CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

It is the designated supervisor's responsibility to approve the entry of any information into the criminal gang investigative data system maintained by the Minnesota Bureau of Criminal Apprehension and authorized by Minn. Stat. § 299C.091. Entries may be made if the individual is 14 years of age or older and the Department documents the following:

(a) The Department has reasonable suspicion to believe that the individual has met at least three of the criteria or identifying characteristics of gang membership, developed by the Violent Crime Coordinating Council.

(b) The individual has been convicted of a gross misdemeanor or felony, or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult.

441.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

441.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Property and Evidence Office, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, Transit Control Center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

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(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

441.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

441.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

441.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

441.7 CRIMINAL STREET GANGS

The Investigation Division supervisor should ensure that there are an appropriate number of department members who can:

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(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

441.8 TRAINING

The Training Manager should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multi-agency criminal intelligence system.

(c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Shift Supervisors

447.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

447.2 DESIGNATION AS ACTING SHIFT SUPERVISOR

When a Lieutenant is unavailable for duty as Shift Supervisor, in most instances the senior qualified sergeant shall be designated as acting Shift Supervisor. This policy does not preclude designating a less senior sergeant as an acting Shift Supervisor when operational needs require or training permits.

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Mobile Video Recorders

445.1 PURPOSE AND SCOPE

The Metro Transit Police Department has equipped most marked patrol cars with Mobile Video Recording (MVR) systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

445.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Video Recorder (MVR) - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder, and monitor.

Law Enforcement Operator (LEO) - Primarily a licensed peace officer but on occasion may be a non-licensed representative of the Department who is authorized and assigned to operate MVR-equipped vehicles to the extent consistent with Minn. Stat. § 169.98.

MGDPA - The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

MVR technician - Personnel certified or trained in the operational use and repair of MVRs, duplicating methods and storage and retrieval methods, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

445.2 POLICY

It is the goal of the Metro Transit Police Department to use mobile video recorder (MVR) technology to more effectively fulfill the mission of the Department and to ensure these systems are used securely and efficiently.

445.3 OFFICER RESPONSIBILITIES

Prior to going into service each officer will properly equip themself to record audio and video in the field. At the end of the shift each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Metro Transit Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MVR system operation in accordance with manufacturer specifications and department operating procedures and training.

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System documentation is accomplished by the officer recording their name, serial number, badge or personal identification number (PIN), and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

445.4 ACTIVATION OF THE MVR

The MVR system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is 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.

445.4.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The MVR system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:
    1. Traffic stops (to include but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops)
    2. Priority responses
    3. Vehicle pursuits
    4. Suspicious vehicles
    5. Arrests
    6. Vehicle searches
    7. Physical or verbal confrontations or use of force
    8. Prisoner transports
    9. Non-custody transports
    10. Pedestrian checks
    11. Driving While Intoxicated (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

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(b) All self-initiated activity in which an officer would normally notify Transit Control Center

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, including:

1. Domestic abuse
2. Disturbance of the peace
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 other circumstance where the officer believes that a recording of an incident would be appropriate

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.

445.4.2 CESSATION OF RECORDING

Once activated the MVR system should remain on 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 an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

445.4.3 SURREPTITIOUS RECORDING

No member of this department may surreptitiously use Metropolitan Area equipment to record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

445.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Transit Control Center.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MVR system media.
2. The date the media was issued.
3. The name of the department member or the vehicle to which the media was issued.
4. The date the media was submitted.
5. The name of the department member submitting the media.

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6. Holds for evidence indication and tagging as required.

(c) The operation of MVR systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved traffic collisions), a supervisor shall respond to the scene and ensure that the appropriate person properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MVR system remotely to monitor a developing situation such as a chase, riot, or an event that may threaten public safety, officer safety, or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MVR system for the purpose of monitoring the conversations or actions of an officer.

445.5 REVIEW OF MVR RECORDINGS

All recording media, recorded images, and audio recordings are the property of the Department and subject to the provisions of the MGDPA. Dissemination outside of the Department is strictly prohibited except to the extent permitted or required under the MGDPA, 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 Department, MVR technician, or forensic media staff. When reasonably possible a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations.

(a) By officers for use when preparing reports or statements

(b) By a supervisor investigating a specific act of officer conduct

(c) By a supervisor to conduct documented reviews of their subordinate's MVR media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review MVR media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.

(d) To assess proper functioning of MVR systems

(e) By department investigators who are participating in an official investigation such as a personnel complaint, administrative inquiry, or a criminal investigation

(f) By department personnel who request to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to their employment

(h) By court personnel through proper process or with the permission of the Chief of Police or the authorized designee

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(i) By the media through proper process or with an MGDPA request (Minn. Stat. § 13.01 et seq.)

(j) To assess possible training value

(k) Recordings may be shown for staff or public safety training purposes. If an involved officer objects to showing a recording, their objection will be submitted to the command staff to determine if the training value outweighs the officer's objection

(l) As may be directed by the Chief of Police or the authorized designee

Members desiring to view any previously uploaded or archived MVR recording should submit a request in writing to the Shift Supervisor. Approved requests should be forwarded to the MVR technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

445.6 DOCUMENTING MVR USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the records copy of the citation indicating that the incident was recorded.

445.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage all recording media will be labeled and stored in a designated secure area. All recording media that is not booked in as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

445.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

445.7.2 MVR RECORDINGS AS EVIDENCE

Officers who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer, or against the Metro Transit Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

445.7.3 CLASSIFICATIONS AND RETENTION SCHEDULE

CLASSIFICATION	DEFINITION	RETENTION
Academy	For use by Recruit Academy staff and recruits only.	1 year

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Administrative Hold	Data related to an Internal Affairs investigation.	7 years
Arrest/Investigative/Evidence	Data related to an in-custody arrest, citation, investigation, or evidence thereof.	7 years
Call for Service/Citizen Contact	Data related to a general call for service or community contact of interest.	2 years
Critical Incident	Data related to a critical incident as defined in MTPD Policy 310.	7 years
Death Investigation/CSC Investigation	Data related to any investigation involving a homicide or criminal sexual conduct.	Until manually deleted
Motor Vehicle Flight/Use of Force	Data related to a motor vehicle pursuit or officer use of force as defined in MTPD Policies 300, 306, 308, and/or 309.	7 years
Test/Accidental/Non-Evidentiary	Data that is a test, accidental, or has no evidentiary value.	90 days
Traffic/Accident Investigation	Data related to a traffic stop or crash investigation.	7 years

445.8 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) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MVR transmitters.

(e) Officers using digital transmitters that are 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 inside MVR equipped law enforcement vehicles in order to minimize the possibility of causing electronic or noise interference with the MVR system.

(g) Officers shall not erase, alter, reuse, modify, or tamper with MVR recordings. Only a supervisor, MVR technician, or other approved designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

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(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician or forensic media staff.

445.9 MANAGEMENT OF MVR DATA

The MVR technician is responsible for:

(a) Ordering, issuing, retrieving, storingand duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected the MVR technician:

1. Ensures it is stored in a secured location with authorized controlled access.
2. Makes appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

445.10 TRAINING

All members who are authorized to use the MVR systems shall successfully complete an approved course of instruction prior to its use.

445.11 ANNUAL PROGRAM REVIEW

An annual administrative review of the MVR program should be completed and provided to the Chief of Police for review.

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Mobile Digital Computer Use

447.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Digital Computer (MDC) system in order to ensure proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and Transit Control Center. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

447.2 POLICY

Metro Transit 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.

447.3 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).

447.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Supervisors.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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447.4.1 USE WHILE DRIVING
Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

447.5 EQUIPMENT CONSIDERATIONS

447.5.1 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.

447.5.2 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 Transit Control Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

447.6 DOCUMENTATION OF ACTIVITY
Except as otherwise directed by the Shift Supervisor 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.

447.6.1 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.

447.6.2 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

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assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Supervisor 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.

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Bicycle Patrol Unit

450.1 PURPOSE AND SCOPE

The Metro Transit Police Department has established an auxiliary 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.

450.2 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 or the Shift Supervisor.

450.3 SELECTION OF PERSONNEL

Licensed personnel, who are off probation, may submit a letter of interest upon a vacancy being posted. Although typically reserved for officers assigned to either the Minneapolis or St. Paul Beats, interested officers are encouraged to apply. Interested personnel shall be evaluated by the following criteria:

(a) Desire to be a member of the Bicycle Patrol Unit (e.g. submitting a letter of interest).

(b) Recognized competence and ability as evidenced by performance.

(c) Special skills or training as it pertains to the assignment.

(d) Good physical condition.

(e) Willingness to perform duties using the bicycle as a mode of transportation.

(f) Other criteria may be established at the time of the Bicycle Patrol Unit posting.

450.3.1 BICYCLE PATROL UNIT SUPERVISOR

The BPU supervisor will be selected by the Patrol Captain 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) Coordinating activities with the Patrol Division.

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(e) Inspection and documentation that bicycles not in active service are in a serviceable condition.

(f) Other activities as required to maintain the efficient operation of the unit.

450.4 TRAINING

Participants in the program must complete a 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

Bicycle patrol officers may be required to qualify with their duty firearm while wearing bicycle safety equipment, including the helmet and riding gloves.

450.5 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 eye wear 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. The Uniform and Equipment Specifications Manual shall be consulted for specific uniform requirements.

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 labels, citation books and other department equipment needed while on bicycle patrol.

450.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag and accessories.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with either lamps and/or reflectors and 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 and citations.

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Each bicycle gear bag shall include a repair tool and tire tube. Recommended, but optional equipment, include security locks, tire pump and a first aid kit. These items shall remain with/on the bicycle at all times.

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 and overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, the program supervisor shall be notified and they shall arrange for repair by an approved technician.

Each bicycle will have scheduled maintenance performed annually 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.

450.7 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.

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Foot Pursuits

454.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

454.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably based on the totality of the circumstances.

454.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

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(e) Air support.

(f) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

454.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of their own 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 or mental condition of the officer renders them incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with Transit Control Center 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) There are insufficient officers to provide backup or containment.

(j) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(k) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(l) The officer loses possession of their firearm or other essential equipment.

(m) 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.

(n) The suspect's location is no longer known.

(o) 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

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is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(p) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness, or other environmental conditions.

454.5 RESPONSIBILITIES IN FOOT PURSUITS

454.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

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

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Transit Control Center 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.

454.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

454.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and

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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.

454.5.4 TRANSIT CONTROL CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Shift Supervisor as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

454.6 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.

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The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Automated License Plate Readers (ALPR)

456.1 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).

456.2 POLICY

The policy of the Metro Transit 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.

456.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It may be used by the Metro Transit 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 Manager Police Business Systems. The Manager Police Business Systems will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

456.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

1. An ALPR shall only be used for official law enforcement business.
2. 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.
3. 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.
4. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
5. No ALPR operator may access confidential department, state or federal data unless authorized to do so.

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6. The officer shall 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.

456.4.1 RESTRICTIONS, NOTIFICATIONS AND AUDITS

The Metro Transit Police Department will observe the following guidelines regarding ALPR use (Minn. Stat. § 13.824):

1. Data collected by an ALPR will be limited to:
   (a) License plate numbers.
   (b) Date, time and location of data on vehicles.
   (c) Pictures of license plates, vehicles and areas surrounding the vehicle.
2. ALPR data may only be matched with the Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.
3. ALPRs shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.
4. The Bureau of Criminal Apprehension shall be notified within 10 days of any installation or use and of any fixed location of an ALPR.

456.5 DATA COLLECTION AND RETENTION

The Administrative Division Supervisor 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):

1. 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.
2. 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.

456.5.1 LOG OF USE

A public log of ALPR use will be maintained that includes (Minn. Stat. § 13.824):

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1. Specific times of day that the ALPR collected data.
2. The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal public databases with which the data were compared.
3. For each period of active use, the number of vehicles or license plates related to:
   (a) A vehicle or license plate that has been stolen.
   (b) A warrant for the arrest of the owner of the vehicle.
   (c) An owner with a suspended or revoked driver's license or similar category.
   (d) Active investigative data.
4. For an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.

A publicly accessible list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance devices with ALPR capability shall be maintained. The list may be kept from the public if the data is security information as provided in Minn. Stat. § 13.37, Subd. 2.

456.6 ACCOUNTABILITY

All saved data will be closely safeguarded and protected by both procedural and technological means. The Metro Transit Police Department will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. Stat. § 13.05):

1. 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.
2. 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.
3. Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.
4. Breaches of personal data are addressed as set forth in the Protected Information Policy (Minn. Stat. § 13.055).
5. 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.
6. 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).

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456.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures (Minn. Stat. § 13.824):

1. The agency makes a written request for the ALPR data that includes:
    (a) The name of the agency.
    (b) The name of the person requesting.
    (c) The intended purpose of obtaining the information.
    (d) A record of the factual basis for the access and any associated case number, complaint or incident that is the basis for the access.
    (e) A statement that the request is authorized by the head of the requesting law enforcement agency or his/her designee.
2. The request is reviewed by the Administrative Division Supervisor
    (a)
3. The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

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Homeless Persons

460.1 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 Metro Transit Police Department recognizes that members of the homeless community are often in need of special protection and services. The Metro Transit 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.

460.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all Department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:

1. Proper posting of notices of trespass and clean-up operations.
2. Proper retention of property after clean up, to include procedures for owners to reclaim their property in accordance with the Property Procedures Policy and other established procedures.

(e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

460.3 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

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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.

460.3.1 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.

460.4 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 Homeless Liaison Officer. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer.

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Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the Department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

460.5 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.

460.6 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.

460.7 POLICY

It is the policy of the Metro Transit 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.

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Passenger / Customer Eviction

461.1 PURPOSE AND SCOPE

It is the goal of the Metropolitan Council / Metro Transit to provide the Metro Transit passenger a conveyance which is safe, clean and responsive to the passengers riding experience. It is the policy of the Metropolitan Council / Metro Transit to evict passengers from a conveyance when a Metro Transit Police officer or Metro Transit operator has reason to believe that the passenger presents an immediate threat to the peace and/or safety of other passengers and/or the operator.

The purpose of this policy is to provide guidelines for evicting passengers/customers from Metropolitan Council / Metro Transit conveyances/property and to establish reporting requirements for such actions.

461.2 CONSIDERATIONS WHEN EVICTING OR REMOVING PASSENGERS/CUSTOMERS

When considering whether or not to evict/remove a passenger(s) or customer(s), Metro Transit Police officers shall consider the totality of the circumstances presented at the time. These circumstances may include one or more of the following:

(a) The safety of other passengers, the operator, the responding officer, other Metro Transit and/or Metro Transit Police personnel.

(b) The safety of other motorists and/or public.

(c) The preservation of Metropolitan Council / Metro Transit property.

(d) Whether reasonable belief exists that the passenger/customer violated any Minnesota State Statute, law, ordinance, Metropolitan Council / Metro Transit policy or rule.

1. The above includes but is not limited to the interference, interruption, disruption or obstruction by the passenger/customer.

(e) The time of day, location, weather conditions, age of passenger(s), number of passengers and the condition of the passenger(s) at the time of eviction/removal.

(f) Any other factor(s) which reasonably assist Metro Transit Police officers in concluding that the removal or eviction of the passenger(s) is warranted.

461.3 DOCUMENTING AN EVICTION OR REMOVAL

All Metro Transit Police officers operating within the scope of this policy will document all incidents on the appropriate Metro Transit Police report label(s) and/or records management system. Officers may refer to the Report Preparation Policy if further information is needed.

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Fare Inspection and Enforcement

462.1 PURPOSE AND SCOPE

Metro Transit operates an extensive and integrated network of buses, light rail and commuter trains and its policy is to charge reasonable, non-discriminatory fares for all public transportation services operated by the agency.

Metro Transit implemented the Transit Rider Investment Program (TRIP) in 2023, that provides for fare payment inspection, administrative citation issuance, rider education and assistance, improvements to the transit experience and TRIP personnel development.

The purpose of this policy is to provide guidance to Metro Transit Police Department members, as it relates to fare inspection and enforcement under Minnesota law.

462.2 DEFINITIONS

TRIP personnel - means persons specifically authorized by the Metropolitan Council for the Transit Rider Investment Program (TRIP), who are not community service officers or peace officers. They are also referred to as TRIP Agents.

Transit Officials - means TRIP personnel, community service officers, or peace officers (Minn. Stat. 473.4075, Subd.1(b). who are authorized to issue administrative citations to persons who commit a violation under Minn. Stat. 609.855, Subd. 1, para.(a), clause (1) or 3.

462.3 POLICY

It is the policy of this department that peace officers and community service officers may inspect and enforce fares should there be an operational need. However, the primary responsibility for fare inspection and enforcement is that of TRIP personnel.

If an officer determines that fare payment was intentionally avoided, the officer may ask the passenger to exit the conveyance, station, or platform, or may allow the passenger to ride to their destination and make payment at that location.

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Public Recording of Law Enforcement Activity

463.1 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.

463.2 POLICY

The Metro Transit 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.

463.3 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.

463.4 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

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

463.5 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.

463.6 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 evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Office Policy.

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Medical Aid and Response

464.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

464.2 POLICY

It is the policy of the Metro Transit Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

464.3 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 Transit Control Center 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 Transit Control Center 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 of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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464.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

464.5 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.

464.6 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.

464.7 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.

The Patrol Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

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- 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.
- 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.

464.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

464.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly shall be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Transit Control Center as soon as possible and request response by EMS.

464.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

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464.8.3 AED TRAINING AND MAINTENANCE

The Training Supervisor should ensure appropriate training is provided to members authorized to use an AED.

The Inspections Unit is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

464.9 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

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.

464.9.1 HOSPITAL SECURITY AND CONTROL

Officers who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with department protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

The Patrol Division Commander should develop protocols related to the following:

(a) Providing security and control during an examination or treatment, including:

1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)

(b) Responsibility for continuing security and control if the person in custody is admitted to the hospital

1. This should include transferring custody of the person to an appropriate agency.

464.10 FIRST-AID TRAINING

The Training Manager should ensure officers receive periodic first-aid training appropriate for their position.

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Administration of Opioid Overdose Medication

465.1 PURPOSE

The purpose of this policy is to provide approved members with guidelines to utilize opioid overdose medication in order to reduce fatal opiate/opioid overdoses.

465.2 POLICY

It is the policy of the Metro Transit Police Department for trained members to administer Naloxone (Narcan), in accordance with State law and the administrative medical director's guidelines and oversight, to persons suffering from opiate/opioid overdose at the earliest possible time to minimize chances of death (Minn. Stat. § 151.37; Minn. Stat. § 604A.04)..

Only officers who receive training in the recognition of signs of opiate overdose and the use of opiate antagonists may administer opioid overdose medication.

465.3 DEFINITIONS

Definitions related to this policy include:

Evzio 2mg Injection Cartridge - A method of medication administration where medication is injected into the middle of the outer thigh - holding the cartridge in place for five (5) seconds.

Naloxone - A prescription medication that can be used to reverse the effects of an opioid overdose. Specifically, Naloxone is an opioid antagonist. It binds to chemical receptors in the body; slowing or stopping the effects of opioids. Naloxone is the generic name whereas Narcan is the trade name for this drug.

Opioid - A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity of the central nervous system; these will reduce pain, induce sleep, and in an overdose will cause people to stop breathing. Commonly called, but not limited to, Heroin, Morphine, Dilaudid, Oxycodone, Methadone, Hydrocodone, Fentanyl, and Codeine.

465.4 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as Naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication should be removed from service and given to the Naloxone Program Administrator. Any member who provides an opioid antagonist shall contact the Transit Control Center as soon as possible and request response by EMS. Members shall contact the Naloxone Program Administrator whenever they need to obtain a new cartridge.

465.5 DEPLOYMENT PROCEDURES

(a) Naloxone shall only be administered according to training (currently intramuscular injection).

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(b) Request standard EMS response if not already in progress.

(c) Maintain scene safety and follow universal precautions.

(d) Perform patient/victim assessment to determine unresponsiveness, inadequate breathing, pinpoint pupils, and/or no pulse.

(e) Provide basic life support techniques as needed.

(f) Perform a situational assessment to determine whether it is more likely than not the patient/victim's condition is an opiate overdose.

(g) If it is more likely than not the patient/victim's condition is an opioid overdose, administer one 2mg Evzio Naloxone cartridge by injection into the middle of the outer thigh - holding the cartridge in place for five (5) seconds.

1. If the patient/victim has no improvement in breathing or has not regained consciousness in 2-5 minutes, a second dose of Naloxone may be administered into the other outer thigh.
2. If the patient/victim's condition markedly improves prior to the administration of the second dose of Naloxone, the second dose need not be administered.

(h) Continue to provide basic life support to the patient/victim.

(i) Update responding paramedics of amount of Naloxone given, and any change in the patient/victim's condition.

(j) Members administering Naloxone shall make every effort to complete the Application by Peace Officer for Emergency Evaluation (i.e., transport hold) form. Paramedics are advised to get a signed hold form so they can legally prevent the person from leaving and obtain medical treatment.

(k) Members shall dispose of used Evzio cartridges in an approved sharps container (e.g., located in an ambulance, hospital, police department etc).

465.6 DOCUMENTATION AND REPORTING

Any member who administers Naloxone shall complete the following documentation prior to the end of their shift:

(a) Offense / Incident Report to include narrative.

(b) Naloxone (Narcan) Reporting Form. The report form shall include:

1. Signs of overdose present in the patient.
2. Suspected overdose drugs.
3. Amount of Naloxone administered.
4. Overdosed individual's response to Naloxone.
5. Additional efforts to revive the overdosed individual (e.g., rescue breathing, chest compressions, administered Naloxone, other).
6. Withdrawl symptoms.

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7. Pertinent EMS information (i.e., ambulance service provider, hold information, run number, and hospital to which the individual was transported).
8. Additional notes if necessary.

465.7 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

(a) Whenever possible, respond to calls when Naloxone is being administered.

(b) Ensure proper protocols are being followed.

(c) Review reports documenting the use of Naloxone.

(d) Ensure that subordinates attend Naloxone training when required.

(e) Notify the Naloxone Program Administrator after being notified by a subordinate of any used, expired, damaged or missing Naloxone kits.

465.8 NALOXONE PROGRAM ADMINISTRATOR RESPONSIBILITIES

The Chief of Police will designate a member of this department to act as the Naloxone Program Administrator. The responsibilities of the Naloxone Program Administrator include the following:

(a) Coordinate with the Training Manager to implement initial Naloxone training for personnel, as well as re-certification training as required per policy.

(b) Ensure members have successfully completed Naloxone training prior to treating individuals with Department issued Naloxone.

(c) Maintain training records of personnel allowed to carry and administer department issued Naloxone.

(d) Ensure an adequate, non-expired supply of Naloxone is available for member use.

(e) Replace Naloxone cartridges that are damaged, unusable, expired or deployed after being made aware of issues with any Evzio cartridge by a member or supervisor.

(f) Document and dispose of expired and/or damaged Naloxone cartridges.

(g) Maintain records to comply with the requirements of reporting the receipt and administration of Naloxone in accordance with the State of Minnesota and the Metro Transit Police Department Medical Director.

(h) Maintain administrative records regarding departmental use of Naloxone and disseminate the records to the appropriate authorities.

465.9 TRAINING

The Training Manager should ensure that training is provided to members authorized to administer Naloxone. The training shall be consistent with the standards set forth by the Metro Transit Police Department Medical Director.

Training shall be conducted by a provider approved by the Metro Transit Police Department Medical Director. Training shall be completed every two years.

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Crisis Intervention Incidents

466.1 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.

466.1.1 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.

466.2 POLICY

The Metro Transit 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.

466.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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466.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

466.4.1 OBTAINING MENTAL HEALTH INFORMATION

The Chief of Police should designate a member of the Department to develop access procedures, retention guidelines, data security safeguards, notification procedures, and any other applicable standards for obtained mental health information (Minn. Stat. § 626.8477).

Officers may seek information from a mental health professional during a crisis situation pursuant to department procedures. When information is requested, officers should provide an explanation why disclosure of mental health information is necessary to protect the health or safety of the individual in crisis or of another person (Minn. Stat. § 13.46; Minn. Stat. § 144.294).

Information obtained from mental health professionals in crisis incidents should generally be limited to that necessary to safely respond. Officers obtaining mental health information to address crisis incidents should document the following in the associated reports (Minn. Stat. § 13.46; Minn. Stat. § 144.294):

(a) The name of the officer who requested the information

(b) The name of the health professional who provided the information

(c) The name of the individual experiencing the crisis

Mental health information obtained in these circumstances should not be used for any purpose beyond addressing the crisis. The subject of the information should be advised of the information obtained (Minn. Stat. § 13.46; Minn. Stat. § 144.294).

466.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer’s authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(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.

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(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.

466.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

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466.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

466.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

466.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

466.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

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466.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

466.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

466.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Additionally, the Training Manager will provide officers, including part-time officers, with in-service training in crisis intervention and mental illness crisis as required by Minn. Stat. § 626.8469 and Minn. Stat. § 626.8474.

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Civil Disputes

467.1 PURPOSE AND SCOPE

This policy provides members of the Metro Transit 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.

467.2 POLICY

The Metro Transit 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 will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

467.3 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.

467.4 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

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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.

467.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

467.5 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.

467.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Suspicious Activity Reporting

468.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

468.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

468.2 POLICY

The Metro Transit Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

468.3 RESPONSIBILITIES

The Criminal Investigations supervisor and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Criminal Investigations supervisor include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

468.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

468.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Investigation Division supervisor
- Crime Analysis Unit
- Other authorized designees

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First Amendment Assemblies

469.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

469.2 DEFINITIONS

Chemical Agent Munitions - refers to munitions designed to deliver chemical agents from a launcher or when hand thrown.

Control Holds - refers to soft, empty hand control techniques that do not involve striking.

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

Crowd Control - means techniques used to address unlawful public assemblies.

Deadly Force - has the meaning given to it in MN Statute 609.066, Subd.1.

Direct Fired Munitions - refers to less-lethal munitions designed to be fired at a specific target.

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

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

Great Bodily Harm - has the same meaning given to it in MN Statute 609.02, subdivision 8.

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

Less-lethal Munitions - has the same meaning given to it in MN Statute 609.066, subdivision 1.

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

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disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge, or some distinctive clothing that identifies the wearer as a member of the press.

469.3 POLICY

The Metro Transit 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.

469.4 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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469.4.1 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.

469.5 RESPONSE TO CROWD SITUATIONS

469.5.1 OPERATIONAL PLANNING

For preplanned First Amendment events within this department's jurisdiction, supervisor/ command staff shall develop a comprehensive, incident-specific operational plan.

The plan shall be communicated to and followed by all members involved in the operation.

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.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

An operational planning team with responsibility for event planning and management should be established.

The operational plan will minimally provide for the following:

1. Command assignments, chain of command structure, roles and responsibilities
2. Staffing and resource allocation
3. Management of criminal investigations

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4. Designation of uniform of the day and related safety equipment (e.g., helmets, shields) 1. Uniforms must display the Department name and unique personal identifier. 2. A protocol for keeping record of any officers on scene who are not in compliance with uniform requirements due to exigent circumstances.
5. Deployment of specialized resources
6. Event communications and interoperability in a multijurisdictional event
7. Liaison with demonstration leaders and external agencies
8. Liaison with Metropolitan Area government and legal staff
9. Media relations
10. Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
11. Traffic management plans
12. Description of the anticpated weatther conditions
13. First aid and emergency medical service provider availability
14. Prisoner transport and detention
15. Review of policies regarding public assemblies and use of force in crowd control
16. Parameters for declaring an unlawful assembly
17. Arrest protocol, including management of mass arrests
18. Protocol for recording information flow and decisions
19. Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
20. Protocol for handling complaints during the event
21. Parameters for the use of body-worn cameras and other portable recording devices.

For unplanned First Amendment events, the first responding officer should assess the event without interfering with attendees.

Initial assessment information should be promptly communicated to Transit Control Center, 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.

The initial assessment should address the following:

(a) Location of the event

(b) Approximate number of attendees

(c) Apparent purpose of the event

(d) Whether any indicators of unlawful or disruptive activity are present

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(e) Indicators that lawful use of public facilities, streets, or walkways will be impacted

(f) Officer's predicted ability and/or need to continue monitoring the event.

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

469.5.3 OFFICER CONDUCT
All peace officers responding to public assemblies must be mindful of their personal conduct and remain professional.

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

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

469.7 UNLAWFUL ASSEMBLY
An assembly is considered unalwful when three or more persons assemble:

1. With the intent to commit an unlawful act by force;
2. With intent to carry out any purpose in a manner that will disturb or threaten the public peace; or
3. Without an unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace (MN Statute 609.705).

It is a misdemeanor for an individual to participate in an unlawful assembly.

- The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly.

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- The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.

Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or officers are threatened with dangerous circumstances.

Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

469.8 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, the Incident Commander or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants.

Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements must be made from different locations when the demonstration is large and noisy. The announcements must specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officers must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.

Additionally, the dispersal order must include:

1. The name and rank of the person and the agency giving the order.
2. A declaration of "unlawful assembly" and the reason(s) for the declaration.
3. Information regarding egress or escape routes that may be used by individuals to disperse.
4. Specific consequences for failure to comply with the dispersal order.
5. How long the participants have to comply with the dispersal order.

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The dispersal announcements should be repeated after commencement of the initial dispersal order so that participants understand that they must leave the area.

If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly, and a new declaration of unlawful assembly has been made.

469.8.1 MINNESOTA POST GUIDELINES ON UNLAWFUL ASSEMBLY

The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly.

The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.

Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or officers are threatened with dangerous circumstances.

469.9 CROWD DISPERSAL

Crowd dispersal techniques should not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements have been made, asking members of the crowd to voluntarily disperse. The dispersal orders should have also informed individuals in the crowd of the specific consequences that will result due to a failure to disperse (i.e., arrest).

Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with a peace officer's commands before action is taken. If verbal announcements to disperse do not result in voluntary movement by the crowd, peace officers may utilize additional crowd dispersal tactics. Additional crowd dispersal tactics must be approved and ordered by the Incident Commander before agency staff may deploy additional crowd dispersal tactics/tools. The use of these crowd dispersal tactics shall be consistent with department policy. Peace officers must use the minimal amount of intervention reasonably necessary to address a crowd management or control issue.

If a group or crowd subsequently participates in another assembly at a different geographical location after receiving a dispersal order, so the participants are not engaged in unlawful activity, the assembly cannot be dispersed. A secondary assembly may only be dispersed after a determination of unlawful assembly and new declarations and dispersal orders have been issued.

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

The purpose of this section is to provide officers with guidance on use of force determinations when dealing with non-compliant crowds and/or crowd dispersals. Nothing in this policy prohibits an officer from using appropriate force in order to defend themselves or others as outlined by

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this agency's Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies or Minnesota Statutes.

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

469.10.1 CONTACT WEAPONS

Contact weapons shall be used only when soft and hard empry hand gestures have failed to bring the subject or situation under control, and it reasonably appears other such methods would be ineffective. Contact weapons may only be used in the manner described herein, unless the use of deadly force is warranted.

- Batons may be visibly displayed and held in a ready position during- squad or platoon formations.
- When reasonably necessary for the protection of peace officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons or other contact weapons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
- Contact weapons may be used to defend officers from an actively aggressive suspect.
- Contact weapons may be used to strike an actively aggressive suspect for the purpose of rendering that person temporarily incapacitated in order to bring the situation under control. Officers may only strike areas of the body identified in their training that result only in incapacitation.
- Intentionally striking an individual in the head or neck with a contact weapon is only justified in the use of deadly force.
- Indiscriminately swinging or striking individuals in a crowd is prohibited.

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469.10.2 DIRECT FIRED MUNITIONS

Direct fired munitions may never be used indiscriminately against a group or crowd even if some individuals are involved in violent or disruptive behavior/criminal activity. An officer's use of direct fired munitions must be in alignment with this policy.

- Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of direct fired munitions.
- Officers using munitions must be trained and qualified in their use per department policy.
- Officers are authorized to deploy direct fire munitions in accordance with their training and manufacturer specifications.
- Officers shall not discharge direct fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force is justified.
- When circumstances permit, the Incident Commander must attempt to accomplish the policing goal without the use of direct fired munitions as described above, and, if practical, an audible warning shall be given to a subject before deployment of the weapon.

469.10.3 AEROSOL CHEMICAL AGENTS

Aerosol chemical agents must be used during a crowd event in accordance with this agency's policies.

- Aerosol hand-held chemical agents shall be used in accordance with the officer's training and manufacturer specifications.
- High volume OC delivery systems are designed for and may be used during a crowd event against individuals and/or groups of individuals engaged in unlawful acts or endangering public safety and/or security.
- Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
- Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
- When possible, persons should be removed quickly from any area where chemical agents have been used. Officers must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent. If/when possible, decontamination efforts must be made.
- Subjects who have been affected by chemical agents shall be placed in the recovery position if a seated or standing position cannot be achieved.

469.10.4 CHEMICAL MUNITIONS

Chemical munitions may be used for crowd control and dispersal when:

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- a threat of imminent harm or serious property damage is present, or other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,
- sufficient egress exists to safely allow the crowd to disperse, and
- the use of chemical munitions is approved by the Incident Commander.

When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions. Additionally, each chemical munition round deployed must be recorded. The information that shall be recorded for each chemical munition round deployed and be available to the public upon request includes:

- the name the chemical munition used,
- the location the munition was deployed,
- the time the munition was deployed, and
- the safety data sheets (SDS) for the type of chemical agent used.

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

469.10.5 CONDUCTED ENERGY DEVICES

Conducted Energy Devices (CEDs) must not be used for the purposes of crowd control, crowd containment or crowd dispersal.

469.11 ARRESTS

The Metro Transit 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.

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(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

469.12 MEDIA

Law enforcement cannot unreasonably interfere with journalists while they are reporting as long as the journalists are complying with the law.

1. Journalists might visually identify themselves as a member of the press by many methods including a:

   (a) professional or authorized press pass,

   (b) professional or authorized press badge,

   (c) other official press credentials, or

   (d) distinctive clothing that identifies them as a member of the press.

   This list is not exclusive and a person need not exhibit every indicator to be considered a journalist.

- If a person claims to be a journalist and cannot immediately produce identification as a journalist, that person will be treated as a journalist until their status can be verified.
- Officers are not permitted to arrest, threaten to arrest,or use physical force, including TASERs, or less-lethal munitions, and other control devices as defined in MTPD Policy 309, against a journalist unless the officers have probable cause to believe that individual has committed or is committing a crime.
- Officers are not permitted to arrest or threaten to arrest a journalist for refusing to disperse after a dispersal order is given.
- Officers are not permitted to direct chemical agents against a journalist, including but not limited to oleoresin capsicum spray, inert smoke, pepper pellets, or any similar substance as outlined in MTPD Policy 309 unless the journalist presents an imminent threat of violence or bodily harm to persons or damage to property.
- Officers will not seize equipment related to the work of journalists, including cameras, phones, recording equipment, and press badges unless the officers are arresting the individual.
- If an officer arrests a journalist and is responsible for inventorying the seized property, the officer will make a written list of seized property and provide a copy of that list to the journalist as soon as is reasonably possible.
- If another entity, such as a county jail, is responsible for inventorying the journalist's property, the arresting officer will provide the journalist's property to that entity when transferring custody.
- If the property seized and retained by the Department in connection with an arrest is needed for evidentiary purposes, the arresting officer will promptly seek a search warrant, subpoena, or other court order to authorize the continued seizure of the property.

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- Once the property seized and retained by the Department from a journalist is no longer needed for evidentiary purposes, the Department will return it to its rightful possessor as soon as is reasonably possible.

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).

469.14 ADDITIONAL INCIDENT COMMANDER RESPONSIBILITIES

The Incident Commander is responsible for maintaining familiarity with the Minnesota model policy on Public Assembly and First Amendment Activity and incorporating additional protocols as appropriate for the department's preparedness in addressing:

(a) Approved devices, tactics, and munitions.

(b) Accessibility to the public assembly or demonstration by media representatives and other observers.

(c) Additional documentation requirements, if any.

469.13 LEGAL OBSERVERS

Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen.

Legal observers and monitors must comply with all dispersal orders unless the Incident Commander chooses to allow individual legal observers and monitors to remain in an area after a dispersal order.

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

469.14 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.

469.15 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

1. Operational plan
2. Any incident logs
3. Any assignment logs

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4. Vehicle, fuel, equipment, and supply records
5. Incident, arrest, use of force, injury, and property damage reports
6. Photographs, audio/video recordings, Transit Control Center records/tapes
7. Media accounts (print and broadcast media)
8. Record of any unlawful assembly declarations

469.15.1 AFTER-ACTION REPORTING

The Incident Commander should work with Metropolitan Council legal counsel, if needed and as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

1. Date, time and description of the event
2. Actions taken and outcomes (e.g., injuries, property damage, arrests)
3. Problems identified
4. Significant events
5. Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

469.17 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Medical Cannabis

470.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the possession, transportation, or use of medical cannabis under Minnesota's medical cannabis laws.

470.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 342.01):

Medical cannabis - (also known as medical cannabis flower or medical cannabinoid product) - Cannabis flower or a product in approved form that consists of or contains cannabis or hemp concentrate or is infused with cannabinoids and is provided to a patient, registered caregiver, or a parent, guardian, or spouse of an enrolled patient to treat or alleviate the symptoms of a qualifying medical condition. Medical cannabis may be provided only in state-approved forms such as liquids, oils, pills, vaporized products, dissolvable tablets, gummies, chews, topicals, or other authorized delivery methods and does not include adult-use cannabis or hemp-derived consumer products.

Patient - A Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met any other requirements for patients under Minn. Stat. § 342.01 et seq.

Caregiver - A person who has been approved by the Minnesota Office of Cannabis Management (OCM) to assist a patient with obtaining and administering medical cannabis from a cannabis retailer, and who is authorized to assist the patient with the use of medical cannabis.

470.2 POLICY

It is the policy of the Metro Transit 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 Metro Transit 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.

470.3 INVESTIGATION

Investigations involving the possession or use of cannabis generally fall into one of the following categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a person claims to be a patient or caregiver.

(c) Investigations when the person is otherwise authorized.

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470.3.1 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 if the amount is greater than permitted for personal use under Minn. Stat. § 342.09. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

470.3.2 INVESTIGATIONS INVOLVING A PATIENT OR CAREGIVER

Arrests shall not be made for the possession of medical cannabis by a patient, a caregiver, or the parent or legal guardian of a patient (Minn. Stat. § 342.57).

Possession of medical cannabis properly packaged and labeled by an authorized manufacturer should suffice for verification of a person's status as a patient. The possession of medical cannabis registry verification from the OCM should also suffice for verification a person's status as a patient or caregiver (Minn. Stat. § 342.01; Minn. Stat. § 342.52).

470.3.3 EXCEPTIONS

This policy does not apply to the following offenses. Officers may take enforcement action if the person (Minn. Stat. § 342.56):

(a) Possesses or consumes medical cannabis on a school bus or van, in a correctional facility, in a state-operated treatment program, including the Minnesota sex offender program, or on the grounds of any child care facility or family or group family daycare program.

(b) Vaporizes or smokes medical cannabis on any form of public transportation, where the vapor or smoke would be inhaled by a non-patient minor child, or in any public place or a place of employment.

(c) Operates a motor vehicle, aircraft, train, or motorboat, or works on transportation property, equipment, or facilities while under the influence of medical cannabis.

470.3.4 INVESTIGATIONS INVOLVING OTHER AUTHORIZED INDIVIDUALS

Any person falling into the following category shall not be arrested for the authorized possession of cannabis (Minn. Stat. § 342.515):

(a) An otherwise authorized individual transporting cannabis plants or products between business facilities pursuant to state law.

470.4 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.

470.5 PROPERTY AND EVIDENCE OFFICE SUPERVISOR RESPONSIBILITIES

The Property and Evidence Office supervisor shall ensure that medical cannabis, drug paraphernalia or other related property seized from a person engaged or assisting in the use

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of medical cannabis is not destroyed. Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Office supervisor shall as soon as practicable return to the person from whom it was seized any medical cannabis, drug paraphernalia or other related property.

The Property and Evidence Office supervisor may not destroy medical cannabis except upon receipt of a court order.

The Property and Evidence Office supervisor may release medical cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Division supervisor.

470.6 REPORTING

Officers aware of a person experiencing a negative medical condition or a death related to a cannabis overdose, including as a result of an unauthorized access to medical cannabis, must contact the OCM within five business days. If discovered as part of an ongoing investigation, the report must be made within 72 hours of the conclusion of the investigation (Minn. R. 4770.4002; Minn. R. 4770.4004).

Officers having reasonable suspicion of unauthorized possession of medical cannabis or of violations of cannabis laws by individuals authorized to possess medical cannabis, must report to the OCM using the designated online form. Reports related to unauthorized possession must be submitted within 72 hours, unless discovered as part of an ongoing investigation, in which case reporting must be made within 72 hours of the conclusion of the investigation. Reports of violations by persons authorized to possess medical cannabis must be submitted within 15 days (Minn. R. 4770.4010).

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Body-Worn Cameras

471.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media (Minn. Stat. § 626.8473 and Minn. Stat. § 13.82).

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

471.2 DEFINITIONS

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

471.3 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public.

471.4 RESPONSIBILITIES

471.4.1 BWC COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC Coordinator (Minn. Stat. § 13.825; Minn. Stat. § 626.8473).

The responsibilities of the coordinator include:

1. Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
2. Developing inventory and documentation procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department, recording

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the date each BWC is placed into or taken out of service, and maintaining the following information:

(a) The total number of devices owned or maintained by the Metro Transit Police Department.

(b) The daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used.

(c) The total amount of recorded audio and video data collected by the BWC media systems and maintained by the Metro Transit Police Department.

3. Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.

   (a) All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.

4. Managing BWC media systems so that:

   (a) Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.

   (b) Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.

   (c) Procedures include a process to obtain written authorization for access to non-public data by MTPD members and members of other governmental entities and agencies for a legitimate, specified law enforcement purpose (Minn. Stat. § 13.825, Subd. 7; Minn. Stat. § 13.825, Subd. 8).

5. Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.

6. Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.

7. Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.

8. Coordinating with the community relations coordinator to (see the Community Relations Policy):

   (a) Provide the public with notice of the department's use of BWCs (e.g., posting on the department website or social media pages) (Minn. Stat. § 626.8473, Subd. 3).

   (b) Gain insight into community expectations regarding BWC use.

9. Coordinating with the Evidence Supervisor to (see the Records Unit, Records Maintenance and Release, and Protected Information policies):

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(a) Determine and apply proper retention periods to BWC media (e.g., firearm discharges, certain use of force incidents, formal complaints) (Minn. Stat. § 13.825, Subd. 3).

(b) Develop procedures for the appropriate release of BWC media.

(c) Ensure procedures comply with the requirements of the Minnesota Government Data Practices Act and other applicable laws (Minn. Stat. § 13.01 et seq.).

10. Coordinating with the Property and Evidence Office to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property and Evidence Unit Policy).

11. Completing an annual administrative review of the BWC program and providing it to the Chief of Police for review.

12. Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.

13. Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Metro Transit Police Department that expands the type or scope of surveillance capabilities of the department's portable recorders (Minn. Stat. § 13.825, Subd. 10).

471.4.2 MEMBER RESPONSIBILITIES

Members who have been issued BWCs shall operate and maintain them in a manner consistent with this policy and their training.

All sworn members, regardless of rank, are required to wear their BWC when they are on duty for patrol related duties and response.

Exceptions to wearing the BWC on the appropriate duty uniform may be made in special circumstances or for specific job assignments at the discretion of the Chief of Police.

Special circumstances or specific job assignments may include, but are not limited to, the following:

(a) Community meetings

(b) Community outreach events

(c) Work related functions where activation of the BWC in accordance with this policy is unlikely

(d) Work related functions where enforcement action is unlikely

(e) Other circumstances as deemed appropriate by the Chief of Police

Department members seeking approval not to wear their BWC in a special circumstance shall contact the Chief of Police, or authorized designee, by following their chain of command. Members shall describe the special circumstance and why wearing the BWC may not be necessary.

Members who are in the appropriate MTPD duty uniform but who are working off-duty and compensated by another entity should wear and use their BWC consistent with this policy.

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Members shall comply with this policy's provisions while performing law enforcement activities under the command and control of another law enforcement agency (Minn. Stat. § 626.8473).

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time (Minn. Stat. § 13.825; Minn. Stat. § 626.8473).

Members shall wear their assigned BWC on their outermost garment positioned at or above the mid-line of the waist (Minn. Stat. § 626.8473). Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement (Minn. Stat. § 626.8473).

471.5 BWC USE

The following guidelines apply to the use of BWCs:

1. Only department-issued BWCs should be used (Minn. Stat. § 13.825, Subd. 6).
2. BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
3. The use of department-issued BWCs shall be strictly limited to department-related activities.
4. Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
5. Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

471.5.1 PROHIBITIONS

BWCs should not be used to record:

1. Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).
2. Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
3. Conversations of other members without their knowledge.

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4. When a member is taking an authorized break or otherwise engaged in personal activities.
5. In a courtroom unless responding to a call for service or emergency situation.
6. Interactions with undercover officers or confidential informants.
7. Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

471.6 ACTIVATION OF BWC

Members should activate their BWC during all calls for service and the performance of law enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

471.6.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

Minnesota law permits an individual to surreptitiously record any conversation in which one party to the conversation has given their permission (Minn. Stat. § 626A.02).

471.6.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also mute or deactivate their BWC:

1. To protect the privacy of a victim or witness.

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2. When an individual wishes to provide information anonymously.
3. To avoid recording a confidential informant or undercover officer.
4. When discussing case tactics or strategy.
5. During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

471.6.3 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

1. To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
2. An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
3. Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
4. Any period of the event in which the member deactivated or muted their BWC and the reason for such action.

471.7 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Department.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

471.7.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading

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or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

1. An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
2. When a member has sustained a serious injury or a line-of-duty death has occurred.
3. When a firearm discharge or use of force incident has occurred.
4. An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

471.8 BWC MEDIA

All BWC media is the sole property of the Department. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

471.8.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

1. BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
2. Members may review their own BWC media for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report.

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3. Investigators may review BWC media pertaining to their assigned cases.
4. A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
5. Supervisors are permitted to access and view BWC media of their subordinates.
    (a) Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
    (b) Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member (Minn. Stat. § 626.8473).
    (c) Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.
6. The Training Manager is permitted to access and view BWC media for training purposes.
    (a) The Training Manager should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial.
    (b) The Training Manager may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Manager should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.
7. The Manager Police Business Systems, Evidence Supervisor or designee may access BWC media when necessary to conduct department-related duties.
8. The BWC / Video Unit may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.
9. Any member who accesses or releases BWC media without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies for additional guidance) (Minn. Stat. § 626.8473, Subd. 3).
10. Members may be subject to criminal penalties for the misuse of BWC media pursuant to Minn. Stat. § 13.09 (Minn. Stat. § 626.8473, Subd. 3).

471.8.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if:

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1. It is clearly offensive to common sensibilities (Minn. Stat. § 13.82, Subd. 7; Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 13.825, Subd. 4).
2. It unreasonably violates a person's privacy or depicts the interior of:
    (a) A private residence.
    (b) A facility that offers health care, mental health or substance abuse treatment, or social services.
    (c) A school building.
    (d) Any other building in which public access is restricted or which implicates heightened security concerns.

Except as provided by Minn. Stat. § 13.825, Subd. 2 or pursuant to Minn. Stat. § 13.82, Subd. 15, BWC media is considered private or nonpublic data.

471.8.3 ACCESS BY OTHER LAW ENFORCEMENT AGENCIES AND GOVERNMENT ENTITIES

Other law enforcement agencies and government entities (e.g., prosecutors, criminal justice agencies) may obtain access to not public BWC media for a legitimate, specified law enforcement purpose upon written authorization from the Chief of Police or the authorized designee and pursuant to department protocols (Minn. Stat. § 13.825, Subd. 8).

471.8.4 ACCESS BY PERSONS CAPTURED ON BWC MEDIA

Any person captured on BWC media may have access to the BWC media. If the individual requests a copy of the BWC media and does not have the consent of other non-law enforcement individuals captured on the BWC media, the identity of those individuals must be blurred or obscured sufficiently to render the person unidentifiable prior to release unless otherwise provided by law. The identity of on-duty peace officers may not be obscured unless their identity is protected under Minn. Stat. § 13.82, Subd. 17 (Minn. Stat. § 13.825, Subd. 4).

471.8.5 ACCESS TO BWC MEDIA USED IN COLLISION INVESTIGATIONS

Individuals shall be provided with unredacted BWC media used in a collision investigation if the individual (Minn. Stat. § 13.825, Subd. 4):

1. Is entitled to a collision report under Minn. Stat. § 169.09.
2. Submits a written request accompanied by the related collision report.

The Department may deny access to unredacted data as provided in Minn. Stat. § 13.825, Subd. 4.

471.8.6 BWC MEDIA REGARDING USE OF FORCE INCIDENTS RESULTING IN DEATH

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

1. Allow the individuals identified in Minn. Stat. § 13.825, Subd. (5)(b), upon request, to inspect all portable recording system data that documents the incident within five days of the request pursuant to the provisions of Minn. Stat. § 13.825.

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2. Release all portable recording system data that documents the incident within 14 days of the incident pursuant to the provisions of Minn. Stat. § 13.825.

471.8.7 DENIALS, REDACTIONS, AND NOTICES

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Evidence Supervisor should review BWC media before public release.

The Chief of Police should work with the Manager Police Business Systems when redactions, denials, or notices (e.g., reason for denial, potential penalties for misuse, seeking court relief) are necessary (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 13.825, Subd. 4; Minn. Stat. § 626.8473, Subd. 3).

471.9 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained in accordance with state records retention laws but in no event for a period less than 90 days (Minn. Stat. § 13.825).

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

If an individual captured on BWC media submits a written request, the BWC media shall be retained for an additional time period up to 180 days. The BWC coordinator should be responsible for notifying the individual that the BWC media will then be destroyed unless a new request is made (Minn. Stat. § 13.825, Subd. 3).

Members shall not alter, erase, or destroy any BWC media, before the end of the applicable retention period (Minn. Stat. § 626.8473).

471.9.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property and Evidence Office Policy).

471.9.2 EVIDENTIARY RETENTION REQUIREMENTS

BWC media documenting the following incidents must be retained for a minimum of one year and destroyed according to the department's records retention schedule (Minn. Stat. § 13.825, Subd. 3):

1. Any reportable firearms discharge
2. Any use of force by an officer resulting in substantial bodily harm
3. Any incident that results in a formal complaint against an officer

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Evidentiary BWC media that documents an officer's use of deadly force must be maintained indefinitely (Minn. Stat. § 13.825; Minn. Stat. § 626.8473).

471.10 TRAINING

The Evidence Supervisor should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

(a) Proper use of the BWC device and accessories.

(b) When BWC activation is required, permitted, and prohibited.

(c) How to respond to an individual's request to stop recording.

(d) Proper use of the BWC media systems, including uploading and tagging procedures.

(e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventative patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Metro Transit Police Department. Information provided by the Minnesota Office of Traffic Safety (OTS) is a valuable resource for traffic collision occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of collision-causing violations during periods of high-collision incidence and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high-collision incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of citations issued by any officer shall not be used when evaluating officer performance (Minn. Stat. § 169.985; Minn. Stat. § 299D.08). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

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500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure, including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

(d) The court contact information.

500.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction (Minn. Stat. § 169.91 Subd. 3).

500.3.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (Minn. Stat. § 169.91):

(a) Negligent homicide.

(b) Driving under the influence of alcohol/drugs.

(c) Hit-and-run resulting in serious injury or death.

(d) Hit-and-run resulting in damage to any vehicle or property.

500.3.5 LIMITATION AND DISCLOSURE OF REASON FOR TRAFFIC STOP

Officers conducting a traffic stop for violations of Minnesota Statute Chapters 168 or 169 shall not ask the motorist if they can identify the reason for the traffic stop. Officers shall state a reason for the stop unless it would be unreasonable to do so under the totality of the circumstances (Minn. Stat. § 169.905).

500.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; Minn. R. 5205.0030).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples

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of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plain clothes officer might benefit from being readily identified as an officer.

500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Manager should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.5 TRAFFIC STOPS

500.5.1 UNKNOWN-RISK TRAFFIC STOPS

Unknown-risk traffic stops are conducted under circumstances in which the officer is not previously aware of a threat to the officer's safety posed by the vehicle's occupants (e.g., the vehicle is stopped for a traffic violation only). While every unknown-risk traffic stop is based on a unique set of circumstances that must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting an unknown-risk traffic stop include:

(a) The officer should consider existing conditions, including but not limited to road design and condition, weather, lighting, and current traffic flow, to establish a safe environment for the traffic stop.

(b) The officer should use the patrol vehicle's emergency lighting and other equipment, if necessary, to initiate the stop. Upon stopping, the officer should position the patrol vehicle in a way that affords protection to the officer and the violator's vehicle during the stop.

(c) Generally, the officer should direct the violator to pull to the far-right side of the roadway to stop. However, the officer should be prepared to deal with other situations.

(d) Upon initiating a traffic stop, the officer should notify Transit Control Center of the location of the stop and the vehicle's registration state and number. The officer should not approach the violator's vehicle until the dispatcher has acknowledged the message.

(e) The officer should approach with caution and take a position that allows effective communication with the driver, a view of any other occupant, and an avenue of tactical retreat, if necessary.

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(f) Upon contacting the violator, the officer should remain courteous and professional, providing the violator with verbal identification and the reason for the stop. The officer should request the motorist's documentation.

(g) The officer should provide the violator with information about how to respond to the chosen enforcement action, if applicable.

(h) The officer should end the contact once appropriate law enforcement action has been taken and there is no articulable reasonable suspicion that the occupants have committed, are committing, or are about to commit a further crime or offense.

(i) The officer should assist the violator in pulling safely back into traffic.

500.5.2 HIGH-RISK TRAFFIC STOPS

High-risk traffic stops are conducted under circumstances in which the officer is or becomes aware that any occupant poses a serious safety risk (e.g., the vehicle may contain an occupant who is known to be armed and dangerous). While every high-risk traffic stop is based on a unique set of circumstances that must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting a high-risk traffic stop include:

(a) When planning a high-risk traffic stop, the officer shall notify Transit Control Center and describe the nature or reason for the stop. The officer shall provide the dispatcher with relevant information (e.g., vehicle description, registration number and state, number of occupants, location, direction of travel) and request adequate assistance to conduct the stop.

(b) An officer should not individually initiate a high-risk traffic stop unless backup officers are not available in an appropriate amount of time or the urgency of the situation demands immediate action.

(c) After selecting an appropriate location for the stop and with adequate backup officers in position, the officer should signal the suspect to stop.

(d) Officers should position their vehicles at a distance behind the suspect vehicle that provides opportunities for cover. In low-light situations, positioning should allow for illumination of the suspect vehicle's interior.

(e) The officer initiating the stop, or the officer with the best view, should issue verbal commands through the vehicle's public address system, if available. Only one officer should issue commands to the suspect vehicle's occupants.

(f) Once the suspect vehicle has stopped, officers should exit their vehicles quickly and assume positions of cover.

(g) Commands should be announced to the suspect vehicle operator to:

1. Lower the window.
2. Remove ignition keys with the vehicle operator's left hand.
3. Drop the keys on the ground.
4. Open the door from the outside.
5. Step out of the vehicle.

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6. Turn completely around.
7. Face away from the officers.
8. Walk backward until commanded to stop and lie face down on the ground with hands stretched far to the sides.

(h) Using contact and cover, officers should handcuff, search, and secure the suspect. Other occupants should be similarly and separately commanded until all are handcuffed, searched, and secured.

(i) With appropriate cover, officers should approach and inspect the suspect vehicle for additional occupants and/or threats before declaring the scene secure.

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Traffic Collisions

502.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic collisions.

502.2 POLICY

It is the policy of the Metro Transit 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, reports will be made available to the public upon request.

502.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(1) Is within the jurisdiction of this department and there is:

- (a) A life-threatening injury.
- (b) A fatality.
- (c) A Metro Transit Police Department vehicle involved.
- (d) A Metro Transit Police Department employee involved.

(2) Is within another jurisdiction and there is:

- (a) A Metro Transit Police Department vehicle involved.
- (b) A Metro Transit Police Department employee involved.

502.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).
- (f) Clearance and cleanup of the roadway.

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502.4 NOTIFICATION

If a traffic collision involves a life-threatening injury or fatality, the responding officer shall notify the Shift Supervisor. The Shift Supervisor or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Shift Supervisor will ensure notification is made to the Patrol Supervisor and department command staff in accordance with the Major Incident Notification Policy.

502.4.1 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.

502.5 MINIMUM REPORTING REQUIREMENTS

A report shall be taken when:

(a) A fatality, any injury (including complaint of pain), impaired driving or hit and run is involved.

(b) An on-duty member of the Metropolitan Council is involved.

(c) The collision results in any damage to any Metropolitan Council owned or leased vehicle.

(d) The collision involves any other public agency driver or vehicle.

(e) There is damage to public property.

(f) There is damage to any vehicle to the extent that towing is required.

(g) Prosecution or follow-up investigation is contemplated.

(h) Directed by a supervisor.

502.5.1 METROPOLITAN AREA VEHICLE INVOLVED

Whenever there is damage to a Metropolitan Council / Metro Transit 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.

Copies of appropriate reports should be forwarded through the chain of command to the Chief of Police if a traffic collision or damage involves a vehicle under the control of the Department.

502.5.2 INJURED ANIMALS

Department members should refer to the Animal Control Policy when a traffic collision involves the disposition of an injured animal.

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502.5.3 COMMERCIAL VEHICLE COLLISIONS

The Minnesota State Patrol must be immediately notified where a commercial vehicle collision results in (Minn. Stat. § 169.783):

(a) A fatality.

(b) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the collision.

(c) One or more vehicles incurring disabling damage as a result of the collision, requiring the vehicle to be transported away from the scene by tow truck or other motor vehicle.

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).

502.6 REPORTS TO THE COMMISSIONER OF PUBLIC SAFETY

A peace officer who investigates, in the regular course of duty, an accident that is required to be reported under this section must submit an electronic or written report of the accident to the Commissioner of Public Safety within ten days after the date of the accident (Minn. Stat. § 169.09, Subd. 8).

If the accident resulted in a fatality, the reporting agency must notify the commissioner of the basic circumstances of the accident, within two days after the date of the incident.

Peace officers shall utilize forms approved by the Minnesota Department of Public Safety as required for the reporting of traffic collisions (Minn. Stat. § 169.09, Subd. 9). All such reports shall be forwarded to the Patrol Supervisor for approval and filing.

1. Accidents on streets, highways, roadways, sidewalks, shoulders, shared use paths, or any other portion of a public right-of-way must be reported under the requirements of this section if the accident results in:

(a) a fatality,

(b) bodily injury to a person who, because of the injury, immediately receives medical treatment away from or at the scene of the accident,

(c) one or more of the motor vehicles incurring disabling damage that requires a vehicle to be transported away from the scene of the accident by tow truck or other vehicle

(d) damage to fixtures, infrastructure, or any other property alongside or on a highway

2. Accidents involving a school bus, as defined in section 169.011, subdivision 71, must be reported under the requirements of this section and section 169.4511.

3. Accidents involving a commercial motor vehicle, as defined in section 169.781, subdivision 1, paragraph (a), must be reported under the requirements of this section and section 169.783.

4. Accidents occurring on public lands or trail systems that result in the circumstances specified in paragraph 1. must be reported under the requirements of this section.

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502.7 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.

502.8 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.

502.8.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Patrol Supervisor or on-duty Shift 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) A life-threatening injury or fatal traffic collision occurs within the jurisdiction of the Metro Transit Police Department and involves:

1. An on- or off-duty member of the Department.

2.

(b) A vehicle under control of the Department is involved in a collision with another party.

502.9 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.

502.10 PATROL COMMANDER RESPONSIBILITIES

The responsibilities of the Patrol Commander include but are not limited to:

(a) Ensuring the monthly and quarterly reports on traffic collision information and statistics are completed.

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(b) Forwarding the traffic collision report to the Department of Public Safety within 10 days of the collision investigation (Minn. Stat. § 169.09, Subd. 8).

(c) Ensuring the Department of Public Safety is notified within two business days of a collision that results in a fatality (Minn. Stat. § 169.09, Subd. 8).

502.11 CRASH REVIEW BOARD

The Chief of Police or the authorized designee should establish a Crash Review Board to review all traffic collisions involving members who are operating department vehicles.

The results of the review should include recommendations for:

(a) Policy revisions.

(b) Training needs.

(c) Equipment enhancements.

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Crash Review Boards

503.1 PURPOSE AND SCOPE

This policy establishes a Crash Review Board which will review department vehicle crashes, where an involved vehicle was being driven by a member of the Metro Transit Police Department at the time of the crash.

This review shall be in addition to any other review or investigation that may be conducted by an outside or multi-agency entity having jurisdiction over the investigation of the vehicle crash.

503.2 DEFINITIONS

Preventable - capable of being prevented based on the facts known by the member at the time of the crash.

Non-preventable - could not have been prevented based on the facts known by the member at the time of the crash.

Department Vehicle - any vehicle owned, leased or operated by the Metro Transit Police Department at the time of the crash.

Crash - a collision between a department vehicle and another person, vehicle, or object.

503.3 POLICY

The Chief of Police will convene the Crash Review Board, when appropriate, to determine whether a department vehicle crash was preventable or non-preventable.

The Crash Review Board will review the circumstances of the crash and make written recommendations to the Chief of Police, consistent with the evidence.

The Crash Review Board does not have the authority to recommend discipline.

503.4 COMPOSITION OF THE CRASH REVIEW BOARD

The Crash Review Board will be comprised of the following:

Chairperson - a full-time sworn member of the Investigations Unit of the rank of lieutenant or above, appointed by the Chief of Police.

Investigators - full-time sworn members of the department with specific training and/or experience in the field of crash investigations.

Advisor - a full-time sworn member of the Professional Standards and Training Division, to provide guidance on current training, policy and best practices.

The Chairperson will select the members of the board, consistent with the above criteria and submission of a letter of interest.

503.4.1 RESPONSIBILITIES OF THE BOARD

The Crash Review Board is empowered to conduct an administrative review into the circumstances of a department vehicle crash.

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

The involved member's supervisor will ensure that all relevant reports, documents and any other evidence relevant to the crash are provided to the board for its review and consideration.

The board members may request further information and require individuals to present information in person. The board will not request the involved employee to appear.

The board shall make one of the following findings:

- The vehicle crash was preventable
- The vehicle crash was non-preventable

The findings shall be based upon those facts which were reasonably believed, known or should have been known by the involved member at the time of the incident, applying any legal requirements, department policies and procedures, best practices and/or approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question an involved member's decision.

In addition to the findings, the board may recommend additional training, policy review or further investigation of the incident, as appropriate.

The board does not have the authority to recommend discipline.

The board shall forward a written report of its findings and recommendations to the Chief of Police. If the crash was found to be preventable, the Chief of Police will determine whether discipline should be considered and if so, initiate the disciplinary process.

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Vehicle Towing

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Metro Transit Police Department and under the authority of Minn. Stat. § 168B.035.

510.2 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:

510.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT

Department members requesting towing of a vehicle shall complete a Vehicle Impound and Inventory Report, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Records Section as soon as practicable after the vehicle is stored.

The Records Section shall promptly enter pertinent data from the completed Vehicle Impound and Inventory Report into the Minnesota Justice Information Services (MNJIS). In most, if not all cases, the local agency will enter the data into MNJIS.

Approved Vehicle Impound and Inventory Report forms shall be promptly placed into the Records Section so that they are immediately available for release or for information, should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the towing of any such vehicle, it shall be the responsibility of the Records Section to determine through MNJIS the names and addresses of any individuals having an interest in the vehicle. Notice to all such individuals shall be sent by certified mail within five business days of impound (Minn. Stat. § 168B.06 Subd. 1). In most, if not all cases, the local agency should handle this step.

510.2.2 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 maintained by the local agency.

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

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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.

510.2.3 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.

510.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

510.2.5 RECORDS SECTION RESPONSIBILITIES

Records Section personnel shall promptly enter pertinent data from the completed Vehicle Impound and Inventory Report form into the stolen vehicle system. Approved forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Within 48 hours of recovering a stolen vehicle or receiving notification that a vehicle reported stolen through this department has been recovered, the Records Section shall make a reasonable and good faith effort to notify the victim of the recovery. The notice must specify when the recovering law enforcement agency expects to release the vehicle to the owner and where the owner may pick up the vehicle. Upon recovery of a vehicle reported stolen to another agency, the Records Section 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).

In most, if not all cases, the local agency shall make the necessary notifications.

510.3 TOWING SERVICES

Local law enforcement agencies periodically select 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.

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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.

510.4 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.

510.5 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.

510.6 PRESERVATION OF EVIDENCE

An officer who removes a vehicle pursuant to Minn. Stat. § 168B.035 is required to take reasonable and necessary steps to preserve evidence. If there is probable cause to believe that a vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or that a particular person has committed a criminal offense, officers shall ensure that all legally required and reasonably necessary efforts are taken to preserve the evidence. Such evidence is to be provided safe storage and preserved until released to the owner or otherwise disposed of according to law.

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510.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

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Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings.

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Metro Transit Police Department, a hearing will be conducted upon the request of the owner or operator of the vehicle to determine if probable cause existed for the removal and placement of the vehicle.

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle.

512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone, within 10 days of the date appearing on the notice. The Patrol Captain will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing.

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a mediation or reduction of the period the vehicle is impounded.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision that the inquiring party may pursue further civil remedies if desired.

    1. If mitigating circumstances are found to be relevant, the hearing officer may make reasonable adjustments to the impound period, storage or assessment fees as warranted.

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(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be at the Department's expense.

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Captain. The hearing officer will recommend to the Captain that the fees paid by the registered or legal owner of the vehicle in question or the owner's agent be reimbursed by the Department.

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Impaired Driving

514.1 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).

514.2 POLICY

The Metro Transit 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.

514.3 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 Supervisor 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.

514.4 FIELD TESTS

The Training Coordinator should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DWI laws.

514.5 CHEMICAL TESTS

A person implies consent under Minnesota law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Minn. Stat. § 169A.51, Subd. 1):

(a) The arresting officer has probable cause to believe the person was driving, operating or in physical control of a vehicle while impaired as defined by Minn. Stat. § 169A.20.

(b) The officer has probable cause to believe that the person is DWI and has been involved in a vehicle accident resulting in property damage, personal injury or death.

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(c) The officer has probable cause to believe that the person is DWI and the person has refused to take the preliminary screening test provided for by Minn. Stat. § 169A.41.

(d) The person was administered a preliminary screening test and the results indicated an alcohol concentration of 0.08 or more.

(e) The officer has probable cause to believe the person was driving, operating or in physical control of a commercial motor vehicle with the presence of any alcohol in the person's body.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 BREATH SAMPLES

The Patrol Supervisor should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Supervisor.

514.5.2 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.

514.5.3 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.

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The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

514.5.4 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 a refusal to submit to a blood or urine test is a crime (Minn. Stat. § 171.177, Subd. 1 and Subd. 2).

514.6 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.

514.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of intention to revoke upon the person and invalidate the person's license (Minn. Stat. § 169A.52, Subd. 7).

514.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who does not consent to a chemical test when any of the following conditions exist (Minn. Stat. § 169A.51, Subd. 3):

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist and the officer has probable cause to believe that the person has committed DWI, including vehicular homicide or injury (Minn. Stat. § 169A.52, Subd. 1; Minn. Stat. § 171.177, Subd. 13). Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to a collision investigation or medical treatment of the person.

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514.6.3 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.

514.6.4 WARRANTS FOR CONTROLLED SUBSTANCES OR INCAPACITATION

A blood or urine test may be required pursuant to a warrant if the officer has probable cause to believe that (Minn. Stat. § 169A.51, Subd. 4):

(a) The person's impairment is due to a controlled substance, an intoxicating substance, or cannabis or hemp-related product that is not subject to testing by a breath test.

(b) A controlled substance listed in Schedule I or II or its metabolite (other than a cannabis or hemp-related product or tetrahydrocannabinols), is present in the person's body.

(c) The person is unconscious or incapacitated to the point that the officer providing the breath test advisory, administering the breath test, or serving the search warrant has

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a good faith belief that the person is mentally or physically unable to comprehend the advisory or otherwise voluntarily submit to the chemical tests.

If a person objects to the blood or urine test as directed by the warrant or officer, the officer should offer the other type of test if the person is conscious. Action may be taken against a person refusing to submit to a blood or urine test only if an alternate test of blood or urine, as applicable, was offered (Minn. Stat. § 169A.51, Subd. 4; Minn. Stat. § 171.177, Subd. 2).

514.6.5 STATUTORY NOTIFICATIONS UPON REFUSAL WITH A SEARCH WARRANT
Upon refusal to submit to a chemical test pursuant to a search warrant, officers shall personally serve the notice of intention to revoke upon the person and invalidate the person's license in such a way that no identifying information is destroyed and immediately return the license to the person (Minn. Stat. § 171.177, Subd. 8).

514.7 ARREST AND INVESTIGATION

514.7.1 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).

514.7.2 ARREST AUTHORITY
An officer may arrest a person without a warrant and without regard to whether the offense was committed in the officer's presence if there is probable cause to believe the person committed (Minn. Stat. § 169A.40):

(a) A DWI offense (Minn. Stat. § 169A.20).

(b) An alcohol- or cannabis-related driving offense involving a school bus or a Head Start bus (Minn. Stat. § 169A.31).

(c) An underage drinking and driving offense (Minn. Stat. § 169A.33).

514.7.3 OFFICER RESPONSIBILITIES
If an officer requests that a person submit to a chemical test and the person refuses such request, the officer shall report such refusal to the Commissioner of the Department of Public Safety (DPS) and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 1; Minn. Stat. § 171.177, Subd. 3).

If a person refuses to submit to a test or in the alternative submits to a test and the results indicate a prohibited alcohol concentration, the officer shall immediately give notice to the person that their driving privilege will be revoked and shall (Minn. Stat. § 169A.52, Subd. 7; Minn. Stat. § 171.177, Subd. 8):

(a) Issue the person a temporary license effective for only 14 days.

1. Officers are not required to issue a person a temporary license if the person's driving privilege is under withdrawal by DPS or if the person is unlicensed.

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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).

514.7.4 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).

514.7.5 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.

514.7.6 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.

514.8 RECORDS SECTION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.9 ADMINISTRATIVE HEARINGS

The Records Supervisor 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.

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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.

514.10 TRAINING

The Training Manager 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 Manager should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Patrol Supervisor shall be responsible for the development and design of all Interim Directive traffic citations in compliance with state law (Minn. Stat. § 169.99 and Minn. Stat. § 169.999 Subd. 3).

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department. Citations will be kept in a secure location and issued to officers by Records Section staff. Officers will sign for the citation books when issued.

516.2.1 DATA COLLECTION

The Records Section should maintain information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(a) The race or ethnicity of the individual detained.

(b) Whether a search was conducted and, if so, whether the person detained consented to the search.

The Records Section should submit an annual report to the Chief of Police of the information collected to assist in the implementation and administration of the Department's Bias-Based Policing Policy required by state law (Minn. Stat. § 626.8471 Subd. 4).

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Patrol Supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Supervisor may request the Patrol Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request the prosecutor to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

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Members of the Department should provide a report or other verification to the owner of a stolen vehicle that may have received a citation during the time of the theft for the purpose of dismissing the citation (Minn. Stat. § 169.042 Subd. 2).

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Patrol Captain.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Patrol Captain. The Patrol Captain shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Section.

516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Minnesota state law and local regulations (Minn. Stat. § 169.04 (a) (1)).

516.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

(a) Administrative reviews are conducted by the Patrol Captain, which will review written/ documentary data. Requests for administrative reviews may be made at the Metro Transit Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, an appellant may petition a municipal court for a hearing by filing with the clerk of the municipal court and posting fees as required.

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516.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 days of issuance of the notice of parking violation, or within 10 days of mailing the Notice of Delinquent Parking Violation.

(b) Requests for administrative hearings must be postmarked within 15 days of the notification mailing of the results of the administrative review.

(c) Requests for appeal to the District Court must be made within 20 days of the mailing of the administrative hearing results.

(d) Registered owners of leased or rented vehicles may transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation if the name, address and driver's license number of the lessee/renter is provided to the processing agency within 30 days of the mail date of the delinquent notice.

516.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must pay the full amount due for the citation or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.

(c) An appeal through District Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the District Court.

516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

(a) When any juvenile is issued a citation for a drug or alcohol violation, or a juvenile 16 years of age or older is issued a citation for an adult court traffic offense, the officer shall follow the arrest procedures prescribed in Minn. Stat. § 169.91 and shall make reasonable effort to notify the child's parent or guardian of the violation and the nature of the charge. Notifications should be documented (Minn. Stat. § 260B.225 Subd. 3).

(b) When any juvenile is issued a citation for a major traffic offense, the officer is required to file a signed copy of the citation, as provided in Minn. Stat. § 169.91, with the juvenile court of the county in which the violation occurred. The citation serves as a petition providing the juvenile court jurisdiction (Minn. Stat. § 260B.225 Subd. 5).

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Disabled Vehicles

520.1 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.

520.2 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.

520.3 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.

520.3.1 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.

520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

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Abandoned Vehicle Violations

524.1 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.

524.1.1 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)).

524.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Minnesota abandoned vehicle laws shall be marked and noted on the officers log. Officers shall also make notification to TCC. No case number is required at this time.

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 and the above process repeated.

524.2.1 MARKED VEHICLE FILE

TCC shall be responsible for maintaining a file for or notifying the local jurisdiction on all marked vehicles.

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524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Section immediately following the storage of the vehicle. It shall be the responsibility of the Records Section to immediately notify the Minnesota Criminal Justice Information Services (MNJIS). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Section to immediately notify MNJIS. Notification may also be made to the NLETS. In most, if not all cases, the local agency shall make the notification.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Metro Transit 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 Shift Supervisor.
    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.

600.3.2 MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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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.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of a person who is suspected of having committed a criminal offense shall 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 Division 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.

600.4.2 INTERVIEW ROOM USE AND SECURITY

Members (uniformed and non-uniformed) shall comply with the following procedures when using an interview room:

(a) Firearms should be properly secured outside the room before entering to conduct an interview or interrogation.

(b) No more than two members should be present in the room during an interview or interrogation, unless necessary to maintain safety and security.

(c) Members should have a portable radio available for summoning assistance, if necessary.

(d) Access to restrooms, water, or comfort breaks should be afforded based on the length of the interview or interrogation.

(e) The use of audio/video recording devices in interview rooms shall be in accordance with this policy.

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:

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(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).

The Domestic Abuse, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using their own equipment, the member should note the dates, times, and locations of the information and report the discovery to their 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.

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Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 ELECTRONIC BENEFIT TRANSFER (EBT) CARDS

Officers shall make a report any time they arrest a person who possesses more than one welfare Electronic Benefit Transfer (EBT) card. The investigating officers shall forward this report to the Minnesota Department of Human Services and the Minnesota Department of Children, Youth, and Families within 30 days of the arrest. The report shall include all of the following (Minn. Stat. § 626.5533):

(a) The name, address, and driver's license or state identification card number of the suspect

(b) The number on each EBT card and name, if any

(c) The date and location of any alleged offense

(d) Any other information the Minnesota Department of Human Services or the Minnesota Department of Children, Youth, and Families may require on related state forms

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600.9 LOCAL AGENCY NOTIFICATION

It is the responsibility of this Department to notify the law enforcement agency with primary jurisdiction when surveillance or an investigation has been initiated on any person within the jurisdiction of that agency (Minn. Stat. § 473.407 Subd. 3). Notification to the law enforcement agency should be accomplished in one of the following manners:

(a) Manual completion of the local agency police report.

(b) Automatic or automated population of the local agency police report (data transfer).

(c) Providing a copy of the Metro Transit Police report to the local agency.

Crash reconstructionist from this agency may be called upon by State Patrol for assistance in major metro area crashed.

If any MTP crash investigators are working, TCC will contact the on-duty LT to check if staffing allows for any crash investigators to respond. If so, they will respond with safety vests and a marked squad.

MTP crash investigators will monitor MTP police main while at the scene in case they need to clear and respond to any Metro Transit call. Officers that respond to a scene will complete a Metro Transit Incident Report for an Agency Assist

600.10 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander, Deputy Chief or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.11 VICE, NARCOTICS, AND ORGANIZED CRIME COMPLAINTS

Complaints related to vice, narcotics, or organized criminal activity shall be documented and reported to a supervisor. The supervisor should determine if the complaint warrants immediate action or if information should be handled in accordance with the Criminal Organizations Policy.

All vice, narcotics, or organized crime complaints shall be forwarded to the Criminal Investigations Division Commander or the authorized designee, who is responsible for the following:

(a) Maintaining records of all complaints received

(b) Maintaining records of information conveyed to and received from outside agencies

(c) Notifying the Chief of Police of all complaints received, in a manner prescribed by the Chief of Police

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Video Evidence

601.1 PURPOSE

To provide for the integrity of evidence procured from any camera owned and/or maintained by Metro Transit or the Metro Transit Police Department.

601.2 POLICY

Officers and employees may access a recorded video related to a police department investigation (criminal or administrative) only when there is a business need to do so.

601.3 RESTRICTING ACCESS TO VIDEO DATA

The Chief of Police or their designee may, at any time, restrict access to video data as it relates to private or nonpublic data, including active criminal investigative data or data designated as clearly offensive to common sensibilities pursuant to Minn. Stat. § section 13.82, subdivision 7. This includes, but is not limited to:

- Death investigations
- Violent assaults
- Sexual assaults
- Critical incidents
- Serious vehicle accidents involving a bus, light rail, or commuter train incident
- Internal Affairs investigation of employee conduct

MTPD will notify its Asset Protection Unit who will then lock access as soon as practicable. Asset Protection will be provided with the necessary information regarding the relevant camera, time period, and personnel group to be restricted.

Authorized MTPD personnel will then download a copy of the video to upload to the evidence.com software application, leaving the original video on the system locked.

Video restrictions should be limited to the relevant video data recorded during the incident. At any time, the Chief of Police or their designee may turn off the video restriction at their discretion. At the conclusion of the related criminal investigation, MTPD will remove the restriction on the video and update the log accordingly.

601.4 SHARING VIDEO DATA

During an active incident in which relevant data must be shared in a timely manner with responding officers, screen captures may be sent only via department email or department-issued phones.

If video is required to be shared within the Metro Transit Police Department during an active incident, it should be shared only by email and with supervisor approval.

Personal phone usage is not permitted.

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Any video data that is shared with another entity must be shared via a secure link using the evidence.com software application. This includes, but is not limited to:

- Metro Transit business units (e.g., operations)
- Met Council business units (e.g., Risk Management, Office of General Counsel)
- Other law enforcement agencies
- City and county prosecutors

601.5 DOCUMENTING USER ACCESS

The video system software automatically creates a digital log of each user who has accessed any video.

In addition, all employees who view video of an incident, excluding staff assigned to the Investigations Division, are required to submit a supplemental report prior to the end of their shift.

601.6 COMPLIANCE

Failure to comply with this policy may result in discipline, up to and including termination.

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Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

This policy provides peace officers with important guidelines and information on responding to reports of sexual assault and affirms the authority and responsibility peace officers have to conduct thorough investigations and to make arrest determinations in accordance with established probable cause standards.

602.2 DEFINITIONS

Child or Minor: a person under the age of 18.

Consent: means 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 (Minn. Statute 609.341, Subd. 4).

Criminal Sexual Conduct: means where a person engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statutes 609.342 to 609.3451.

Family or Household Member: has the same meaning given to it in MN Statute 518B.01, subdivision 2(b).

Medical Forensic Examiner: means the health care provider conducting a sexual assault medical forensic examination.

Mentally Incapacitated: has the meaning given to it in MN Statute 609.341, subdivision 7.

Physically Helpless: has the meaning given to it in MN Statute 609.341, subdivision 9.

Sexual Assault: refers to an act of sexual abuse in which an individual touches another in a sexual manner without consent or by coercion.

Sexual Assault Medical Forensic Examination: means 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.

Victim Advocate: refers to a Sexual Assault Counselor defined by MN Statute 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by MN Statute 595.02, subdivision 1(l) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist with locating a local victim advocacy agency for the purposes outlined in this policy.

Victim Centered Approach: refers to an investigative approach which 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 victim's input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

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Vulnerable Adult: has the meaning given to it in MN Statute 626.5572, Subd. 21.

602.4 POLICY

It is the policy of this department to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area.

When investigating incidents of sexual assault, peace officers shall utilize investigative techniques that are victim centered. Officers should strive to protect the dignity and autonomy of victims by giving them choices, whenever possible, and by helping them to better understand the criminal justice system and its processes. Officers shall coordinate and work cooperatively with the prosecutor's office and assist in conducting any necessary follow-up investigations when directed to do so by the prosecuting attorney or a supervisor.

This department will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, immigration status, or national origin.

602.5 EVIDENCE PRESERVATION

When a victim calls to report a sexual assault and the assault was recent, dispatchers and/or peace officers should inform the victim of the following to ensure critical evidence is not lost:

- suggest to the victim that he or she not bathe or clean up,
- if the victim needs to urinate, suggest he or she collect the urine in a clean container for test and avoid wiping, and
- place any clothing, blankets, or linens worn or present during or after the assault in a paper bag unwashed.

If the assault happened more than 24 hours ago or the victim has already bathed or washed their clothing/bedding, officers should reassure the victim that other evidence may still be identified and recovered by other means.

602.6 VICTIM RIGHTS

Peace officers have a statutory obligation to inform domestic and sexual assault victims of their rights. Officers must provide victims of sexual assault, minimally, with the information included herein.

MN Statute 611A.02, Subd. 2(b)(1-6), requires peace officers to provide victims with an initial notice of their rights as a victim of a crime.

MN Statute 629.341, Subd 3, requires peace officers to inform victims whether a shelter or other services are available in their community. Under this provision, officers shall also inform the victim of their legal rights and the remedies available to them.

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MN Statute 611A.27, Subd 1, requires peace officers to release information regarding a sexual assault examination kit to the victim or their delegate upon request. Victims should be informed of their right to request this information.

As stated in MN Statute 611A.26, Subd. 1, no law enforcement agency or prosecutor shall require a victim, or complainant of sexual assault to submit to a polygraph examination as a condition of proceeding with the investigation or prosecution of the crime. A victim may submit to a polygraph examination if the conditions described in MN Statute 611A.26, subdivisions 2-4 are met.

602.7 RESPONDING TO A SEXUAL ASSAULT CALL

When responding to a sexual assault call, officers shall respond without delay and follow standard incident response procedures.

Upon arrival, officers should determine whether the victim needs medical attention as well as the location/jurisdiction in which the assault took place. If the assault took place outside of the department's jurisdiction, the responding officer should assist the victim in contacting the appropriate law enforcement agency and provide any services or assistance requested by the victim. If the victim is unsure of where the assault took place or another jurisdiction cannot be determined, the officer should take the report.

Department members shall treat victims of sexual assault with dignity and respect and should also recognize that victims of traumatic incidents may not be willing or able to immediately assist with the criminal investigation.

During initial contact, the responding officer should explain the investigative process to the victim. This explanation should include a description of the various tasks and roles of the first responder, investigator, and anyone else with whom the victim will likely interact. Officers are encouraged to connect the victim with local and confidential victim advocates as soon as possible. These advocates are available to address any questions or needs the victim may have, can be present to support the victim during any interviews, and support them generally through the criminal justice process. The victim should be provided with contact information for the local victim advocate and officers are encouraged, with the victim's consent, to contact local victim advocates on the victim's behalf. Victim advocates are not, without the consent of the victim, allowed to disclose any opinion or information received from or about the victim.

602.8 INVESTIGATION

During a sexual assault investigation, the following tasks shall be completed:

- The responding officer shall collect the victim's preferred contact information.
- Officers shall ask about and document any signs and/or symptoms of injury- including strangulation.
- Officers shall ensure the victim knows they can go to a designated facility for a forensic medical examination. Officers may arrange for transportation for the victim or transport the victim themselves.

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- If the victim seeks medical attention or elects to have a forensic medical examination completed, officers shall attempt to obtain a signed medical release form from the victim.
- Officers shall identify and attempt to interview any potential witnesses to the sexual assault and/or anyone the victim may have told about the assault.
- Officers shall collect any evidence related to the assault, including, but not limited to, clothing, bedding, electronic data, and security footage.

This department 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 being as nondirective as possible to elicit spontaneous responses. In recognizing the need for non-traditional interviewing techniques for sexual assault victims, the investtigating officer should consider the following points:

- Offer to have a confidential victim advocate present as additional support for the victim during the process.
- Conduct the victim interviews in person in a comfortable and welcoming environment to the extent possible.
- Let the victim share details of the event at their own pace.
- Be mindful of the fact that victims may have difficulty remembering incidents in a linear fashion and may remember details in the days and weeks following the assault.

Depending on the victim, additional interviews may be needed to gather any additional necessary information. In some instances, the victim may not have wanted to provide an initial statement at all. Therefore, after the initial interview or interview attempt, the investigating officer may need to reach out to the victim to conduct a follow-up interview. Consideration should be given to reaching out to the victim within a few days of the incident, or minimally, after one sleep cycle to allow the victim to process the event. The details investigating officers should attempt to discern through victim interviews includes the following:

1. · Does the victim know the suspect?
2. · How long has the victim known the suspect?
3. · What type of relationship does the victim have (past or present) with the suspect?
4. · Were drugs or alcohol involved in the incident?
5. · Were there any behaviors or actions that altered the encounter? (i.e., Did the encounter start off consensual and then change based on the behaviors of one or more of the individuals involved?)
6. · What, if any, specific statements, actions, and/or thoughts did the victim and/or suspect have prior, during, and after the assault?
7. · What, if any, digital communication exists between those involved? (i.e., Are there social media messages, text messages, or emails between the parties that may be of evidentiary value?)

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602.8.1 EVIDENCE COLLECTION

Officers investigating a sexual assault shall follow standard evidence collection procedures and any other procedures mandated by this agency. When collecting evidence, officers should consider the following points:

1. Officers should collect evidence or document information regarding the environment in which the assault took place, including indications of isolation and soundproofing.
2. Officers should 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.
3. 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, drug paraphernalia, or other related items.
4. If the victim has declined a medical examination or a medical forensic examination will not be conducted, the officer should obtain victim consent and take photographs of visible physical injuries, including any healing or old injuries. Victim should be instructed on how to document any bruising or injury that becomes apparent in the hours or days after the altercation. Officers are encouraged to follow-up with the victim a day or two after the reported event to take additional photos if the victim consents.

602.8.2 MEDICAL FORENSIC EXAMINATIONS

Prior to a sexual assault medical forensic examination, the investigating officer should do the following:

1. Ensure the victim understands the purpose of the sexual assault medical forensic examination and its importance to both their general health and wellness and to the investigation. Officers should inform the victim that forensic medical examinations are completed at zero cost to them.
2. Provide the victim general information about the procedure and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or victim advocate.
3. Officers and investigators shall not deny a victim the opportunity to have an exam.
4. Officers should be aware and, if necessary, relay to victims who do not want to undergo an exam that there may be additional treatments or medications they are entitled to even if they do not want to have an examination completed. Victims can get additional information on these other treatments from a health care provider or a victim advocate. If possible, law enforcement should transport or arrange transportation of the victim to the designated medical facility.
5. Ask the victim to sign a medical release form to gain access to any medical records related to the examination.
6. Officers should not be present during any part of the examination, including during the medical history. Following the examination, the evidence collected shall be handled according to agency policy and MN Statute 299C.106.

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602.8.3 MINORS AND VULNERABLE ADULTS

This agency recognizes that victims are better served by utilizing interview techniques and strategies that eliminate the need for multiple interviews. Members of this agency will be alert for victims who would be best served by the use of 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 limit their actions to the following:

- Ensuring the safety of the victim.
- ensuring the scene is safe.
- safeguarding evidence where appropriate.
- collecting any information necessary to identify the suspect, and
- addressing the immediate medical needs of individuals at the scene.

Essentially, initial responding officers should not attempt to interview the victim in these situations. Instead, officers should attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and what crime(s) may have 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.

Officers responding to victims with special considerations must comply with the mandated reporting requirements of MN Statutes 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations are encouraged to coordinate these investigations with human services. 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 human services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian pursuant to MN Statute 260E.22 can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under MN Statute 260E.06 should assess the impact on the victim and the investigation if parents/ guardians were notified before involving them.

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. 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.

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Officers responding to a report of sexual assault committed against a family and/or household member must follow the requirements/guidelines of this policy as well as those in the agency's domestic abuse policy.

602.8.4 SUSPECT CONTACT AND INTERVIEWS

When circumstances allow, officers should review the suspect's criminal history record before initiating contact. When reviewing the record, officers should pay special attention to qualified domestic abuse related offenses and other accusations or charges related to criminal sexual conduct.

Initial and subsequent interviews with a suspect should, whenever possible, be conducted in person and recorded. If the suspect does not deny having sexual contact with the victim, but denies the encounter was non-consensual, officers should:

- collect evidence of past communication, including but not limited to all relevant interactions on social media, through text message, and through any other mediums between the suspect and victim, and
- gather additional details regarding the events that transpired prior to, during, and after the assault in an effort to identify additional potential witnesses, crime scene locations, and evidence.

As part of their investigation, officers should collect evidence from the suspect, either by consent or with a search warrant.

Sexual assault medical forensic examinations may be completed on a suspect by a medical professional. If a forensic examination is not conducted, the investigating officer should ensure the following evidence is collected:

1. DNA (of the suspect and any obtainable that may be from the victim, possibly via fingernail scrapings),
2. Biological trace evidence (if applicable),
3. Suspect's clothing worn during the assault, and
4. Injury photographs.

Officers should also document the suspect's appearance, the presence of any scars/tattoos, piercings, and any other identifiable marks, features, or attributes.

For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence that may help identify the perpetrator.

602.9 COPY OF SUMMARY

The Investigation Division 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 Metro Transit Police Department, a copy of the written summary shall also be provided to the law enforcement agency where the incident occurred. If the Metro Transit Police Department learns that both the victim and the accused are

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members of the Minnesota National Guard, the Department shall provide a copy of the summary to the Bureau of Criminal Apprehension (Minn. Stat. § 609.3459).

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Administrative Forfeiture

606.1 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).

606.2 DEFINITIONS

Ammunition: has the meaning given to it in Minn. Stat. 609.02, subd. 17.

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.

Controlled Substance: has the meaning given to it in Minn. Stat. 152.01, subd. 4.

Conveyance Device: has the meaning given to it in Minn, Stat. 609.531, subd. 1(a).

Firearm: has the meaning given to it in Minn. Stat. 609.666, subd. 1(a).

Firearm Accessories: means devices and attachments made to be used for or with a firearm. Firearm accessories may include but are not limited to, holsters, gun cases, firearm optics, suppression devices, and firearm cleaning supplies.

Fiscal Agent - The person designated by the Metro Transit 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 Metro Transit Police Department seizes property for forfeiture or when the Metro Transit Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

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

Forfeiture Reviewer: means the agency member responsible for reviewing all forfeiture cases and for being the liaison between the agency and prosecutor's office. They are also responsible for ensuring forfeiture changes are forwarded to a supervisor for review.

Jewelry/Precious Metal/Precious Stones: means items of jewelry such as rings, necklaces, and watches that reasonably appear to be made with 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.

Money: has the meaning given to it in Minn. Stat. 609.5314, subd. 1(d).

Seizure: means the act of law enforcement officials taking property, including but not limited to, money and vehicles, that have been used in connection with, or acquired as a result of illegal acivities.

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606.3 POLICY

As a general policy, the Metro Transit Police Department does not conduct Administrative Forfeiture.

In the rare circumstances where the Metro Transit Police Department might do so, the Chief of Police or designee must approve the initiation of the process. The Chief of Police or designee will coordinate with the local law enforcement agency with primary jurisdiction, prior to initiating any Administrative Forfeiture process.

It is the policy of the Department to follow the requirements of the Administrative Forfeiture Model Policy, established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8476).

The Metro Transit 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 Metro Transit Police Department that all members of the agency, all employees assigned to another law enforcement agency's task force and all members 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.

606.4 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 to 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):

    (a) Space for an itemized list of items seized.

    (b) The location and date of the seizure.

    (c) A place for the name of the individual served with the seizure form.

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(d) The date and signature of the officer conducting the seizure.

(e) The agency case number.

(f) 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.

(g) At least an original and the pink copy.

(h) 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:

(a) Written documentation of the seizure and items seized is present in the case file.

(b) Independent prosecutorial review of the circumstances and propriety of the seizure is made in a timely manner.

(c) A timely notice of seizure has been given to interest holders of seized property.

(d) 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.

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(o) Upon completion of any forfeiture process, ensure that no property is retained by the Metro Transit Police Department unless the Metro Transit 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).

606.5 SEIZURE OF PROPERTY

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:

    (a) The property was used or is intended to be used in commission of a felony.

    (b) The property is dangerous to health or safety.

606.5.1 PROPERTY SUBJECT TO SEIZURE

Property may be seized for forfeiture as provided in this policy.

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:

    (a) Controlled substances and associated property as described in Minn. Stat. § 609.5311.

    (b) 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).

606.5.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

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(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.

(c) Conveyance devices valued at less than $3,000 (on drug and fleeing arrests).

606.6 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

The peace officer making the seizure must ensure the following:

1. That the required forfeiture forms are completed.

2. That a receipt for the seized items is completed.

3. That the appropriate notifications are made within 60 days pursuant to Minn. Stat. 609.5314, subd. 2.

4. That all property subject to and being processed for forfeiture through this department must be held in its custody.

The peace officer conducting the seizure shall ensure that the original and pink copy of the seizure notices, seized property processing worksheets, property receipts, and reports are forwarded to the Forfeiture Reviewer within 10 days of seizure. The peace officer who conducted the seizure shall inform the Forfeiture Reviewer of the estimated retail value of any drugs found in proximity to the asset seized.

606.6.1 CASH AND MONEY INSTRUMENTS

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 placed in an envelope that is sealed, initialed and dated by both officers.

This process should be documented via video-recording. If video-recording is not available, one of the peace officers should document the reason(s) why a recording was not captured in their report.

The property bag and/or inventory receipt shall then be signed and dated by the two peace officers who counted the money.

A supervisor shall be contacted for cash in excess of $500, who shall also witness, 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 and Evidence Room as soon as practicable after the seizure.

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.

The seizing officer shall prepare a property inventory receipt and if money is seized from multiple individuals, a property inventory shall be completed for each individual. It shall specify the total

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amount of money seized from each individual and contain a detailed description of all money, checks, money orders, travelers' checks and/or other financial instruments. A copy shall be provided to the Forfeiture Reviewer.

606.6.2 JEWELRY, PRECIOUS METALS AND 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 items shall be delivered to the Forfeiture Reviewer and kept with the case file.

Officers seizing jewelry, precious metals and/or precious stones shall book those items according to current property and evidence procedures as soon as practicable.

606.6.3 CONVEYANCE DEVICES
Upon seizure for forfeiture, all conveyance devices shall immediately be taken to either a secure designated are,a or to a department-approved impound facility.

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. Copies of the vehicle storage report shall be included with the seizure documentation that is submitted to the Forfeiture Reviewer.

606.6.4 FIREARMS, AMMUNITION AND FIREARM ACCESSORIES
When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the Property and Evidence Room as soon as practicable. Copies of the completed forms shall be provided to the Forfeiture Reviewer and kept with the case file.

606.7 REPORTS
Officers seizing property shall complete a report, which must include the following:

1. Description of the items seized.
2. Where the property was inventoried.
3. Name of the individual served.
4. Date the seizure form was served.
5. Name of the serving officer; and
6. Whether or not the person served signed the forfeiture form.

All reports dealing with the seized property must be completed within 24 hours of the seizure, unless the officer received permission from their direct supervisor to exceed the 24 hour requirement. In such instances, information regarding what item was seized, by whom, and where the property is being stored shall be documented in a location accessible by other agency personnel.

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606.8 MAINTAINING SEIZED PROPERTY

The Property and Evidence Room supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (Minn. Stat. § 609.531 Subd. 5).

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or returned to the claimant or person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.9 DISPOSITION OF SEIZED PROPERTY

Legal disposition may include (Minn. Stat. § 609.5315; Minn. Stat. § 169A.63, Subd. 10):

(a) Retention by the department and/or prosecuting agency.

    (a) If a forfeited motor vehicle is kept for department use, the department will make a reasonable effort to ensure the vehicle is available for use and adaptation by officers who participate in the department's Drug Abuse Resistance Education program (Minn. Stat. §609.5315).

(b) Destruction.

(c) Sale performed in a commercially reasonable manner.

(d) Other disposition pursuant to applicable provisions of Minnesota Statutes.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Metro Transit 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)).

606.10 TRAINING

Training will be provided by this department in consultation with the prosecuting authority to personnel who may exercise the use of administrative forfeiture in the performance of their assigned duties. Such training will be conducted whenever the department policy is changed or modified based on administrative directives, legislative changes, and/or court decisions. Training may include, but is not limited to, agency policy, directives, and electronic or traditional class room education.

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Informants

607.1 PURPOSE AND SCOPE

The purpose of this policy is to inform Metro Transit Police Department members of how the recruitment, control, and use of confidential informants must occur.

607.2 DEFINITIONS

Compelling Public Interest: refers to a situation in which a failure to act would result or likely result in the loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demands action.

Confidential Informant or Informant: refers to an individual who provides information about criminal activity to a law enforcement agency. In their capacity as a confidential informant (Minn. Stat. § 626.8476, Subd. 1), individuals may:

- make controlled buys or controlled sales of contraband, controlled substances, or other items that are material to a criminal investigation;
- supply information about suspected or actual criminal activities to law enforcement; or
- provide information pertinent to ongoing criminal intelligence gathering or criminal investigative efforts.

Controlled Buy: means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation, from a target offender that is initiated, managed, overseen or participated in by law enforcement personnel with the knowledge of a confidential informant.

Controlled Sale: means the sale of contraband, controlled substances, or other items that are material to a criminal investigation, to a target offender that is initiated, managed, overseen or participated in by law enforcement personnel with the knowledge of a confidential informant.

Confidential Informant File: means a file maintained to document all information that pertains to a confidential informant.

Overseeing Agent: means the peace officer primarily responsible for the supervision and management of the confidential informant.

Target Offender: means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of the confidential informant.

607.3 POLICY

As a general policy, the Metro Transit Police Department does not utilize confidential informants.

In the rare circumstances where the Metro Transit Police Department might do so, the Chief of Police or designee, must approve the initiation of the process. The Chief of Police or designee will coordinate with the local law enforcement agency with primary jurisdiction, prior to initiating any confidential informant process.

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It is the policy of the Department to follow the requirements of the Confidential Informants Model Policy, established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8476).

The Metro Transit Police Department recognizes the value of confidential informants to law enforcement efforts and will strive to protect the integrity of the informant process.

All funds related to informant payments will be routinely audited and payments will be made according to the criteria outlined in this policy.

607.3.1 POST MODEL POLICY
It is the policy of the Department to follow the requirements of the Confidential Informants Model Policy, established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8476).

607.4 INFORMANT COORDINATOR

The Chief of Police or the authorized designee should designate an informant coordinator responsible for remaining familiar with the requirements and guidelines set forth in Minn. Stat. § 626.8476 and the MN POST Confidential Informants Model Policy.

The coordinator is also responsible for implementing department procedures and protocols concerning the recruitment, control, and use of informants, as adopted by the model policy, including but not limited to:

(a) Establishing general guidelines related to the oversight of informants such as:
    1. The execution of informant agreements.
    2. The use of informants in exigent circumstances.
    3. Supervisor review of informant files and informant agreements, and attendance at debriefings and meetings.
    4. Communication strategies and plans to address the confidentiality and integrity of the department/informant relationship.
    5. The screening of informants for personal safety or mental health concerns before and after their use.
    6. Reasonable protective measures to safeguard informants when a member of the Department knows or reasonably should know of a risk or threat of harm arising from the informant's service to the Department.

(b) Developing procedures for determining initial and continued suitability, and preparing related reports (e.g., initial suitability determination report, Continuing Suitability Report).
    1. Procedures should include a process for forwarding the results of initial and continuing suitability determinations to appropriate department members.

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2. The local prosecutor's office should be consulted before engaging individuals who require special review and approval (e.g., juveniles, government officials, those individuals obligated by legal privilege of confidentiality).

(c) Creating a process for identifying individuals who may be or who may become unsuitable to serve as informants (e.g., individuals receiving in-patient or partial-hospitalization treatment for a substance use disorder or mental illness, participating in a treatment-based drug court program or treatment court, having overdosed in the last 12 months, having a physical or mental illness that impairs the ability to understand instructions and make informed decisions).

(d) Working with department members to identify informants who should be referred to substance abuse prevention or treatment services.

(e) Addressing jurisdictional issues to ensure proper coordination in the use of informants.

(f) Working with the Investigation Division supervisor to manage the informant file system, including establishing guidelines regarding access, review, and disclosure.

(g) Establishing deactivation procedures

1. Procedures should include reasonable efforts to maintain the safety and anonymity of the informant after deactivation.

2. Procedures may include an option to provide deactivated informants with referral to physical, mental, or emotional health services.

(h) Establishing guidelines for training and briefing informants.

(i) Making any necessary updates to agency procedures.

(j) Certifying annually to MN POST that the Department has adopted a policy that complies with the requirements of the model policy as required by Minn. Stat. § 626.8476, Subd. 3.

607.5 USE OF INFORMANTS

607.5.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from their supervisor or other authorized designee. 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 their reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

607.5.2 SPECIAL CONFIDENTIAL INFORMANTS

Certain individuals who are being considered for use as a confidential informant require special review and approval.

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In all such instances, the Chief of Police or their designee and the office of the prosecutor or county attorney, should be consulted prior to the use of these individuals.

The following individuals are considered "special" confidential informants and require additional review and approval prior to taking on an informant role:

- Juveniles;
- Individuals obligated by legal privilege of confidentiality; and
- Government officials.

607.5.3 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.

Any physical, mental, or emotional condition that may impair the informant's ability to understand the agreement, knowingly enter into it, or adequately protect their own interests should be considered before the informant signs the agreement.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

607.5.4 EXIGENT CONFIDENTIAL INFORMANTS

When an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent, the initial suitability determination may be deferred.

In these cases, the individual may be utilized as a confidential informant for a period not to exceed 12 hours from the time of arrest.

An exigent confidential informant may be used if all the following conditions are met:

- The individual is not excluded from utilization as an informant per the conditions described in this policy;
- There is a compelling public interest or exigent circumstances exist that demand immediate utilization of the individual as an informant and any delay would significantly and negatively affect any investigation; and
- A supervisor has reviewed and approved the individual for utilization as an informant under these circumstances.

607.6 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.

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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 Metro Transit 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.

607.6.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging the informant in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on their 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.

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(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using their 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.

(h) The informant is known to have experienced, or has reported experiencing, a drug overdose in the previous 12 months.

Any prospective or current informant shall be excluded from participating in a controlled buy or sale of a controlled substance if it is known that the informant is:

- Receiving inpatient or partial-hospitalization treatment for a substance use disorder or mental illness from a licensed provider.
- Participating in a treatment-based drug court program or treatment court.

607.7 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.

The Criminal Investigations 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.

607.7.1 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:

(a) Name and aliases

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(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 the informant's subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant and any subsequent overseeing agents

(k) Signed informant agreement

(l) Update on active or inactive status of informant

(m) Emergency contact information

(n) Criminal history record

607.8 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.

607.8.1 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 a Investigation Division buy/ expense fund.

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1. The Investigation Division supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.

1. The check shall list the case numbers related to and supporting the payment.
2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of the informant's actions in the case.
4. Authorization signatures from the Chief of Police and the General 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) Metro Transit Police Department case number
   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
   (e) The cash transfer form shall be signed by the informant.
   (f) The cash transfer form will be kept in the informant's file.

607.8.2 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be advised of their 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 confidential informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount they 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.

607.8.3 AUDIT OF PAYMENTS

The Investigations Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

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At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all confidential 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.

607.9 REVIEW OF CONFIDENTIAL INFORMANTS

Every 6 months, the suitability of each confidential informant must be reviewed. The overseeing agent must submit a Continuing Suitability Report addressing whether the informant remains suitable to continue in this role, per this policy.

Any information that may negatively affect the informant's suitability during the course of their use, must be documented in the informant's file and forwarded to the supervisor as soon as possible. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of informants periodically as part of the informant management process. If a supervisor is unable to attend an informant debriefing, another overseeing agent or investigatory partner must attend the meeting, so that two agents/peace officers are present.

When a confidential informant is active for more than 12 months, a supervisory meeting with the informant must be conducted without the overseeing agent.

Confidential Informant agreements must be terminated, and the file placed in inactive status, when the informant has not been utilized for 6 months or more.

607.10 TRAINING

The Training Manager shall provide in-service training to officers, including part-time officers, in the recruitment, control, and use of confidential informants as required by Minn. Stat. § 626.8476.

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Eyewitness Identification

609.1 PURPOSE AND SCOPE

This policy establishes guidelines to be used when members of this department employ eyewitness identification procedures (Minn. Stat. § 626.8433).

609.1.1 DEFINITIONS

Definitions related to the policy include:

Administrator - means the law enforcement official conducting the identification procedure.

Blind Presentation - means the administrator conducting the identification procedure does not know the suspect's identity.

Blinded Presentation - means the administrator may know the identity of the suspect but does not know which photo array member is being viewed by the eyewitness at any given time.

Confidence Statement - means a statement taken verbatim from a witness immediately after an identification is made, stating their level of certainty in the identification.

Filler - refers to a live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

Lineup/Live Lineup - means the process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

Photo Array/Photographic Lineup - is a means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

Sequential - means the presentation of a series of photographs or individuals to a witness one at a time.

Show-up - means the in-person presentation of a single suspect to an eye witness within a short time frame following the commission of a crime to either confirm or eliminate the individual as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

Simultaneous - means the presentation of a series of photographs or individuals to a witness all at once.

609.2 POLICY

It is the policy of this department to maximise the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eye witness identification protocols. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

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The Metro Transit 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.

609.2.1 POST MODEL POLICY
It is the policy of the Metro Transit Police Department to follow the requirements of the Eyewitness Identification Procedures model policy, established and published by the Minnesota Board of Peace Officer Standards and Training (POST) (Minn. Stat. § 626.8433).

609.3 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.

609.4 RESPONSIBILITIES OF INVESTIGATION DIVISION SUPERVISOR

The Investigation Division 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:

1. The date, time, and location of the eyewitness identification procedure.
2. The name and identifying information of the witness.
3. The name of the person administering the identification procedure.
4. If applicable, the names of all individuals present during the identification procedure.
5. An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
6. 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.
7. If the identification process is a photo array or lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
8. An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
9. A signature line where the witness acknowledges that they understand the identification procedures and instructions.
10. A statement from the witness in their own words describing how certain they are of the identification or non-identification. This statement should be taken at the time of the identification procedure.

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11. Any other direction to meet the requirements of the POST model policy.

The process and related forms should be reviewed at least annually and modified when necessary.

609.5 EYEWITNESS IDENTIFICATION PROCEDURES

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.

If an eyewitness identification procedure is not recorded, a written record shall be created and the reasons documented.

Still photographs used for an eyewitness identification procedure shall also be documented and copies preserved in the case file.

609.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

Photographic lineups are the preferred eyewitness identification process. When a photographic lineup cannot be done or a different method is more reasonable under the circumstances, the investigating officer may use a live lineup or field identification.

When conducting a live lineup, the member presenting the lineup should not be involved in the investigation or know the identity of the suspect (Minn. Stat. § 626.8433).

When conducting a photographic lineup, if practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

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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.

609.5.2 PHOTO ARRAY PROCEDURE

Photo arrays are the preferred method/procedure of achieving an eyewitness identification of a suspect. When a photo array cannot be done or a different method is more reasonable under the circumstances, an officer may use a lineup or showup.

When creating photo arrays officers should follow the following basic guidelines described in this policy.

- Use contemporary photos.
- Do not mix color and black and white photos.
- Photo arrays should consist of six individuals- the suspect and five fillers.
- Use photos of the same size and basic composition.
- Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.
- Do not include more than one photo of the same suspect.
- Cover any portions of mug shots or other photos that provide identifying information on the subject – and similarly cover other photos used in the array.
- Where the suspect has a unique feature, such as a scar, tattoo, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.
- Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- Fillers should not be reused in arrays for different suspects shown to the same witness.
- Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.
- If there is more than one suspect, include only one in each photo array.
- Place the suspect in different positions in each photo array for each witness.

When presenting a photo array, the primary investigating officer is responsible for ensuring these procedures are followed:

- During a photo array presentation, no one who is aware of the suspect's identity should be present.
- Photo arrays should be presented by a blind administrator.

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- If a blind administrator is not available, a blinded administrator may present the photo array using the following procedures.
- Place the suspect and at least five filler photos in separate folders for a total of six.
- The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that they cannot see how the lineup members are ordered.
- The administrator should position themselves so that they cannot see inside the folders as they are viewed by the witness.
- The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
- If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.
- Witnesses should not be permitted to see or be shown any photos of the suspect prior to the photo array.
- The photo array and completed Sequential Photo Display Form should be preserved, as part of the case file and documented in a report.

The administrator shall read aloud the following instructions to the witness and they shall be given a copy, prior to viewing a photo array or live lineup:

"You will be asked to look at a series of individuals.

The perpetrator may or may not be present in the identification procedure.

It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

I do not know whether the person being investigated is included in this series OR I do not know the order of the photos.

Sometimes a person may look different [in a photograph than in real life] because of different hair styles, facial hair, glasses, a hat, or other changes in appearance.

[Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life].

You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.

The individuals are not configured in any particular order.

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If you make an identification, I will continue to show you the remaining individuals [or photos in the series].

Regardless of whether you make an identification, we will continue to investigate the incident.

Since this is an ongoing investigation, you should not discuss the identification procedures or results."

If an identification is made, ask: **"In your own words, please describe how certain you are?"**

609.5.3 LINEUPS

When creating the Lineup, officers should follow the basic guidelines described in this policy:

- Live lineups shall be conducted using a blind administrator.
- Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
- Lineups should, minimally, consist of six individuals - the suspect and five fillers.
- Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.
- Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.
- If there is more than one suspect, include only one in each lineup.
- Place the suspect in different positions in each lineup for each witness.

When conducting the Lineup, the primary investigating officer is responsible for ensuring the procedures described herein are followed:

- Schedule the lineup on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.
- Ensure compliance with any legal requirements for transfer of the subject to the lineup location if the individual is incarcerated.
- Make arrangements to have persons act as fillers.
- Ensure that the witness is informed the suspect may or may not be in the lineup prior to the lineup commencing.
- Ensure that the suspect's right to counsel is scrupulously honored and that he or she is provided with counsel if requested, obtaining proper documentation of any waiver of the suspect's right to counsel.

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- Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the lineup and to observe the manner in which the lineup is conducted.
- Only the suspect's attorney may be present for a lineup.
- Witnesses should not be permitted to see or be shown the suspects or their photos prior to the lineup.
- The lineup should be fully documented in a case report.

The administrator shall read aloud the following instructions to the witness and they shall be given a copy, prior to viewing a photo array or live lineup:

"You will be asked to look at a series of individuals.

The perpetrator may or may not be present in the identification procedure.

It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

I do not know whether the person being investigated is included in this series OR I do not know the order of the photos.

Sometimes a person may look different [in a photograph than in real life] because of different hair styles, facial hair, glasses, a hat, or other changes in appearance.

[Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life].

You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.

The individuals are not configured in any particular order.

If you make an identification, I will continue to show you the remaining individuals [or photos in the series].

Regardless of whether you make an identification, we will continue to investigate the incident.

Since this is an ongoing investigation, you should not discuss the identification procedures or results."

If an identification is made, ask: **"In your own words, please describe how certain you are?"**

609.5.4 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications should be avoided whenever possible but may be helpful in certain cases where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

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When initiating a field identification, the member should observe the following guidelines:

(a) Obtain and document a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect, or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

609.6 DOCUMENTATION

A thorough description of the eyewitness procedure 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.

609.6.1 DOCUMENTATION RELATED TO RECORDINGS

The member conducting the lineup should document the reason that an audio and/or video recording was not obtained, if applicable.

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Brady Material Disclosure

611.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

611.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Metro Transit Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

611.2 POLICY

The Metro Transit Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Metro Transit Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information as provided in this policy.

611.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

611.4 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

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(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or Prosecuting Attorney should then be requested to file a motion in order to initiate an in-camera review by the court.

1. If no motion is filed, a Coordinator selected by the Chief should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Coordinator shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that data ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Coordinator should request a protective order from the court limiting the use and further dissemination of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member, when information is requested from the Coordinator.

611.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

The Chief of Police shall select a member of the Department to coordinate requests for Brady information.

The person shall be directly responsible to the Chief of Police.

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

a) working with the appropriate Prosecuting Attorneys and their offices to establish systems and processes to determine what constitutes Brady information and the method for notification and disclosure

b) making a current list of members who have Brady information in their files or backgrounds

c) updating the list at b) whenever potential Brady information concerning any Department member becomes known to the Department or is placed into a personnel or internal affairs file.

611.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Warrant Service

612.1 PURPOSE AND SCOPE

This policy establishes guidelines to assist peace officers in obtaining and executing search warrants, as authorized by Minnesota State Statutes 626.05 to 626.22.

. It is understood that this policy cannot address every variable or circumstance that may arise in the service of a search or arrest warrant, as these situations can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which provides 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.

612.2 DEFINITIONS

Definitions related to this policy include:

A. Affiant – The peace officer authoring the search warrant application and swearing to the facts of the affidavit contained in the application, who may be examined on oath, along with any witnesses the peace officer may produce.

B. Affidavit – A written document, containing a statement of facts, confirmed by oath or affirmation.

C. Court – The designated judicial branch having jurisdiction over the location or person listed in the search warrant application and affidavit.

D. "Knock and Announce" Warrant – A search warrant where a peace officer executing a search warrant generally must not immediately force their way into the premises. The officer must first knock, identify themselves as "POLICE" and announce their intent, waiting a reasonable amount of time for the occupants to allow entry into the premises.

E. Nighttime Exception – A search warrant may be served only between the hours of 7:00 a.m. to 8:00 p.m. unless the court determines that a night-time search outside those hours is necessary to prevent loss, destruction, or removal of the objects of the search or to protect the search or the public. The nighttime exception must be noted and authorized in the warrant.

F. "No-Knock" Search Warrant – A search warrant authorizing peace officers to enter certain premises without first loudly and understandably announcing the officer's presence and purpose and waiting an objectively reasonable amount of time thereafter for the occupant to comply, based on a totality of the circumstances, prior to entering the premises (Minn. Stat. §626.14, Subd. 2.).

G. Probable Cause – Having reasonable grounds for supporting the requested court order, to include: search warrants, arrests or other legal process. Probable cause is required by the Fourth Amendment. Officers must have an objectively reasonable basis for believing that a crime may have been committed or that there is evidence of the crime present in the place to be searched.

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H. Search Warrant - An order in writing, in the name of the state, signed by a court other than a court exercising probate jurisdiction, directed to a peace officer, commanding the peace officer to make a search as authorized by law and hold any item seized, subject to the order of a court, to include electronic communication information pursuant to Minn. Stat 626.085, unless Subd.2 applies.

I. Search Warrant Risk Assessment Form – A form completed by the affiant, which uses multiple criteria to evaluate a warrant application, for the level of risk in its execution.

612.3 POLICY

It is the policy of the Metro Transit 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.

612.4 INVESTIGATIVE SUPERVISOR

The investigative supervisor (see the Operations Planning and Deconfliction Policy) shall review all Risk Assessment Forms with the involved supervisor to determine the risk level of the warrant service.

The investigative supervisor is also responsible for coordinating service of those warrants categorized as high risk. De-confliction, risk assessment, operational planning, briefing and debriefing should follow the guidelines in the Operations Planning and Deconfliction Policy.

612.5 SEARCH WARRANTS

Officers must receive authorization from a supervisor before preparing a search warrant application.

Officers must receive authorization from a supervisor and the Chief of Police or their designee before preparing a no-knock search warrant application (Minn. Stat. 626.14).

Once authorization is received, the officer will prepare the affidavit and search warrant application, consulting with the applicable prosecuting attorney as needed. They will also complete the Risk Assessment Form and affidavit, to the appropriate supervisor and the investigative supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

Before the warrant is issued, the affiant and any witnesses they produce, may be examined on oath by the court.

A search warrant may be served only between the hours of 7:00 a.m. to 8:00 p.m. unless the court determines that a nighttime search outside those hours is necessary. The nighttime exception must be noted and authorized in the warrant.

612.6 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

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submit it to the appropriate supervisor and the investigative supervisor for review and classification of risk (see the Operations Planning and De-confliction Policy).

If the warrant is classified as high risk, service will be coordinated by the investigative supervisor. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

612.7 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.

1. No-knock search warrant applications shall comply with the requirements, including the reporting requirements to the Commissioner of Public Safety, as provided by Minn. Stat. § 626.14.

(b) A clear explanation of the affiant's training, experience, and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

612.8 HIGH-RISK WARRANT SERVICE

The investigative supervisor or their authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

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(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 using the department-issued body-worn camera.

(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.

612.9 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock search warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

612.10 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.

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612.11 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts, and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

Any property seized during a warrant service will be processed in accordance with the Property and Evidence Office Policy.

612.12 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Investigative Supervisor will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant should be referred to the Investigative Supervisor, who shall review and confirm the warrant, including the warrant location, and discuss the service with the appropriate supervisor from the other agency. The Investigative Supervisor should ensure that members of the Metro Transit Police Department are utilized appropriately. Any concerns regarding the requested use of Metro Transit 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.

If the Investigative Supervisor is unavailable, the Shift SupervisorShift Supervisor should assume this role.

If officers intend to serve a warrant the shall 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 Metro Transit Police Department when assisting outside agencies. or serving a warrant outside Metro Transit Police Department jurisdiction.

612.13 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.

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612.14 TRAINING

The Training Manager should ensure officers whose job duties require it, receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

612.15 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

All search warrants will be reported to the Commissioner of the Minnesota Department of Public Safety no later than three months after the warrant was issued, in the prescribed form.

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Operations Planning and Deconfliction

613.1 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.

613.1.1 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.

613.2 POLICY

It is the policy of the Metro Transit 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.

613.3 OPERATIONS DIRECTOR / INVESTIGATIVE SUPERVISOR

The Chief of Police will designate a member of this department to be the operations director (typically the Investigative Supervisor).

The operations director / investigative supervisor will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director / investigative supervisor will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

613.4 RISK ASSESSMENT

613.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

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The officer 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).

613.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director/ investigative supervisor.

The supervisor and operations director / investigative supervisor shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

613.4.3 HIGH-RISK OPERATIONS

If the operations director / investigative supervisor, after consultation with the involved supervisor, determines that the operation is high risk, the operations director / investigative 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. Local agency tactical team
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel

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6. Persons trained in negotiation
7. Additional surveillance
8. Canines
9. Property and Evidence Office or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. 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.

613.5 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.

613.6 OPERATIONS PLAN

The operations director / investigative supervisor should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.
The plan should address such issues as:

(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,

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information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(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. How all participants will be identified as law enforcement.

(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.

613.6.1 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.

613.7 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

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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) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The operations director / investigative supervisor shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director / investigative supervisor 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.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that Transit Control Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

2. If the radio channel needs to be monitored by Transit Control Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

613.8 TACTICAL TEAM PARTICIPATION

If the operations director / investigative supervisor determines that tactical team participation is appropriate, the director and the tactical team supervisor shall work together to develop a written plan. The tactical team supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the tactical team supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

613.9 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.

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613.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any tactical team debriefing.

613.11 TRAINING

The Training Manager should ensure officers who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Scrap Metal Theft Investigation

614.1 PURPOSE AND SCOPE

This policy provides guidance regarding scrap metal theft investigations.

614.1.1 DEFINITIONS

Definitions related to this policy include:

Scrap vehicle operator or operator - A person described in Minn. Stat. § 168A.1501 who engages in a transaction involving the purchase or acquisition of a scrap vehicle.

Scrap metal dealer or dealer - A person engaged in the business of buying or selling scrap metal, or both, including a scrap metal processor, as defined in Minn. Stat. § 325E.21.

614.2 POLICY

The Metro Transit Police Department recognizes the difficulty in preventing scrap metal theft and may investigate, place holds on or confiscate items as provided in this policy.

614.3 INSPECTIONS AND AUDITS

An officer engaged in scrap metal theft investigations may (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21):

(a) Conduct inspections and audits of any purchase and acquisition records maintained by scrap vehicle operators or scrap metal dealers.

(b) Inspect scrap vehicle or scrap metal received by an operator or dealer at any reasonable time.

(c) Inspect any video or still camera and any recordings or images required to be maintained by an operator or dealer.

Any refusal to allow such inspections or audits should be referred to the Metropolitan Area attorney for criminal prosecution.

614.4 INVESTIGATIVE HOLDS

An officer who has probable cause to believe that a scrap vehicle or motor vehicle parts in the possession of a scrap vehicle operator, or that scrap metal in the possession of a scrap metal dealer, is stolen or is evidence of a crime may verbally order the operator or dealer not to process, sell, remove or allow the removal of the item for 30 days (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

The officer issuing the order is responsible for ensuring that the order to hold the item is confirmed in writing within 72 hours. If the item is identified as evidence in an active criminal case, the officer may extend the hold in writing. This extension must occur within 30 days of the original order and may remain in effect for as long as the investigation or prosecution is active.

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614.5 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 Office.

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).

614.6 TERMINATION OF HOLD OR NOTICE TO CONFISCATE

At the conclusion of any investigation and prosecution, the officer who issued the investigative hold or a notice to confiscate property not yet confiscated shall notify the operator or dealer in writing that the hold or notice is no longer in effect (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item and officers should consult their contract for reimbursement information.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall make an appropriate investigation and direct a memo to their appropriate supervisor that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
2. A review by Staff to determine whether misconduct or negligence was involved should be completed.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practicable and, if appropriate and approved by staff, replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

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(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 designee. 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 designee should review the request and approve or deny the request as appropriate.

700.3.1 DEFINITIONS

Personal Property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to their supervisor that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the Finance Department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

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(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 Metropolitan Council or Metro Transit, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

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Key Management

701.1 PURPOSE AND SCOPE

Controlling access to Metro Transit Police Department's key inventory is critical for the safety, security and efficiency of Metro Transit Police Department's operations.

This policy provides guidance on the management of Department keys and the expectations of members regarding access, use and control of keys assigned to them in the course of their duties.

701.2 POLICY

It is the policy of Metro Transit Police Department to use the Traka Key Management system to provide automated, efficient access to Department keys while maintaining strict safety and security protocols.

Each major Metro Transit Police Department facility contains at least one Traka Key Management system in which all keys for that facility are stored.

The Asset Protection Unit will manage access to, and maintain records of, all Department keys, in accordance with the Asset Protection Key Management procedure.

701.3 KEY HOLDER RESPONSIBILITIES

All members requesting access to the Traka Key Management system, are required to complete a waiver confirming the following (see Asset Protection Key Management procedure):

1. Keyholders will not attempt to duplicate keys.
2. Keyholders will not attempt to manipulate key rings.
3. Keyholders will not provide an assigned key to another another individual for usage.
4. Keyholders will not take keys home and must return assigned keys to their assigned Traka location at the end of their shift.
5. If a key is no longer required during the member's shift, it shall be promptly returned to the assigned Traka location by the key holder.
6. Any lost key(s) will result in a deduction from the member's payroll for the cost of replacement(s).
7. Keyholders are responsible for reporting any damaged or lost key(s).
8. Any violation of the above may result in key access being disabled and/or corrective action imposed.

701.4 LOST OR DAMAGED KEYS

If a key is lost, the key holder must immediately notify their supervisor, write a report and provide a copy of the report to both their supervisor and the Asset Protection Unit.

If a key is damaged or broken, the key holder must notify their immediate supervisor and the Asset Protection Unit.

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701.5 EXCEPTIONS

Members assigned take home vehicles per the Office of the Chief are not required to utilize the Traka Key Management system for the keys to that vehicle, but are required to comply with the requirements of 701.4 regarding lost or damaged keys.

Members assigned office keys that cannot open any other location are not required to utilize the Traka Key Management system for the keys to that office, but are required to comply with the requirements of 701.4 regarding lost or damaged keys.

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

702.2 DEFINITIONS

(a) "Communication device" or "device" refers to any cellular or wireless device used for two-way communications and/or portable Internet access. This includes, but is not limited to, cell phones, tablets, gaming devices, and laptop computers.

(b) "Department-issued device" refers to a cell phone or other communication device that is owned and paid for by the Metro Transit Police Department or any other Metropolitan Council division or department.

(c) "Personally-owned device" refers to a cell phone or other communication device that is owned and paid for by the employee.

702.3 POLICY

The Metro Transit Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable data practices laws and rules of civil or criminal procedures.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

702.4 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD.

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The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

702.5 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Members may secure the PCD at the workplace while off-duty.

If a member chooses to retain possession of the PCD outside the workplace while off-duty, the member is responsible for maintaining CJIS security principles at all times.

Should a breach of CJIS security occur, either on- or off-duty, the member shall immediately notify a supervisor.

702.6 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by department procedures.

1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.

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3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.

(e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Metro Transit Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate recordkeeping.

702.6.1 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.).

702.7 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall

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endeavor to limit their use of PCDs to authorized break times unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Chief of Police or the authorized designee.

(f) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.

(g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.8 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

702.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters involving official duties and, where practicable, stop the vehicle at an appropriate location to use the PCD (Minn. Stat. § 169.475).

Except in an emergency, members who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Minn. Stat. § 169.475). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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702.10 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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Vehicle Maintenance

704.1 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.

704.2 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.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspection and repair as soon as practicable.

704.2.2 SEVERE USE

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as reasonably possible. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

704.3.1 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:

- 6 emergency road flares
- 2 sticks of chalk and/or window paint
- 2 rolls crime scene barricade tape (1 yellow and 1 red)
- 1 first aid kit, CPR mask
- 1 blanket
- 1 fire extinguisher

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704.3.2 UNMARKED VEHICLES
An employee driving an unmarked department vehicle shall ensure that, at minimum, the equipment listed below is present in the vehicle:

- 6 emergency road flares
- 2 rolls crime scene barricade tape (1 yellow and 1 red)
- 1 first aid kit, CPR mask
- 1 blanket
- 1 fire extinguisher

704.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than half of a tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below half of a tank.

Vehicles shall only be refueled at an authorized location.

704.5 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.

Officers on patrol shall check out via MDC or notify the Transit Control Center (TCC) upon their arrival at the car wash.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Not public data should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-LICENSED EMPLOYEE USE
Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian employees shall also prominently display the “out of service” placards or light bar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

706.1 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 Metropolitan Council / Metro Transit to provide assigned take-home vehicles.

706.2 POLICY

The Metro Transit 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.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES

The Shift Supervisor shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

706.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Supervisor. A notation will be made on the shift assignment roster indicating the member’s name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from a maintenance facility or car wash.

706.3.3 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.

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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.

706.3.4 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, extreme weather). 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.

706.3.5 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. If the vehicle is not equipped with a working MDC, the member shall notify Transit Control Center. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

706.3.6 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.

All data captured by the system shall be retained in accordance with the established records retention schedule.

706.3.7 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.

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706.3.8 AUTHORIZED PASSENGERS
Members operating department vehicles shall not permit persons other than Metropolitan Council / Metro Transit 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.

706.3.9 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.

706.3.10 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.

706.3.11 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.

706.3.12 USE BY COMMUNITY SERVICE OFFICERS
CSOs using marked emergency vehicles shall ensure that all weapons have been removed before going into service. CSOs shall prominently display the "out of service" placards or light bar covers at all times. CSOs shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

706.4 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.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

706.4.1 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.

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706.4.2 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 Metropolitan Council / Metro Transit jurisdiction.

(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.

706.4.3 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 Metropolitan Council / Metro Transit jurisdiction is a prime consideration for assignment of a take-home vehicle. Members who reside outside the Metropolitan Council / Metro Transit area may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members may be required to sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a Metropolitan Council / Metro Transit 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 designeegives 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:

1. In circumstances when a member has been placed on call by the Chief of Police or designee andthere is a high probability that the member will be called back to duty.

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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 designee.
4. When the vehicle is being used by the Chief of Police, Deputy Chief, Captainsor 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.

706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Metro Transit Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

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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.

706.4.5 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.

(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, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

706.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various commands and their use is restricted to the respective command and the assigned member, unless otherwise approved by a supervisor. Any use of unmarked vehicles by those who are not assigned to the command to which the vehicle is assigned shall also be recorded with the Shift Supervisor on the shift assignment roster.

706.6 OFF-ROAD VEHICLES

Off-road vehicle (ORV) riders will, as always, use due regard in accordance with authorized emergency and law enforcement vehicles. All emergency equipment should be activated when responding to an emergency call. ORVs are not authorized for use of pursuits of motor vehicles.

The areas to be patrolled will be designated by the Chief of Police or his designee. These areas include, but are not limited to, rail lines and transit routes. The ORVs may be used by the patrol division but should not be considered as primary patrol vehicles.

ORVs may be used for various special events/details and beat assignments. This assignment will come from patrol lieutenants, the special events lieutenant, or the Patrol Captain.

There will be no leisure riding of ORVs.

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706.6.1 TRAINING
Prior to operating an ORV, officers must successfully complete the requirements of the departmental training course

706.6.2 PRE-SHIFT INSPECTION
Each officer will be knowledgeable of ORVs and the safety procedures associated with them. Prior to duty on an ORV, each officer must perform a pre-ride inspection of the ORV in accordance with training.

The ORV will not be operated if any condition exists which affects the safety of the unit or could cause damage to the vehicle if not repaired prior to operation. Any problems or maintenance issues will be reported to the Fleet Manager in writing via e-mail.

706.6.3 ORV OPERATION
Officers will use caution at all times when riding ORVs. This term means taking the environment, turf, grass around buildings, and land surface into consideration when operating an ORV.

Any non-professional operation of the ORVs (“horseplay,” intentional destruction of property/turf/trees, intentional destruction of the ORV, or reckless behavior) will not be tolerated. Any such conduct will be reported immediately to the officer’s immediate supervisor. All privileges to operate ORVs may be immediately suspended and the officer may be required to attend remedial training. Officers may also be subject to disciplinary action as deemed appropriate by the Department.

No employees or members of the public are permitted to ride in the bed of the ORV. If exigent circumstances exist, injured persons may be evacuated in the bed to a safe scene. Officers will notify a supervisor upon doing so.

In the event of an accident involving an ORV, the driver will notify an immediate supervisor and make an accident report.

706.6.4 POST-SHIFT PROCEDURES
At the end of duty, the officer operating the ORV will re-fuel as well as clean/rinse any dirt, dust, or mud collected during tour of duty. The ORV will be parked at West Command the locked and gated area. Keys are to then be placed back in the key lock box for the next officer to obtain.

706.7 DAMAGE, ABUSE AND MISUSE
When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any collision report shall be filed with the agency having jurisdiction (see the Traffic Collisions Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

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To avoid engine damage in torrential downpours, please avoid driving in water more than 8 inches deep, slow down when driving through standing water and DO NOT ATTEMPT TO RESTART AN ENGINE STALLED DUE TO WATER.

706.8 TOLL ROADS

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

(a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement for any toll fees incurred in the course of official business.

(b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

706.9 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Cash Handling, Security and Management

710.1 PURPOSE AND SCOPE

The proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions is important to protect the integrity of police operations and ensure the public trust.

710.2 PETTY CASH FUNDS

Employees designated as fund managers and authorized to maintain and manage petty cash funds are the Records Supervisor and Administration Supervisor. These persons may delegate this responsibility to another person in their absence. All funds require the creation and maintenance of an accurate and current transaction ledger and filing of invoices, receipts and expense reports by the fund manager.

710.3 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms and each person participating in the transaction shall sign the ledger attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt or invoice. Transactions not documented by a receipt, invoice or cash transfer form require an expense report.

710.4 PETTY CASH AUDITS

The manager of a petty cash fund shall audit the fund no less than once every six months. This audit requires that the manager and at least one other person, selected by the fund manager, review the ledger, records, receipts and funds, verifying the accuracy of the accounting. Each participant of the audit shall sign 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.

Should fund management be transferred to any person, each transfer of this responsibility shall require completion of a separate Petty Cash Audit by those persons involved in the transfer.

A separate audit by the Chief of Police or the Metropolitan Council should be completed on a random date approximately once each year on each petty cash fund.

710.5 CASH HANDLING

Money inventoried into the MTPD Property Room shall be deposited into a “Cash Envelope” and the Cash Envelope shall be filled out completely. The Cash Envelope shall be used for all monies whether the coin and/or currency are for evidence, seizure or safekeeping.

For any amount of money, the officer packaging the money must sign/date the envelope.

For amounts over $250.00, a supervisor must also count the money and initial the envelope, along with the packaging officer.

Use of the Cash Envelope doesn’t relieve the officer from documenting the seizure or incident surrounding the inventory in a Metro Transit PD report. If the coin/currency needs to be submitted

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to a crime lab for prints or if there are biohazards present, the officer inventorying the items shall notify the Property and Evidence Unit of such.

U.S. and foreign currency shall be placed in separate envelopes prior to being inventoried. Foreign currency shall be listed as having no value.

710.6 OTHER CASH HANDLING

Suspected counterfeit currency shall be placed into an evidence bag and normal evidentiary procedures shall be followed. A Metro Transit PD report shall document the suspected counterfeit currency denominations and serial numbers.

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Personal Protective Equipment

711.1 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.

711.1.1 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.

711.2 POLICY

The Metro Transit Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

711.3 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.

711.4 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).

711.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Firearms Instructor shall ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133; Minn. R. 5205.0010).

711.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided head protection with an attachable face shield.

When officers are working on Metro Transit trains, railways, rail stations, directing traffic or responding to any vehicle crash, they are to put on a safety vest for heightened visibility.

711.7 RESPIRATORY PROTECTION

The Administration Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; Minn. R. 5205.0010):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

711.7.1 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):

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(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.

711.7.2 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.

711.7.3 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.

(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.

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711.7.4 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.

711.7.5 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.

711.7.6 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.

711.8 RECORDS

The Training Manager is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

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(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.

711.9 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). This may be covered during annual fit testing.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting its tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interviews
- Parole and probation records
- Computer Aided Dispatch data
- Officer activity logs
- Department of Public Safety - Crime Records Service
- Partner agency crime data

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

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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.

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Transit Control Center

802.1 PURPOSE AND SCOPE

This policy provides an outline of the Transit Control Center ('TCC') and explains how it supports the Metro Transit Police Department ('MTPD') in the course of its normal daily activities and during emergencies.

The TCC is Metro Transit's 24/7 dispatch hub for bus operations and public safety. Staffed by Transit Supervisors trained in bus operations, public safety call handling, and police dispatching, the TCC manages emergency and non-emergency public safety calls received via radio, phone, text to 9-1-1, or Text to Safety. It also assists with the Transit Ridership Investment Program ('TRIP') Agent requests. In addition to transit supervisors, associate communication specialists support the management of 'Text to Safety' and other aspects of bus operations and community relations.

The TCC is responsible for dispatching all Metro Transit and Metropolitan Council public safety calls for service, and coordinating responses with local law enforcement, fire, medical personnel, and external partners, including city and utility services.

The TCC collaborates with internal teams such as the Rail Control Center, Street Operations, Facilities Maintenance, the Customer Relations Department, and the Transit Information Center to ensure the proper response to any incident which impacts the safe and efficient movement of public transit.

The TCC is also responsible for assisting Regional Partners such as Metro Mobility with similar tasks and reports service-related impacts to other public transit agencies in the region.

802.2 POLICY

It is the policy of the Metro Transit Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between Transit Control Center and department members in the field.

802.3 TRANSIT CONTROL CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Transit Control Center, its members and its equipment must be a high priority.

Access to the Transit Control Center is controlled through policies and procedures in line with the Bureau of Criminal Apprehension ('BCA').

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Property and Evidence Office

804.1 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 the following policies:

- Custodial Searches
- Temporary Custody of Adults
- Temporary Custody of Juveniles
- Transporting Persons in Custody

804.2 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 a member or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 POLICY

It is the policy of the Metro Transit Police Department that all such property and/or evidence be diligently protected and secured, to maintain its integrity and the chain of custody through final legal disposition.

All members collecting, receiving or processing property and/or evidence shall also follow the procedures contained in the *Metro Transit Police Department Packaging Manual*.

804.4 PROPERTY AND EVIDENCE OFFICE SECURITY

The daily operation, control and security of all property and evidence storage areas shall be the responsibility of the Property and Evidence Administrator.

The Asset Protection Unit manages all keys and access codes to the property and evidence office, through the Traka key management system, which limits the issue of keys to authorized members, tracks usage, and prevents unauthorized entry to the Property and Evidence Office. Authorized

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members shall maintain keys in a secure manner and shall not loan them to anyone. Periodic inventories of keys shall be conducted by the Asset Protection Unit.

Any individual entering the property and evidence storage room other than the Property and Evidence Administrator or Business Systems Supervisor, must be accompanied at all times by the Property and Evidence Administrator or the Business Systems Supervisor. The individual must sign in and out of the logbook stating the date and time of their entry and exit, the purpose of their visit and include a specific case or property number. The entry shall be initialed by the accompanying individual.

804.5 PROPERTY HANDLING

Any officer who first comes into possession of any property shall retain such property in their possession until it is properly documented, labeled and placed in a designated property locker or storage room, taking care to maintain the chain of 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. Minn. Stat. § 626.04 (b) and Minn. Stat. § 629.361).

An officer arresting a person for committing or aiding in committing a robbery, carjacking, or theft offense shall use reasonable diligence to secure the property that was alleged to have been stolen and shall be answerable for it while it remains in the officer's custody (Minn. Stat. § 629.361).

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. The officer shall fully identify the owner and detail the items released in a case report. The property documentation must also be completed to document the release of the property not booked and the owner shall sign the documentation to acknowledge receipt of the item(s).

804.5.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the member going off-duty, unless otherwise approved by a supervisor.

Property must be booked in accordance with the *Metro Transit Police Department Packaging Manual* guidelines.

804.5.2 CONTROLLED SUBSTANCES

All controlled substances shall be booked separately using a separate property record. Drug paraphernalia shall also be booked separately.

804.5.3 EXPLOSIVES AND PROHIBITED ITEMS

Members who encounter a suspected explosive device shall promptly notify their immediate supervisor or the shift supervisor. The local agency bomb squad, or contracted bomb squad, will be called to handle explosive-related incidents and will be responsible for the handling, storage,

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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 and Evidence Administrator is responsible for transporting any fireworks or signaling devices that are not retained as evidence, to the fire department on a regular basis.

In addition, the following items will not be accepted by the Property and Evidence Office and should be disposed of by the booking officer: perishables, open food containers, non-evidentiary liquids and infested items.

804.5.4 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 and Evidence Administrator 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)

(d) 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 $250. 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 when processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label.

Metropolitan Area property, unless connected to a known criminal case, should be released directly to the appropriate Metropolitan Area 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.

804.5.5 COURT-ORDERED FIREARM SURRENDERS

(a) This department shall accept firearms surrendered by an abusing party or defendant pursuant to a court order (Minn. Stat. § 518B.03; Minn. Stat. § 624.7175).

(b) Members accepting surrendered firearms should complete a standardized Firearms Proof of Transfer form, if available. The individual should be provided with a copy of the Proof of Transfer form (Minn. Stat. § 518B.03, Subd. 3; Minn. Stat. § 624.7175). If a standard form is not available, an evidence/property form should be used and include the following information:

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1. Whether the firearm is being transferred temporarily or permanently
2. The abusing party or defendant's name
3. The date and time of the transfer
4. Complete description of all firearms surrendered (e.g., make, model, serial number, color, identifying marks)

(c) In certain circumstances, a court may issue an order for the immediate transfer of firearms of an abusing party or defendant.

1. The department may serve the court order either by assignment or when 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 Office 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.

(d) The department shall develop and maintain a process to store, transfer, release, or dispose of 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. Provide for the transfer of firearms to a federally licensed firearms dealer or a third party who is eligible to possess firearms and does not reside with the subject, upon receipt of written notice from the subject.
5. Ensure that proper affidavits or proof of transfer are obtained from any designated firearms dealer or third party.
6. Ensure that prior to disposition of unclaimed firearms, abusing parties or defendants are notified via certified mail.
    (a) A person who does not pay the storage fee, when applicable, for a temporary firearm transfer within 60 days of the firearm being transferred is considered to have abandoned their firearm (Minn. Stat. § 518B.03, Subd. 2).
7. Provide for the transfer of the firearms from a subject to a third party supervised by an officer or conducted in a safe zone under video surveillance and documentation requirements (Minn. Stat. § 518B.03, Subd. 2).

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8. Provide for the storage and disposal of permanently transferred and abandoned firearms.
    (a) The department may charge the subject a reasonable processing fee for surrenders pursuant to Minn. Stat. § 518B.03
9. Provide for the processing of documentation for permanently or temporarily transferred firearms.
10. Provide for the return of temporarily transferred firearms to the subject, upon request, after the expiration of the prohibiting time period, provided the subject is not otherwise prohibited from possessing firearms under state or federal law.

804.5.6 RECOVERED OR CONFISCATED FIREARMS
The department shall establish a process to transmit all required information to the United States Bureau of Alcohol, Tobacco, Firearms and Explosives National Tracing Center's eTrace system for any firearm recovered or confiscated as soon as practicable, in accordance with Minn. Stat. § 626.5536.

804.6 PACKAGING OF PROPERTY
Packaging will conform to the *Metro Transit Police Department Packaging Manual* procedures. Certain items require special consideration and shall be booked separately as follows:

(a) Controlled substances
(b) Firearms
(c) Property with more than one known owner
(d) Drug paraphernalia
(e) Fireworks
(f) Contraband
(g) Biohazards

804.6.1 RIGHT OF REFUSAL
The Property and Evidence Administrator has the right to refuse any piece of property that is not properly documented or packaged. Should they refuse an item, they shall maintain secure custody of the item in a temporary property locker and inform the supervisor of the submitting officer.

804.7 RECORDING OF PROPERTY
The Property and Evidence Administrator receiving custody of evidence or property, shall utilize the evidence management system to track and maintain the chain of custody for each piece of property received.

Any changes in the location of property held by the Metro Transit Police Department shall be recorded in the evidence management system.

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804.8 ENHANCED SECURITY

Drugs, money and firearmsshall be stored separately from other items and shall have additional security measures.

804.9 PROPERTY CONTROL

Each time the Property and Evidence Administrator receives or releases property to another person, they shall utilize the evidence management system to track the item(s) and maintain the chain of custody. Officers desiring property for court shall, if possible, contact the Property and Evidence Administrator at least one week prior to the court date to make the request.

804.9.1 RESPONSIBILITIES OF OTHER PERSONNEL

Requests for the analysis of items other than controlled substances shall be completed on the appropriate forms and submitted to the Property and Evidence Administrator. This request may be filled out any time after booking of the property or evidence.

Evidence may be temporarily removed from the property and evidence office where written authorization by a supervisor, investigator or prosecuting attorney is provided to the Property and Evidence Administrator (for example,. for inspection, analysis, or a court hearing).

The Property and Evidence Administrator shall document all temporary removals and their return.

No property or evidence shall be released without first receiving written authorization from a supervisor or investigator, unless the item(s) is found property.

804.9.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will verify that the selected location is correct and check the evidence out of property utilizing the evidence management system. The laboratory forms will be transported with the property to the examining laboratory and upon delivery, the officer 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 evidence and the copy will be returned to the Records Unit for filing with the case.

804.9.3 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 recorded, stating the date, time and to whom it was released.

The Property and Evidence Administrator shall obtain the signature of the person to whom the property was released, and the reason for release.

Any member receiving property shall be responsible for such property until it is properly returned to the property and evidence office or properly released to another authorized person or entity.

The return of the property should be recorded in the evidence management system, indicating the date, time and the name of the person who returned the property.

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804.9.4 AUTHORITY TO RELEASE PROPERTY

The Property and Evidence Administrator shall not release any property without documented approval from an authorized member of the department.

The Investigations Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the department (unless the item is found property or being held for safekeeping).

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 the custody of the department for investigatory or prosecutorial purposes and owned by a victim or witness, the Property and Evidence Administrator 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. If the property is alleged to have been wrongfully taken, the property may be returned to the owner in accordance with the requirements of Minn. Stat. § 609.523.

804.9.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 60 days, when sufficient identifying information is available. During such period, the Property and Evidence Administrator shall attempt to contact the rightful owner by telephone, mail and/or email. Property not held for any other purpose and not claimed within 60 days after notification (or receipt, if notification is not feasible) shall be properly disposed of within a reasonable amount of time. The final disposition of all such property shall be fully documented in the evidence management system.

Releases of property shall be properly documented, processed through the evidence management system and include the name and address of the person to whom the property is to be released. The owner's identity will be verified by photo identification or similar method and a signature at the time of release. If the property is to be released to any person other than the owner, a signed letter from the owner stating the name of the person to whom the property may be released, shall be provided to the Property and Evidence Administrator at the time of release.

The release authorization shall be signed by the investigator and must conform to the items listed on the property label or must specify the specific item(s) to be released, unless it is found property or property being held for safe-keeping, in which case it may be signed by the Property and Evidence Administrator at the time of release.

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The owner may be asked to pay any costs incurred by the agency, including costs for mailing, advertising or storage.

804.9.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department may be restored to the owner (Minn. Stat. § 609.523 Subd. 3). Such property may be released from law enforcement custody when the following are satisfied:

(a) Photographs of the property are filed and retained by the Property and Evidence Office.

(b) Satisfactory proof of ownership of the property is shown by the owner.

(c) A declaration of ownership is signed under penalty of perjury.

(d) A receipt for the property is obtained from the owner upon delivery.

804.9.7 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.

804.9.8 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.

804.10 DISPOSITION OF PROPERTY

All property with an identified owner and/or an owner that has been notified, must be held for at least 60 days. If the owner is notified and fails to claim the property within the 60 days, it may be disposed of in compliance with existing laws and in accordance with Metro Transit's Property Retention Policy.

The property and evidence technicians shall request a disposition or status on all property being held in conjunction with a pending criminal investigation or proceeding that has been held in excess of 60 days and for which no disposition has been received from a supervisor or investigator.

804.10.1 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:

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- Weapons declared by law to be nuisances.
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court.
- Counterfeiting equipment.
- Gaming devices.
- Obscene matter ordered to be destroyed by the court.
- Altered vehicles or component parts.
- Controlled substances.
- Unclaimed, stolen or embezzled property.
- Destructive devices.

Money found in gambling devices by any peace officer, other than a municipal police officer, shall be paid into the county treasury. Money found in gambling devices by a municipal police officer shall be paid into the treasury of the municipality (Minn. Stat. § 626.04 (b)).

804.10.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the money is presumed abandoned property and is reportable as specified in this policy Minn. Stat. § 345.38 and Minn. Stat. § 345.75).

804.10.3 RETENTION OF BIOLOGICAL EVIDENCE

The Business Systems Supervisor 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 Investigations Division Supervisor

Biological evidence shall be retained for a minimum period established by law, the Business Systems 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 Investigations Division Supervisor.

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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 Office supervisor determines that such destruction is consistent with Minn. Stat. § 590.10 and the above notices have been made.

804.11 REPORT OF ABANDONED PROPERTY (MONEY)

The Investigations Division Supervisor shall complete an annual report of presumed abandoned property as described in law to the Commissioner of Commerce. The report is to cover the 12-month period ending June 30 each year and is to be filed before November 1 each year (Minn. Stat. § 345.41).

804.12 INSPECTIONS OF THE PROPERTY AND EVIDENCE OFFICE

The Investigations Division Supervisor shall ensure that:

(a) On a semi-annual basis, the Business Systems Supervisor inspects the property storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of property storage areas are conducted annually as directed by the Chief of Police.

(c) An annual representative audit of property held by the department is conducted by a supervisor outside of the chain of command of the property and evidence function, who is not routinely or directly connected with evidence control, with the number of items determined by the Chief of Police.

(d) In order to ensure that all items are accounted for and records are correct, a full inventory of property held by the department is conducted by a person who is not associated with the Property and Evidence Office or its function whenever:

1. There is a change of the Property and Evidence Administrator, the Business Systems Supervisor, any member with authorized access to the Property and Evidence Office, or a change of the Chief of Police.
2. There is any indication or suspicion of a breach of the Property and Evidence Office repository.

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Records Unit

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the MTPD Records Unit. The policy addresses department file access and internal requests for incident data and case reports.

806.2 POLICY

It is the policy of the Metro Transit Police Department to maintain department records securely, professionally, and efficiently.

806.3 FILE ACCESS AND SECURITY

The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state and federal law. All incident data and case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including criminal history records, shall be maintained in a secure electronic records management system and/or within a secured room or cabinet within the department, accessible only by authorized members of the department with role based access levels.

The Records Unit will also maintain role based rights within the electronic records management systems to secure files for incident data and case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

806.3.1 ORIGINAL CASE REPORTS

Generally, incident data and case reports are maintained within an electronic records management system and are available to MTPD staff for work related purposes. Non-electronic original incident data and case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Unit shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Unit.

All original case reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

806.4 RESPONSIBILITIES

The responsibilities of the Records Unit include, but are not limited to:

a. Maintaining a records management system for case reports, which should include a process for numbering, identifying, tracking, and retrieving case reports.

b. Completing data entry and updating records as necessary, under the direction of the Records Supervisor.

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c. Providing members of the Department with access to case reports when needed for investigation or court proceedings.

d. Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.

e. Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

f. Identifying missing case reports and notifying the responsible member's supervisor.

g. Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use of Force Data Collection), as applicable, for the following types of occurrences:

1. Officer suicides

2. Officer misconduct

3. Uses of Force

4. Officer deaths or assaults

5. Crime incidents

6. Deaths in custody

806.5 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Manager, Police Business Systems.

The responsibilities of the Records Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Unit.

(b) Scheduling and maintaining Records Unit time records.

(c) Supervising, training, and evaluating Records Unit staff.

(d) Maintaining and updating a Records Unit Procedure Manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for incident data and case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

1. Homicides

2. Cases involving department members or public officials

3. Any case where restricted access is prudent

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806.6 RECORDS SUPERVISOR TRAINING

The Records Supervisor shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under the Minnesota Government Data Practices Act (MGDPA).

806.7 CONFIDENTIALITY

MTPD staff have access to information that may be confidential or sensitive in nature. MTPD staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit Procedure Manual.

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Records Maintenance and Release

810.1 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.

810.1.1 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).

810.2 POLICY

The Metro Transit 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).

The Department does not provide transcripts of videos or recordings of any kind to criminal justice partners, other agencies, organizations, or individuals.

810.3 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).

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(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 command 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).

(i) Ensuring the collection, maintenance, and analysis of demographic data related to detentions (stops, frisks, searches, summonses, and arrests), and making this data publicly available in accordance with the Protected Information Policy, provided the information does not compromise an ongoing investigation.

(j) Ensuring that the current version of each department policy identified in Minn. R. 6700.1615 is posted on the department's website or otherwise posted in the public area of the Department in accordance with Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any Department member who receives a request for data shall route the request to the Custodian of Records or the authorized designee.

810.4.1 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).

(a) 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)).

(b) 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

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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.

(a) 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.

(f) When a record contains data which documents the following, the portions specified by Minn. Stat. § 13.82 are public government data as provided:

(a) Citations, arrests, incarcerations, or other actions that substantially deprive a person of their liberty (Minn. Stat. § 13.82, Subd. 2)

(b) Requests by the public for law enforcement services (Minn. Stat. § 13.82, Subd. 3)

810.5 RELEASE RESTRICTIONS

Examples 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):

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1. An undercover law enforcement officer
2. A victim or alleged victim of criminal sexual conduct, or sex trafficking, or of a violation of Minn. Stat. § 617.246, Subd. 2
3. A paid or unpaid informant if the Department reasonably believes revealing the identity would threaten the personal safety of the informant
4. A victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the Department reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual
5. A person who placed a call to a 9-1-1 system or the identity of the person whose phone was used to place a call to the 9-1-1 system when revealing the identity may threaten the personal safety or property of any person or the purpose of the call was to receive help in a mental health emergency. A voice recording of a call placed to the 9-1-1 system is deemed to reveal the identity of the caller
6. A juvenile witness when the subject matter of the investigation justifies protecting the identity of the witness
7. A mandated reporter
8. A judicial official as described in Minn. Stat. § 480.40 (Minn. Stat. § 13.991)

(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, and 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):

(a) Name, employee identification number, and some aspects of compensation

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(b) Job title, bargaining unit, job description, education and training background, and previous work experience

(c) Date of first and last employment

(d) Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action

(e) 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

(f) Terms of any agreement settling any dispute arising out of an employment relationship

(g) Work location, work telephone number, badge number, and honors and awards received

(h) 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

(i) 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 Prosecuting 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).

(m) Any data on individuals receiving peer counseling or critical incident stress management services (Minn. Stat. § 13.02, Subd. 12; Minn. Stat. § 181.9731; Minn. Stat. § 181.9732).

Any other record not addressed in this policy shall not be subject to release where such record is classified as other than public data. All public data shall be released as required by the MGDPA (Minn. Stat. § 13.03, Subd. 1).

810.6 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 Prosecuting Attorney or the courts.

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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.

810.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the Department name and if known, the name of the person to whom it was released will be recorded in the case notes.

Each audio/video recording released shall include the Department name and to whom the record was released.

810.8 EXPUNGEMENT

A petition for expungement and expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records.

810.8.1 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).

810.8.2 ORDERS OF EXPUNGEMENT

The Custodian of Records or authorized designee 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 or authorized designee, 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.

810.8.3 BCA NOTIFICATION OF GRANT OF EXPUNGEMENT

If the Department receives notice from the BCA that its records may be affected by an automatic grant of expungement, the Custodian of Records shall determine if any records requested thereafter were expunged and, if so, treat the records as private data except as provided by law (Minn. Stat. § 609A.015, Subd. 5).

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810.9 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.

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Criminal Justice Data Network (CJDN) Security

811.1 PURPOSE

This policy shall be considered the official CJDN Security Policy for the Metro Transit Police Department and Transit Control Center regarding the physical and personnel security of the CJDN system. All staff must follow the policies contained herein in order to assure proper usage of the system and adherence to all local, state, and federal regulations that govern the use of the MNJIS computer system. The Terminal Agency Coordinator (TAC) for the Metro Transit Police Department and Transit Control Center is Tammy Helgeson. The TAC manages the operation of the CJDN terminal on a local agency level and is responsible for ensuring that all state and local policies are enforced regarding the use of the CJDN terminal.

811.2 ACCESS

Access to the CJDN shall be limited to employees who have been certified by the BCA to operate the terminal. Currently at the Metro Transit Police Department, this is limited Records Staff, Investigations, Transit Control Center Staff and the TAC. All other personnel of Metro Transit Police Department must make their criminal justice inquiries through their CJDN operators.

Staff having access to the CJDN system must meet the follow requirements:

(a) Be an employee of the Metro Transit Police Department or Transit Control Center.

(b) Successfully pass both state and national fingerprint background checks.

(c) Complete Basic Security Awareness Training and pass a Single Certification exam prior to having access to the CJDN.

A potential new employee of the Metro Transit Police Department or Transit Control Center shall have a background check completed before they are hired. Purpose code "J" will be used when running the criminal history on that person.

New employees of the Metro Transit Police Department or Transit Control Center shall be fingerprinted prior to having unescorted access to areas where criminal justice information is processed. The fingerprint cards will be sent to the BCA for a background check.

The letters of documentation on the results of the FBI fingerprint-based background checks on CJDN operators, appropriate IT personnel, and other agency personnel having unescorted access to the terminals are to be kept on file and available upon request during an audit.

The TAC or Assistant TAC will issue a unique username and password to authorized users with access to the CJDN and Portals XL.

811.3 TRAINING

NCIC requires personnel accessing the CJDN for their duties must receive basic MNJIS training and testing within the first 6 months of hire and biennial refreshers thereafter. All training must be documented.

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Metro Transit Police Department and Transit Control Center will meet this requirement through the viewing of the FBI's Security Awareness Training and the BCA's Single Certification testing. Additional training is provided on Launch Pad and classroom instruction by the BCA regarding NCIC/MNJIS applications. Training will be documented and subject to auditing.

811.4 SECURITY OF TERMINAL

The CJDN terminal(s) and criminal justice information for the Metro Transit Police Department and Transit Control Center are maintained in secure areas. Only authorized personnel who have passed both state and national fingerprint background checks are allowed unescorted access to the secure areas.

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 and complete level 4 Security Awareness Training.

Criminal history responses, as well as all other CJDN printouts, will be destroyed when no longer needed. These documents will be shredded at the Metro Transit Police Department or Transit Control Center.

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Protected Information

812.1 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 Metro Transit 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.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Metro Transit 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.

812.2 POLICY

Members of the Metro Transit 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.

812.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information (Minn. Stat. § 13.05, Subd. 13).

The responsibilities of this position include but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, the National Law Enforcement Telecommunications System (NLETS), Minnesota Division of Driver and Vehicle Services (DVS) records, Minnesota Bureau of Criminal Apprehension (BCA), and the Minnesota Comprehensive Incident-Based Reporting System (CIBRS).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the Metro Transit Police Department CJIS Access, Maintenance, and Security Policy for additional guidance.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

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(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 Metro Transit Police Department is conducted at least annually (Minn. Stat. § 13.055, Subd. 6).

(h) Ensuring CIBRS is notified within 10 days that an investigation in CIBRS has become inactive (Minn. Stat. § 299C.40).

812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Metro Transit Police Department policy, or training (Minn. Stat. § 13.09). Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (Minn. Stat. § 13.05; Minn. Stat. § 299C.40).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section 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.

812.5.1 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)).

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812.5.2 REVIEW OF COMPREHENSIVE INCIDENT-BASED REPORTING SYSTEM (CIBRS) DATA

An individual who is the subject of private data held by CIBRS may request access to the data by making a request to the Records Supervisor. If the request is to release the data to a third party, the individual who is the subject of private data must appear in person at the Department to give informed consent to the access or release.

Private data provided to the individual must also include the name of the law enforcement agency that submitted the data to CIBRS and the name, telephone number and address of the agency responsible for the data.

A person who is the subject of private data may challenge the data. The Records Supervisor shall review the challenge and determine whether the data should be completed, corrected or destroyed. The corrected data must be submitted to CIBRS and any future dissemination must be of the corrected data.

The Records Supervisor must notify BCA as soon as reasonably practicable whenever data held by CIBRS is challenged. The notification must identify the data that was challenged and the subject of the data.

812.6 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 (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

812.6.1 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).

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812.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

812.8 SECURITY BREACHES

In the event of an actual or potential breach of the security or other unauthorized acquisition of private or confidential information, the 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 Metro Transit, the report must include a description of the type of data that was breached, the number of individuals whose information was breached, the disposition of any related disciplinary action, and the identity of the employee determined to be responsible for the breach (Minn. Stat. § 13.055).

Written notice shall be given to any individual whose private or confidential data was, or is reasonably believed to have been, acquired by an unauthorized person as soon as reasonably practicable. The notice shall include the following (Minn. Stat. § 13.055):

(a) Notification that an investigation will be conducted.

(b) Notification that a report containing the facts and results will be prepared.

(c) Information on how the person may obtain access to the report, including that he/she may request delivery of the report by mail or email.

The notice may be delayed only so long as necessary to determine the scope of the breach and restore the reasonable security of the data or so long as it will impede an active criminal investigation. Notice shall be made by first class mail, electronic notice or substitute notice as provided in Minn. Stat. § 13.055, Subd. 4. If notification is required to be made to more than 1,000 individuals, notice to all consumer reporting agencies of the timing distribution and content of the notices must also be made (Minn. Stat. § 13.055, Subd. 5).

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Criminal Justice Information Systems (CJIS)

813.1 PURPOSE AND SCOPE

The primary purpose of this policy is to educate and clarify Criminal Justice Information Systems (CJIS) policy and procedures for all MTPD employees, sworn and civilian.

It is our intent as an agency to follow the most current published CJIS security policy.

813.2 LOCAL SECURITY POLICY (REFERENCE CJIS POLICY 1.3)

The Police Department maintains a copy of the current version of the Criminal Justice Information System's Security Policy. The agency uses the policies in connection with both other Metro Transit Police Department policy and Metropolitan Council policies. In the case there are contradictory policies, the Police Department follows the CJIS Security Policy.

813.3 PERSONAL INFORMATION (REFERENCE CJIS POLICY 4.3)

For the purposes of this policy, PII is information which can be used to distinguish or trace an individual's identity, such as name, social security number, or biometric records, alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, such as date and place of birth or mother's maiden name. Any FBI CJIS-provided data maintained by an agency, including but not limited to education, financial transactions, medical history, and criminal or employment history may include PII. For example, a criminal history record 8/4/2014 CJISD-ITS-DOC-08140-5.3 13 inherently contains PII as would a Law Enforcement National Data Exchange (NDEx) case file. PII shall be extracted from CJI for the purpose of official business only.

The Police Department will continue to develop policies based on state and local privacy laws to ensure appropriate controls are applied when handling PII extracted from CJI.

813.4 INFORMATION MANAGEMENT (REFERENCE CJIS POLICY 5.1.1)

The Police Department's use of CJI is only for the purpose of the agency and its employees abilities to perform their job duties. Any disseminating or sharing of CJI with anyone that is not authorized to have access to the information is strictly prohibited.

813.5 INFORMATION HANDLING (REFERENCE CJIS POLICY 5.1.1.1)

The Police Department handles information according to local and state guidelines. The Police Department adheres to CJIS Policy section 5.8 relating to media protection.

813.6 INCIDENT RESPONSE (REFERENCE CJIS POLICY 5.3)

The agency will promptly report incident information to the appropriate party.

The agency will disconnect the infected workstation(s), server(s), and/or networking equipment.

The agency will maintain all records around information security events.

Other information collected for completing the Incident Response Form is below:

- Suspected cause for incident (name of the malware, virus, etc.)

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- Was antivirus software running at the time of infection?
- HOw and when was the problem first identified?
- When was IT staff notified?
- How many workstations are infected?
- Is there any other equipment infected?
- What is the action plan for removal?
- Was any CJIS data or personal identification information compromised?

Once the system is free from infection, it can be reconnected.

813.7 ACCESS CONTROL (REFERENCE CJIS POLICY 5.5.2.21)

Each Police Department user shall be uniquely identified and shall not have shared credentialed access to information systems in order to provide non-repudiation for all logged or log-able activity. The Police Department shall not allow multiple concurrent active sessions for one user identification unless authorized in writing by the LASO on a case-by-case basis. These authorizations by the LASO can be by individual or role-based on specific operational needs.

813.8 REMOTE ACCESS (REFERENCE CJIS POLICY 5.5.6)

The Police Department shall authorize, monitor, and control all methods of remote access to the information system. The Police Department shall employ automated mechanisms to facilitate the monitoring and control of remote access methods. The Police Department shall control all remote accesses through managed access control points.

The Police Department may permit remote access for privileged functions only for compelling operational needs and shall document the rationale for such access.

The Police Department will comply with section 5.5.6 of the CJIS Security Policy.

813.9 PERSONALLY-OWNED INFORMATION SYSTEMS (REFERENCE CJIS POLICY 5.5.6.1)

The Police Department does not allow any personally-owned devices that can store agency information.

813.10 AUTHENTICATION STRATEGY (REFERENCE CJIS POLICY 5.6.2)

The Police Department adopts CJIS Security Policy 5.6.2.

813.11 AUTHENTICATOR MANAGEMENT (REFERENCE CJIS POLICY 5.6.3.22)

The agency requires that its users shall take responsible measures to safeguard authenticators issued to the, including maintaining possession of their individual authenticators, not loaning or sharing authenticators with others, and immediately reporting lost or compromised authenticators.

813.12 MEDIA PROTECTION (REFERENCE CJIS POLICY 5.8)

The agency will do the following:

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- Securely store electronic and physical media within a physically secure or controlled area.
- Restrict access to electronic and physical media to authorized individuals.
- Ensure that only authorized users remove printed for or digital media.
- Physically protect media at the end of life.
- Ensure end of life media is destroyed or sanitized.
- Not utilize public accessible computers to access, process, store, or transmit media.
- Store all hardcopy CJI printouts in a secure area accessible only to those employees who job function requires them to handle such documents.
- Safeguard all media against possible misuse.
- Take appropriate action when in possession of CJI when not in a secure area.

The agency will ensure that media at rest (i.e. store electronically) outside the boundary of the physically secure location shall be protected using encryption that is certified to meet FIPS 140-2 standards.

The agency will require users t lock or log off their computer when not in immediate vicinity of their work area to protect access.

813.13 ELECTRONIC MEDIA SANITIZATION AND DISPOSAL (REFERENCE CJIS POLICY 5.8.3)

The Police Department will ensure that the sanitization of electronic media or the destruction of inoperable media (via incineration, shredding, disintegrating, cutting, drilling, or grinding) is witnessed or carried out only by authorized personnel and that a chain of custody is maintain.

The Police Department will require for the sanitization of media that the data cleaning be done with an approved disk wiping utility using a minimum of three passes or a Security Service (NSA-CSS)-approved degausser.

813.14 DISPOSAL OF PHYSICAL MEDIA (REFERENCE CJIS POLICY 5.8.4)

The agency will ensure that the disposal of physical media is done through physical destruction via incineration, shredding, disintegrating, cutting, drilling, or grinding. The agency will ensure this is carried out by authorized personnel or a responsible contractor. A chain of custody will be kept for all media disposed of. If any media is disposed of that isn't encrypted, only CJIS-vetted personnel will be allowed to maintain control of the media until disposal.

813.15 PHYSICAL PROTECTION (REFERENCE CJIS POLICY 5.9)

The Police Department will limit who has access to the physically secure location to only those personnel authorized by the agency. The agency will position information system devices and documents in such a way as to prevent unauthorized individuals from access and view.

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813.16 ENCRYPTION (REFERENCE CJIS POLICY 5.10.2.3.35)

The Police Department will adhere to CJIS Security Policy 5.10.2.3. The agency utilizes an internal certificate authority that is configured and maintained by authorized employees of the Metropolitan Council to user certificates for smart card authentication. This system issues and revokes user certificates based on new user requests and user termination requests that are submitted by the agency. The certificate authority is owned and maintained by the agency.

813.17 VOICE OVER INTERNET PROTOCOL (REFERENCE CJIS POLICY 5.10.1.41)

The Police Department will maintain the VoIP phone system on a separate VLAN (Virtual Local Area Network) to segment phone traffic from all other network traffic. All VoIP phones will be on a separate network jack from all other network traffic and network computers will not be allowed to be connected to VoIP phones. All VoIP phones will have their administrative passwords changed from the factory default password. CJI will not be discussed over VoIP that is not encrypted with the FIPS 140-2 protocol.

813.18 PATCH MANAGEMENT (REFERENCE CJIS POLICY 5-10.1.41)

The Police Department will adhere to CJIS Policy 5.10.4.1.

813.19 SECURITY ALERTS AND ADVISORIES (REFERENCE CJIS POLICY 5.10.4.43)

The Police Department reviewed information system security alerts/advisories on a regular basis.

The Police Department issues alerts/advisories to the appropriate personnel.

The Police Department documents the types of actions to be taken in response to security alerts/ advisories.

The Police Department used automated mechanisms to make security alert and advisory information available throughout the agency as appropriate.

813.20 PERSONNEL SANCTIONS (REFERENCE CJIS POLICY 5.12.4)

If the Police Department becomes aware of an employee potentially using CJI in a manner that is not in accordance with the employee's job, the Police Department's Internal Affairs Unit will initiate an investigation. The agency's TAC and LASO will be consulted during the process to assist with the determination of proper or improper use.

The Police Department will act on the findings of the Internal Affairs investigation in accordance to department policy and, if applicable, union contracts.

813.21 WIRELESS ACCESS RESTRICTIONS (REFERENCE CJIS POLICY 5.13)

The Police Department will deploy a VPN solution to all mobile devices that will ensure compliance with the FIPS 140-2 encryption standard when connection to systems containing Criminal Justice Information (CJI). The Police Department will not maintain a wireless system that allows a direct connection to systems containing CJI. Any wireless systems that the Police Department maintains will be controlled and all activity will be monitored.

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813.22 REVIEW OF WI-FI LOGS (REFERENCE CJIS POLICY 5.13.1.113)

The LASO will review Wi-Fi logs on a recurring basis, not to exceed monthly. The agency shall not use (WEP and WPAx) to directly access criminal justice network environments without using a NIST-certified FTIPS 140-2 encryption tunnel. Any wireless networks connected or utilized will be segmented from the Police Department's criminal justice environment.

813.23 BLUETOOTH (REFERENCE CJIS POLICY 5.13.1.3)

The Police Department understands the risks of the use of Bluetooth devices. The Police Department will weigh the risk against operational objectives and employ the security measures possible to secure Bluetooth devices deemed to be necessary.

Any Bluetooth devices used to directly access CJI will be approved by the BCA prior to use. Any Bluetooth devices necessary to perform agency operations will be approved by the LASO prior to its use.

813.24 INCIDENT RESPONSE (REFERENCE CJIS POLICY 5.13.5)

The Police Department will react in a expedited manner when mobile devices are misplaced or stolen. The process will be:

1. The staff member must immediately notify the agency LASO and/or TAC if a device is misplaced or stolen, and an agency incident report will be completed.
2. If a device is stolen, immediately attempt to locate the device using available technology and determine the locked state of the device.
3. If a stolen device can be located using technology, a remote lock command will be immediately executed. If an investigation will not be commenced to locate the device and/or the suspects, a remote wipe command will be executed.
4. If a device is misplaced, determine if the device is in a locked state and locate it using available technology; immediately execute a lock command.
5. If the device is misplaced and we are unable to determine what state the device is in, a remote wipe command will be executed.
6. If a device is misplaced or stolen, the LASO will take the appropriate action up to and including notifying the BCA.

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Misuse of CJIS Access and Information

814.1 PURPOSE

Inquiries into the motor vehicle registration, driver license, criminal history, or any other file in the MNJIS/NCIC systems must be performed for criminal justice purposes only.

This policy outlines the appropriate use of these files and potential consequences for misuse.

814.2 DEFINITIONS

CJDN: Criminal Justice Data Communications Network. This is the overall system that provides criminal justice agencies with computer access to data stored on state and national systems.

MNJIS: Minnesota Justice Information System

NCIC: National Crime Information Center

TAC: Terminal Agency Coordinator. This person is designated for oversight and management of department access to the CDJN.

814.3 INFORMATION ACCESS

When performing any file inquiries or making any entries into NCIC or MNJIS, it is important to remember that the data stored in MNJIS/NCIC is documented criminal justice information and this information must be protected to ensure correct, legal, and efficient dissemination and use. The stored data in NCIC and MNJIS is sensitive and should be treated accordingly.

Employees of the Metro Transit Police Department shall not run themselves or other employees in the MNJIS/NCIC systems.

814.4 MISUSE OF ACCESS OR INFORMATION

Any employee misusing information or obtaining information for other than official criminal justice purposes from the CJDN will be subject to disciplinary action which could include termination from employment and/or criminal charges.

When the Chief of Police or TAC becomes aware that an employee of the Department is using a CJDN terminal, CJDN terminal-generated information, CJDN equipment, or CJDN access not in accordance with Department, state, or NCIC policies, the Chief or their designee will review the action and take appropriate steps to investigate the violation.

The specific situation in each case of misuse of CJIS will be looked at with all circumstances considered when determining disciplinary actions, including:

(a) Extent of loss or injury to the system, agency, or another person

(b) Unauthorized modification or destruction of system data

(c) Loss of computer processing capability

(d) Theft of any computer system media such as chip ROM memory, optical or magnetic storage medium, hardcopy printout, etc,

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Following the appropriate administrative investigation, the Chief or their designee shall meet with the person who is alleged to have violated the policy and determine appropriate course of action, which may include verbal or written reprimand, suspension, or termination. Intentional misuse of the CJDN system is a serious violation and the BCA must be informed of such violations. If criminal behavior is believed to have occurred, the appropriate agencies will be notified for further investigation as needed.

The TAC, with the Chief's approval, may at any time terminate an employee's access to the CJDN system for any rule violation.

814.5 ACKNOWLEDGEMENT

Electronic acknowledgement of this policy in Lexipol demonstrates that the employee has read and understands it.

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Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with case number, evidence sheet number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items into the Property and Evidence Office. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether it was in operation.
2. Who was using it at the time.

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3. Who claimed ownership.

4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media.

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, floppy disks, compact discs or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation or other legal authority for examination.

(c) A listing of the items to search for (e.g., photographs, financial records, E-mail, documents).

(d) A forensic copy of the media will be made, and subsequent forensic examination of the copy will be conducted by a trained digital forensic examiner.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CDs, DVDs, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Office to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

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(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PCDS

Personal communication devices such as cellular telephones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (e.g., smart card, compact flash card or any other media) shall be brought to the Property and Evidence Unit as soon as reasonably possible for submission into evidence.

(b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.

(c) As soon as reasonably possible following the collection of evidence, the camera operator is to remove the memory card from his/her digital camera and place the card into a plastic carrier (if available). The camera operator shall write their name, related

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case number and any additional requested information on the Evidence Photo Log Form before placing the card into the drop locker along with the evidence form.

(d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for reuse. The storage media will be marked as the original.

(e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where reasonably possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media related to case documentation that is held as evidence. Only digital forensic examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Hot File Entries and Validation in NCIC

815.1 DEFINITIONS

Second-Party Checks: Someone other than the person making the record entry checks the record for accuracy and completeness. This procedure is required for all hot file entries and modifications to record entries.

Validation: NCIC requires the MTPD to validate Hot File records on regular intervals that the hot file record is complete, accurate, and still outstanding or active. Article file records to not require validation. Validation of records must take place within 60-90 days after date of entry and yearly thereafter.

815.2 ENTRY REQUIREMENTS

All Hot File entries must be documented.

All Hot File entries must go through the second-party check procedure below.

815.3 VEHICLE FILES

Before entering a stolen or felony vehicle record into MNJIS/NCIC:

1. Obtain a theft report describing the stolen vehicle.
2. Do a registration check with the state in which the vehicle is registered and obtain a copy of the registration to attach to the record.
3. Enter the record into MNJIS/NCIC using the pre-formatted screen.
    1. Make sure to pack the record with as much information about the vehicle as possible.
    2. Verify the NCIC codes, as they are not always the same as what is on the copy of the registration.
4. Query MNJIS/NCIC to verify the entry and to obtain a copy of the entry to be attached to the record.
5. Follow procedures for second party check (815.5 below).
6. Validate the record according to schedule.
    1. Maintain any updated documentation used during a validation and attach it to the record.

815.4 STOLEN GUNS, ARTICLES, BOATS, AND SECURITIES

Before entering a stolen record into MNJIS/NCIC:

1. Obtain a theft report describing the stolen item, including the serial number (SER) or owner-applied number (OAN).
2. If entering a boat, do a registration check with the state in which the boat is registered and obtain a copy of the registration to attach to the record.
3. Enter the record in MNJIS/NCIC using the pre-formatted screen.

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1. Note that boats and securities will only be entered into NCIC.
2. Make sure to pack the record with as much information about the item as is available.

4. Query MNJIS/NCIC to verify entry and to obtain a copy of the entry to be attached to the record.
5. Follow procedures for second party check (815.5 below).
6. Validate the record according to schedule.
    1. Maintain any updated documentation used during a validation and attach to the record.

815.5 VALIDATION OF HOT FILE ENTRIES

Validation requires that the person entering the record must:

(a) Remove all records that are no longer active from the MNJIS/NCIC Hot Files.

(b) Compare records against the current supporting documentation to ensure:
    1. The information in each field is accurate.
    2. The records contain all available information found in the case file(s).

(c) Remove all records in which corresponding case file documentation cannot be located or recreate the case files to meet NCIC requirements.

(d) Update Hot File records as needed:
    1. NCIC code changes occur
    2. MTPD-related information such as extradition limits, hit confirmation, or contact information changes.
    3. New or additional information becomes available.

(e) Missing Persons: Contact the complainant to verify that the person is still missing.

(f) Stolen property: Contact the owner or the insurance company for stolen property validations to verify that the property is still missing.

(g) Stolen vehicles: Run a new registration to see if the vehicle has been re-registered to an insurance company or in another person's name.

815.6 SECOND-PARTY CHECKS

The person conducting a second-party check on a hot file should first query the record to obtain a copy of the hit and proceed with the following steps:

(a) Ensure that all appropriate sources were checked and queried for complete information. This may include:
    1. Criminal history records
    2. Motor vehicle registrations
    3. Driver's license information

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4. Other available sources

(b) This source material should be kept with the case file. Material may include driver's license printouts, registration printouts, and/or CCH/III identification.

(c) Compare the information from the sources listed above against the record entered into MNJIS/NCIC to verify the accuracy of information in all fields of the hot file record.

(d) Verify that all information was coded correctly with appropriate and up-to-date NCIC codes.

(e) Correct any records that are inaccurate or coded incorrectly.

(f) Verify that the record was "packed" with all available information.

(g) Initial or electronically stamp the hit copy of the entry and retain the signed copy in the case file.

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NCIC Hit Confirmations

816.1 POLICY

Agencies that enter records into MNJIS/NCIC must be available for hit confirmations 24 hours a day on every day of the year.

816.2 DEFINITION

A hit is defined as a positive response from MNJIS/NCIC in which the person or property queried appears to match the person or property contained in the response.

816.3 HIT CONFIRMATION PROCESS

NCIC policy requires an agency receiving a hit on another agency's MNJIS/NCIC record to contact the entry agency to confirm that teh record is accurate and up to date. If the property or subject is confirmed, a locate must be placed by the locating agency. A detainer must then be placed by the entering agency.

816.3.1 CONFIRMATION OF POSITIVE HITS ON INQUIRIES MADE BY MTPD

If an employee receives a positive hit:

1. Retain a copy of the hit (either electronic or hard copy).
2. For hits where the employee making the inquiry is not on-scene, the employee should immediately confirm with the on-scene officer.
3. Examine the hit message and evaluate all information in the record and compare with the person being stopped or the property being recovered to ensure that:
    (a) The person or property matches the person or property described in the hit.
    (b) The location of the person or property is within the extradition limit stated on the hit.

816.3.2 CONFIRMATION OF RECEIVED HITS FROM OTHER AGENCIES

When an employee receives a positive hit, they must confirm the hit with the originating agency.

An inquiring agency that receives a hit must use the YQ message to request confirmation of the hit and use the appropriate pre-formatted screen.

(a) RNO: Request Number. Enter 1, 2, or 3 to indicate whether the hit confirmation request is the first, second, or third request sent.
    (a) When an agency requests a hit confirmation and fails to receive a response within the specified time (10 minutes or one hour based on the priority indicated), then the agency must send a second request for hit confirmation, entering a "2" in the RNO field.
        i. The second request will be sent to the originating agency along with a copy that is automatically sent to the BCA.
        ii. If the second request is not responded to, then a third request must be sent with a "3" in the RNO field. This will cause the hit confirmation request to

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be sent to the originating agency along with copies that are automatically sent to the BCA and NCIC.

(b) PRI: Priority. The agency requesting confirmation of a hit must determine the appropriate time frame for a response.

(a) URGENT: A 10 minute response is being requested. This should be used when a subject is detained solely for identification purposes.

(b) ROUTINE: A one-hour response is being requested. This should be used when a subject is detained on other charges or is currently in custody.

(c) Fill in other appropriate fields before transmitting.

(d) If the originating agency indicates that the hit is not active, notify the requesting person or officer. The officer may not arrest the subject or recover the property.

(e) If the originating agency confirms that the hit is still active and the subject is arrested or property recovered, enter a Locate. Retain a copy of the confirmation and the Locate documentation (electronic or hard copy).

816.3.3 RESPONDING TO OUTSIDE AGENCIES OF CONFIRMED HITS
If an employee receives a hit confirmation, the following procedure will be followed:

1. Retain a copy of the confirmation request (electronic or hard copy).
2. Note the amount of priority of the request and ensure that it is responded to in that time period (10 minutes or one hour).
3. Attempt to confirm the hit by checking the original warrant or report file to determine if the person is still wanted or property is still missing.
4. When an employee is unable to confirm the hit, a response must be sent with an explanation.
5. Use the appropriate YR message to respond using the pre-formatted screen.

(a) CON - Confirmation status. Use one of the following codes:

i. Y - positively confirm the hit.

ii. N - negative response

iii. P - in process to indicate that the hit is in the process of being confirmed

iv. E - extradition to indicate that the hit is positive but that the agency is awaiting a decision on extradition.

816.4 DOCUMENTATION OF HIT PROCESS

All hit confirmation teletypes should be retained and detailed notes should be made concerning how, when, what, and to whom the information was given. The detailed notes should be kept in the case file. Documentation of the confirmed hit is essential and may be critical to the success of defending a later claim of misidentification or false arrest.

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CJIS Access, Maintenance, and Security

822.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access, process, store, or transmit Criminal Justice Information.

822.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access, process, store, or transmit CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

822.2 POLICY

It is the policy of the Metro Transit Police Department to maintain the security, confidentiality, and integrity of its information systems that access, process, store, or transmit CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

822.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Metro Transit Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

822.3.1 CJIS COORDINATOR RESPONSIBILITIES

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

(a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the Minnesota Bureau of Criminal Apprehension (BCA).

(b) Managing member accounts with access to CJI, including:

1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts, validating new passwords against known compromised or commonly used passwords).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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(c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:

1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
4. Maintaining records for all system maintenance and diagnostic activities.

(d) Configuring remote access systems and devices only with the explicit authorization of the Chief of Police or the authorized designee, including:

1. Routing through authorized and managed access control points (e.g., firewalls, secure gateways).
2. Mandatory multi-factor authentication for users.
3. Use of automated mechanisms to monitor and control remote access methods.
4. Mandatory encryption (e.g., VPN, Transport Layer Security).
5. Required logging of all remote access activity.

(e) Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.

(f) Providing for the security of hardware that includes provisions for the following:

1. How hardware is to be brought into and taken out of department facilities
2. Physical security of hardware within department facilities
3. Physical security of areas containing network connections and transmission lines, including monitored access

(g) Implementing and carrying out the department Incident Response Plan, including:

1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).

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4. Providing information on security incidents to any third-party software developers or vendors as appropriate.

(h) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.

(i) Developing and updating department information security and privacy literacy training and incident response training as required by policy.

(j) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

(k) Managing the development, documentation, and dissemination of applicable policies and procedures for the following:

1. Access control
2. Awareness and training
3. Auditing and accountability
4. Assessment, authorization, and monitoring
5. Configuration management
6. Contingency planning
7. Identification and authentication
8. Incident response
9. Maintenance
10. Media protection
11. Physical and environmental protection
12. Planning
13. Personnel security
14. Risk assessment
15. System and services acquisition
16. Systems and communications protection
17. System and information integrity
18. Supply chain risk management

(l) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

822.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

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Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

822.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

822.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

(a) The account has expired.

(b) The account is no longer associated with a member.

(c) The account is found to be in violation of this policy.

(d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

822.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

(a) Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.

(b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.

(c) Non-privileged members shall not be allowed to execute privileged functions.

822.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

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822.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall only be conducted by authorized members and shall be documented.

822.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

822.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

(a) Flaw remediation.

(b) System monitoring.

(c) Security alerts, advisories, and directives.

(d) Software, firmware, and information integrity controls.

(e) Spam protection.

822.9 INCIDENT RESPONSE PLAN

A security incident must be reported to the BCA within 24 hours from the initial discovery. All individuals with access to CJIS data and/or locations are responsible for ensuring the security of the locations, systems and data, and reporting any incidents or possible incidents.

A security incident must be reported to the Chief's Designee, LASO or TAC, who then notifies the BCA and includes date of incident, location of incident, systems affected, method of detection, nature of the incident, description of incident, actions taken/resolution and if CJI was compromised. A security incident encompasses many possibilities but is essentially unauthorized access to CJIS location(s), system(s) or data.

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822.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

822.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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Chapter 9 - Custody

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Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Metro Transit Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors, and the public.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Metro Transit Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

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900.3.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The inventory should include the case number, date, time, member's Metro Transit Police Department identification number and information regarding how and when the property may be released.

900.3.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.4 STRIP SEARCHES

No individual in temporary custody at any Metro Transit Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

    1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

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No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.4.1 STRIP SEARCH PROCEDURES

Strip searches at Metro Transit Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Shift Supervisor shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift Supervisor.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex, and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based their belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia, or female breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to

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ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.

900.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Supervisor authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Supervisor authorization does not need to be in writing.

900.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Supervisor and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician may conduct a physical body cavity search.

(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Supervisor's approval.
4. A copy of the search warrant.
5. The time, date, and location of the search.
6. The medical personnel present.
7. The names, sex, and roles of any department members present.

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8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and shall be provided to the individual who was searched or other authorized representative upon request.

900.6 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual unless the individual requests otherwise.

900.7 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

900.8 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

(a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.

1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.

(b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

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Transporting Arrestees and Other Individuals

901.1 PURPOSE

This policy establishes Department policy regarding the safe and secure transportation of individuals to locations such as jail or mental or physical health facility.

901.2 DEFINITIONS

Contraband: Any item or substance that is prohibited from an arrestee's possession while in custody.

Arrestee: Any person in custody of the Metro Transit Police Department or another law enforcement agency.

Squad car: A vehicle clearly identifiable as a Metro Transit Police Department vehicle.

Transport van: A clearly-marked multi-passenger van used for transporting arrestees.

Unmarked squads: A vehicle which is not marked or clearly identifiable as a police vehicle.

901.3 SQUAD VEHICLE MAINTENANCE

(a) Officers will ensure their squad or the transport van is appropriately stocked with safety equipment, personal protective equipment, forms, and other necessary items.

(b) Officers are responsible for thoroughly searching their vehicles at the start of their shift, prior and after transporting any person, and at the end of their shift to ensure no contraband or personal items have been left behind.

(c) Officers will ensure that rear doors are locked and that inner door handles and window controls are removed or disabled.

901.4 PRISONER SEARCHES AND RESTRAINTS

(a) All arrestees will be searched prior to be seated in the transporting vehicle in accordance with MTPD Policy 900/Custodial Searches.

(b) All arrestees will be restrained in accordance with MTPD Policy 306/Handcuffing and Restraints.

(c) When possible, officers should exchange regular handcuffs for flex cuffs as appropriate for prior to transport via booking van.

901.5 ARRESTEE SEATING IN VEHICLES

(a) Whenever possible, arrestees will be transported in marked squad cars or the transport van. Officers should avoid using unmarked squads when possible.

(b) Officers are responsible for seat belting all individuals in as so to prevent injury.

(c) Officers will not transport any individual in the same compartment containing property or equipment and will not place property or equipment in the same compartment as the individual.

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(d) Arrestees may be transported in a canine-equipped squad only where the squad has a three-quarter kennel that leaves a distinct rear passenger space that is equipped with a seatbelt and partitioned off from the police canine.

1. Canine officers are discouraged from transporting combative arrestees due to safety concerns.

(e) Arrestee will not be handcuffed to any part of the vehicle during transport.

(f) Officers will use reasonable care when assisting arrestees in and out of the vehicle.

(g) Capacity:

1. No more than two (2) arrestees will be transported in one marked or unmarked squad car at a time.

2. No more than ten (10) arrestees will be transported at a time in the transport van.

(h) Gender:

1. When possible, male and female arrestees will not be transported at the same time in the same squad or unmarked vehicle.

(a) Booking van exception: Arrestees of opposite sexes will be placed in separate compartments.

(i) When transporting arrestees of the opposite sex as the officer, the officer will communicate their starting and ending mileage to TCC.

(j) Based on information that the officer has at the time regarding transgender or gender non-conforming persons:

1. They will be transported in a manner that respects their identity and safety.

2. If there is a safety concern, transgender and gender non-conforming should be transported separately.

3. Officers will communicate their starting and ending mileage to TCC.

(k) Juveniles:

1. Juvenile and adult arrestees will not be transported in the same marked or unmarked vehicle.

(a) Booking van exception: Juvenile arrestees will be placed in a separate compartment from adults. The juvenile compartment should be constructed in a manner that conceals the juvenile's identity.

901.6 DURING TRANSPORT

(a) Transporting officers should not lose visual of the persons(s) under their control.

(b) Transporting officers will activate the squad camera in accordance with MTPD's Mobile Video Recorders policy.

(c) Transporting officers will activate their body-worn camera in accordance with MTPD's Body-Worn Cameras policy.

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(d) Transporting officers shall not engage in any pursuit while arrestees are in their vehicle in accordance with MTPD's Vehicle Pursuits policy. The transport van should never be used in a pursuit

(e) Transporting officers should not stop or cause delay while en route to their destination unless exigent circumstances exist such as life or safety.

(f) Transporting officers will only respond to a law enforcement need when life-threatening circumstances exist.

(g) Transport van: Even when not transporting individuals, this vehicle should generally not be used to respond to calls for service unrelated to transports or for traffic or other stops unless exigent circumstances exis

(h) Arrestee requests for communications with family, attorneys or others will not be granted during transport.

901.7 ESCAPE

Should an arrestee escape from custody:

(a) Officers will contact TCC immediately and broadcast:

1. Location of escape
2. Direction of travel
3. Description
4. Possible destination, if known
5. Arrestee's name
6. Criminal charges
7. Other pertinent information

(b) Officers will request TCC to notify the primary law enforcement agency.

(c) Officers will attempt to recapture the escapee.

(d) Officers will write an incident report and a supervisor will review it as soon as practicable.

901.8 SPECIAL TRANSPORTATION CIRCUMSTANCES

(a) Combative persons should not be transported via transport van.

(b) Sick or injured persons should be transported by ambulance when appropriate.

1. If the person is under arrest, one officer will be assigned to ride with the arrestee or follow the ambulance in their vehicle.
2. If the arrestee declines or refuses treatment, the transporting officer should record the refusal on their body-worn camera and/or obtain it in writing, when possible.
3. The officer will note that the arrestee refused or declined treatment in the incident report.

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(c) Consideration should be given to physically or mentally handicapped persons. Officers will consider the special care and attention needed to ensure the safety of the person. Individuals needing special care should not be transported in the transport van.

(d) Individuals who have indicated a desire to commit suicide should be kept under supervision until arrival at the detention facility or other facility.

(e) The transport van may be used in the event of mass arrests.

901.9 TRANSPORTING ARRESTEES

(a) Persons who are not under arrest and who do not meet the circumstances outlined in 901.8 may be transported by police for other reasons, including but not limited to:

1. Courtesy transports
2. Mental health
3. Detox
4. Other

(b) Officers will notify TCC of their beginning and ending mileage.

(c) The transport van will not be used for persons not under arrest.

901.10 REPORTS

The arresting officer will complete:

(a) The incident/arrest report.

(b) Authority to detain

(c) Juvenile detention

(d) 72 hour holds

(e) Any other appropriate forms related to arrests or transports.

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Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Metro Transit Police Department Temporary Holding Facilities (28 CFR 115.111).

902.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

902.2 POLICY

The Metro Transit Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Metro Transit Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

902.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Metro Transit Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Metro Transit Police Department prisoners includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents” or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift Supervisor any knowledge, suspicion or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against prisoners or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Shift Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Supervisor shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Metro Transit Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the Prosecuting Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the General Manager. The Chief of Police or General Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Supervisor or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

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902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.

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The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Metro Transit Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.

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- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Coordinator shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Temporary Custody of Adults

903.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Metro Transit 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. Juveniles will not be permitted where adults who are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

903.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Metro Transit Police Department prior to being released or transported to a housing or other type of facility.

903.2 POLICY

The Metro Transit 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.

903.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than four hours (Minn. R. 2945.0100; Minn. R. 2945.0120).

903.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Metro Transit Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

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(d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

903.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

903.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

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(c) Any other person authorized by the Shift Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

903.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion the individual may be suicidal, he/she shall be transported to the Metropolitan Area jail or the appropriate mental health facility.

The officer should promptly notify the Shift Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

903.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

(a) Advise the Shift Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141) or whether the person is facing any other identified risk.
2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    (a) Continuous, direct sight and sound supervision.
    (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensure males and females are separated by sight and sound when in cells.
5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

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(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

903.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual without delay he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual this notification has been made and inform him/her without delay he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

2. If the country is not on the mandatory notification list and the individual requests his/her consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Forward any communication from the individual to his/her consular officers without delay.

903.5 SAFETY, HEALTH AND OTHER PROVISIONS

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903.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Metro Transit Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Metro Transit Police Department.

The Shift Supervisor should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

903.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

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(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

903.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Metro Transit Police Department. They should be released or transferred to another facility as appropriate.

903.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears any risk no longer exists.

903.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

    1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

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903.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

903.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, and upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times except during routine cleaning when no individuals in custody are present or in the event of an emergency, such as an evacuation.

903.5.8 FINGERPRINTING

Once the person has been taken into temporary custody the arresting officer should ensure the following are taken:

(a) Finger and thumb prints

(b) Photographs

(c) Distinctive physical mark identification data

(d) Information on any known aliases or street names

(e) Any other identification data requested or required by the Bureau of Criminal Apprehension

The Shift Supervisor should ensure fingerprints and other identifying information is entered into the searchable database managed by the Bureau of Criminal Apprehension (Minn. Stat. § 299C.10, Subd. 1).

903.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk handcuffs should generally be removed when the person is in a cell.

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The use of restraints other than handcuffs or leg irons generally should not be used for individuals in temporary custody at the Metro Transit Police Department unless the person presents a heightened risk and then only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

903.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

903.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy unless the individual requests a different disposition. For example an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Supervisor shall be notified whenever an individual alleges there is a shortage or discrepancy regarding his/her property. The Shift Supervisor shall attempt to prove or disprove the claim.

All intangible personal property that is unclaimed for more than three years is presumed abandoned (Minn. Stat. § 345.38).

903.8 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.

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(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.

(a) Safety checks should be at varying times.

(b) All safety checks shall be logged.

(c) The safety check should involve questioning the individual as to his/her well-being.

(d) Individuals who are sleeping or apparently sleeping should be awakened.

(e) Requests or concerns of the individual should be logged.

903.9 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms, and logs have been completed prior to release.

(b) A check has been made to ensure the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed the correct individual is being released or transported.

(d) All property except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Metro Transit Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

(j) Transfers that exceed 100 miles shall be accomplished with a custodial escort of the same sex as the individual being transferred unless video and audio recording

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equipment is installed in the vehicle that is capable of recording the transferee for the entire duration of the transfer (Minn. Stat. § 631.412).

(a) Recordings of such transfer shall be maintained by the Department for at least 12 months after the date of the transfer.

903.10 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death, or serious injury of any individual in temporary custody at the Metro Transit Police Department. The procedures should include (Minn. Stat. § 390.11, Subd. 1(6)):

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Shift Supervisor, Chief of Police, and Criminal Investigations Division Commander.

(c) Notification of the spouse, next of kin, or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the Prosecuting Attorney.

(f) Notification of the Medical Examiner.

(g) Evidence preservation.

903.11 ASSIGNED ADMINISTRATOR

The Patrol Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment

(e) Escapes

(f) Evacuation plans

(g) Fire- and life-safety

(h) Disaster plans

(i) Building and safety code compliance

903.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

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Transporting Persons in Custody

904.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Metro Transit Police Department.

See the Handcuffing and Restraints Policy for additional guidance.

904.2 POLICY

It is the policy of the Metro Transit Police Department to provide safe, secure, and humane transportation for all persons in custody.

904.3 PATROL CAPTAIN RESPONSIBILITIES

The Patrol Division Commander should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

904.4 OFFICER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Officers transporting a person in custody should:

(a) Search all areas of the vehicle accessible to a person in custody before and after each transport.

(b) Immediately search persons in custody after arrest, when receiving the person from the custody of another officer, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.

1. Whenever practicable, a search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, a witnessing officer should be present during the search.

(c) Provide Transit Control Center with any required notifications (e.g., start time, mileage, end time).

(d) Properly secure all property.

(e) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Video Recorders and Body-Worn Cameras policies for additional guidance).

(f) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.

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(g) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.

(h) Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:

1. Individuals in auxiliary restraints.
2. Individuals in leg restraints.
3. Individuals wearing a spit hood.
4. Individuals who are a suspected suicide risk.

(i) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.

(j) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):

1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

904.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, officers:

(a) Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.

1. Juveniles and adults shall not be transported together.
2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
3. Persons of different genders should not be transported together.

(b) If segregating individuals is not possible, transporting officers should be alert to inappropriate physical or verbal contact and take appropriate action.

904.6 TRANSPORT VANS

An officer trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

An officer should assist persons getting into and out of the transport van to avoid falls.

904.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting officer should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting officer should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the officer.

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Officers transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

904.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, officers should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Officers shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

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 Shift Supervisor.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

904.9 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, 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 themself or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by officers. EMS personnel should be called to handle transportation.

904.10 CIVIL COMMITMENT TRANSPORTS

When transporting any individual for a civil commitment, the transporting officer should request that Transit Control Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and provide such additional information as deemed necessary to assist medical staff with the transportee's arrival.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of an officer during the transport, a supervisor's approval should be obtained before transport commences, if reasonably practicable.

See the Civil Commitments Policy for additional guidance.

904.10.1 TYPE OF TRANSPORTATION

When transporting any individual on a Minn. Stat. § 253B.051 admission, and if reasonably practicable, officers should not be in uniform and should not use a vehicle visibly marked as a law enforcement vehicle (Minn. Stat. § 253B.051, Subd. 1(e)).

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904.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, officers should not interrupt a transport to provide emergency assistance without supervisory approval. Officers encountering an emergency should notify Transit Control Center and request an appropriate response.

904.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting officers may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

904.13 PROHIBITIONS

When transporting a person in custody, officers should not:

(a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).

(b) Handcuff a person to any part of a vehicle.

(c) Leave the vehicle unattended with the person in custody in the vehicle.

(d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.

(e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.

(f) Stop to conduct any personal activities.

(g) Engage in a pursuit.

904.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting officer should immediately advise Transit Control Center and other units of the escape, provide a description of the escapee, notify the Shift Supervisor, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Shift Supervisor should notify the Chief of Police or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Metro Transit Police Department, the Shift Supervisor should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

904.15 DOCUMENTATION

If a person is injured during transportation, officers should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

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904.16 NOTIFICATIONS

Officers should notify a supervisor and any receiving facility of information regarding any circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

904.17 TRAINING

The Training Manager should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Metro Transit 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 Metro Transit Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Division Commander shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

(a) Establishment of a written recruitment plan that includes:

1. An outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws, memorandum of understandings, or collective bargaining agreements.
2. Requirements for candidates with and without a college degree.

(b) Identification of racially and culturally diverse target markets.

(c) Use of marketing strategies to target diverse applicant pools.

(d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(f) Employee referral and recruitment incentive programs.

(g) Consideration of shared or collaborative regional testing processes.

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The Administration Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.3.1 REVIEW AND REVISION OF RECRUITMENT PLAN
The Administration Division Commander shall conduct an annual review to evaluate the department's progress towards defined goals and objectives, and establish a process for revising the recruitment plan when necessary.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Personal and professional reference checks

(d) Citizenship eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents (Minn. R. 6700.0700, Subp. 1). This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Polygraph or voice stress analyzer examination (when legally permissible)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

(k) Relevant national and state decertification records, if available, including the National Decertification Index

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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.

Ranking of Veterans - An eligible applicant with a rating augmented by veteran's preference shall be entered on an eligible list ahead of a non-veteran with the same rating. When notifying eligible applicants that they have passed examinations this department shall show the final examination ratings and preference credits and shall notify eligible applicants that they may elect to use veteran's preference to augment passing ratings.

When this department rejects a certified eligible applicant who has received veteran's preference, the appointing authority shall notify the eligible applicant in writing of the reasons for the rejection and file the notice with the Metro Transit Department of Human Resources.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be

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indicative of the candidate's unsuitability to perform duties relevant to the operation of the Metro Transit 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. 6700.0670; Minn. R. 6700.0700).

A background investigation is valid for six months after completion. If the candidate is not hired during the six months, the background investigation must be updated before a final offer of employment to the candidate is made (Minn. R. 6700.0670, Subp. 2).

1000.5.1 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 Chief of Police or the authorized designee shall provide written notice to POST as soon as practicable, but no later than ten days thereafter that includes the candidate's full name and date of birth and the candidate's peace officer license number, if applicable (Minn. Stat. § 626.87; Minn. R. 6700.0670, Subp. 3).

If the background investigation identifies a disqualification under the minimum selection standards in Minn. R. 6700.0700, the Chief of Police or the authorized designee shall provide written notice to POST as soon as practicable, but no later than ten days (Minn. R. 6700.0670, Supb. 3).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Division Commander should not require candidates to provide passwords, account information, or access to password-protected social media accounts (Minn. R. 6700.0670, Subp. 1).

The Administration Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate, and validated.

(c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

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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, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule (Minn. R. 6700.0670, Subp. 2; 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.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

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1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by Minnesota POST (Minn. R. 6700.0700):

(a) Citizen of, or eligible to work in, the United States (Minn. R. 6700.0700, Subp. 1)

(b) Possess a valid driver's license

(c) Provide a complete personal history using a form provided by the Department

(d) Free of any felony conviction

(e) Not be required to register as a predatory offender under state law

(f) Free of conviction of any controlled substance law or of any misdemeanor offense listed in Minn. R. 6700.0700

(g) Have no record of engaging in discriminatory conduct, involvement with a hate or extremist group, or criminal gang

(h) Fingerprinted for purposes of disclosure of any felony convictions

(i) Submit to a medical examination and psychological evaluation required by Minn. R. 6700.0675 to ensure that the candidate is free from any physical, emotional, or mental condition which might adversely affect the candidate's performance of peace officer duties

(j) Successfully complete a physical strength and agility examination

(k) 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).

1000.8 PROBATIONARY PERIODS

The Administration Division Commander should coordinate with the Metro Transit Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Evaluation of Employees

1002.1 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.

1002.2 POLICY

The Metro Transit Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 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, with the goal being a minimum of 90 days' written notice before the end of the evaluation period.

Employees who disagree with their evaluation and who wish to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1002.3.1 ADDITIONAL CONSIDERATIONS FOR SWORN EMPLOYEES

In addition to other defined rating factors, supervisors shall consider the following when rating sworn employees:

(a) For officers, an assessment of adherence to department policies

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(b) For supervisors, an assessment of their effectiveness in addressing misconduct by officers they supervise

1002.4 EVALUATION FREQUENCY

Employees are evaluated based on the following guidelines unless their collective bargaining agreement states otherwise:

a. Full-time / Part-time non-represented:

1. Evaluated in months three and six during their six-month probation; if applicable to their position.

2. Evaluated yearly upon completion of probation.

b. Full-time licensed officers:

1. Evaluated daily, weekly and monthly during field training and while on probation.

2. Evaluated yearly upon completion of probation.

c. Part-time licensed officers:

1. Evaluated daily, weekly and monthly during their first 100 hours of shift work.

2. Evaluated yearly upon completion of probation.

1002.5 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period, per the collective bargaining agreement or other employment plan, before being eligible for certification as regular employees.

An evaluation will be completed at three and six months for all full-time civilian personnel during the probationary period.

Probationary licensed personnel are evaluated daily, weekly and monthly during the probationary period.

1002.6 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining). The evaluation form and supporting documentation shall be submitted as one package to the chain of command and the Metropolitan Council's Human Resources Department.

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1002.6.1 RATINGS

When completing the Employee Performance Evaluation, the supervisor will select the category that best describes the employee's performance. The definition of each rating category is as follows:

Goal Performance Ratings:

5. Performed Exceptionally - Contributed exceptional results well beyond what was expected in the achievement of this goal.

4. Exceeded Expectations - Significantly and consistently exceeded expected results for this goal.

3. Met Expectations - Consistently met, or at times exceeded, the expectations associated with this goal.

2. Below Expectations - Did not consistently contribute to goal achievement, nor achieve targeted performance for this goal.

1. Unsatisfactory - Did not contribute to goal achievement or performed well below targeted performance for this goal. s.

Competency Behavior Ratings:

5. Performed Exceptionally - Contributed exceptional results well beyond what is expected in the mastery of the necessary competency.

4. Exceeded Expectations - Demonstrated exceptional workplace behaviors associated with this competency.

3. Met Expectations - Demonstrated expected workplace behaviors associated with this competency.

2. Below Expectations - Did not consistently demonstrate expected workplace behaviors associated with this competency.

1. Unsatisfactory - Performed well below expected workplace behaviors associated with this competency.

Overall Rating:

5. Performed Exceptionally - Contributed overall exceptional results well beyond what was expected in the achievement of goals and in the mastery of the necessary competencies.

4. Exceeded Expectations - Significantly and consistently exceeded expected results while demonstrating exceptional workplace behaviors.

3. Met Expectations - Consistently met, or at times, exceeded results while demonstrating expected workplace behaviors.

2. Below Expectations - Did not consistently contribute to goal achievement or achieve targeted performance and did not demonstrate expected workplace behaviors.

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1. Unsatisfactory - Performed well below what is expected in the achievement of goals and in workplace behaviors associated with necessary competencies.

Supervisors are required to add comments to each evaluation they complete regardless of the rating category selected and must substantiate ratings of Performed Exceptionally, Below Expectations and Unsatisfactory.

1002.7 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee.

The employee is encouraged to provide the supervisor with a self-evaluation using the same performance evaluation report. 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.

1002.8 EVALUATION REVIEW

The completed evaluation will be forwarded to the next level of supervision and will be reviewed for fairness, impartiality, uniformity and consistency.

The evaluation will be returned to the rating supervisor who will meet with the employee for a final review of the evaluation.

1002.9 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file by the Office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee.

All evaluations shall be maintained within the designated system of the Metropolitan Council / Metro Transit Department of Human Resources.

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Special Assignments and Promotions

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Metro Transit Police Department.

1004.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Metro Transit Department of Human Resources.

1004.3 POLICY

The Metro Transit Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1004.4 SPECIAL ASSIGNMENT POSITIONS

The following conditions are considered special assignments and not promotions:

(a) Crisis Intervention Officer / Crisis Negotiator

(b) Investigator

(c) Bicycle Patrol officer

(d) Canine handler (K9)

(e) Crash investigator / Accident Reconstructionist

(f) Field Training Officer (FTO)

(g) Training Officer

(h) Drug Recognition Expert (DRE)

(i) Transit Response Unit (TRU)

(j) Mobile Field Force (MFF)

(k) Honor Guard (HG)

(l) Homeless Action Team (HAT

(m) Recruiting Team / Community Engagement Officer

(n) Special Weapons & Tactics (SWAT) Operator

1004.4.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Three years of relevant experience

(b) Off probation

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(c) Possession of or ability to obtain any certification required by the Minnesota Board of Peace Officer Standards and Training or law

(d) Exceptional skills, experience, or abilities related to the special assignment

1004.4.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

(c) Expressed an interest in the assignment.

(d) Demonstrates the following traits:

1. Emotional stability and maturity
2. Stress tolerance
3. Sound judgment and decision-making
4. Personal integrity and ethical conduct
5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

1004.4.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

(a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.

1. The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work.

(b) Division Commander interview - The Division Commander will schedule interviews with each candidate.

1. Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendations to the Chief of Police.

(c) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.

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1004.5 TRAINING

The Chief of Police should ensure that all newly promoted and specially assigned members are provided with the training they need to perform the essential job functions and duties of their new assignments, responsibilities, and tasks.

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Anti-Retaliation

1008.1 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.

1008.2 POLICY

The Metro Transit 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.

1008.3 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.

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1008.3.1 RETALIATION PROHIBITED FOR INTERVENING OR REPORTING
An officer shall not be retaliated against for intervening or reporting that another law enforcement officer or a member used excessive force (Minn. Stat. § 626.8452).

1008.4 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 Metropolitan Council / Metro Transit (e.g. Human Resources, General Counsel).

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.

1008.5 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.

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(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.

1008.6 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.

1008.7 WHISTLE-BLOWING

The Minnesota Whistleblower Act protects an employee 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 employee 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 employee 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.

1008.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1008.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Employee Convictions and Court Orders

1010.1 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.

1010.2 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.

1010.3 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.

1010.3.1 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.

1010.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

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officers) in writing if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 CHEMICAL DEPENDENCY TREATMENT

If an officer is informally admitted to a treatment facility or program pursuant to Minn. Stat. § 253B.04 for chemical dependency he/she is not eligible to possess a pistol, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility (Minn. Stat. § 624.713 Subd. 1(6)).

Officers in this situation shall promptly notify the department.

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Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1012.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1012.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1012.4 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.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 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.

1012.6 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.

1012.7 SCREENING TESTS

The Department may request or require drug or alcohol testing in the following circumstances (Minn. Stat. § 181.951; Minn. Stat. § 181.952):

(a) **Reasonable suspicion** - The Shift 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 the employee is working, is on department property, or is operating a vehicle owned by the department.
3. The employee has sustained an injury arising out of and in the course of employment, or has caused another employee to sustain an injury (full definition of personal injury in Minn. Stat. § 176.011, Subd. 16).
4. The employee has caused a work-related accident, or the employee's use of a vehicle, firearm, or safety equipment involved a work-related accident.

(b) Following a conditional job offer

(c) As part of an employee’s routine physical examination

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(d) Under a random testing program of employees

(e) When the employee has been referred for an evaluation or treatment, or is participating in a treatment program under an employee benefit plan

(f) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.

1012.7.1 DRUG- AND ALCOHOL-TESTING PROGRAM

The following applies to the department's drug and alcohol testing procedures (Minn. Stat. § 181.951; Minn. Stat. § 181.952; Minn. Stat. § 181.953):

(a) An employee or applicant has the right to refuse a test but the consequences of a refusal may result in discipline, up to and including termination, or a decision not to hire the applicant.

(b) Initial screening tests must be verified by a confirmatory test for the purpose of discipline.

(c) Employees will have an opportunity to participate in an appropriate alcohol or drug program for their first confirmed positive test. The program may be in lieu of other discipline unless the employee fails the program or refuses to participate (Minn. Stat. § 181.953).

(d) A confirmed positive test may result in discipline, up to and including termination.

(e) An employee or job applicant will have the opportunity to explain a positive test result and may request and pay for a second confirmatory retest.

(f) All disciplinary procedural safeguards in this manual apply, including the post-discipline appeal procedures (see the Personnel Complaints Policy).

(g) Employees and job applicants shall receive required written notice, including posting, of the drug- and alcohol-testing policies and procedures as set forth in Minn. Stat. § 181.952.

(h) The safeguards of Minn. Stat. § 181.953 will be followed for any testing and any related discipline process.

Notice of the adopted drug and alcohol testing policy shall be posted in an appropriate and conspicuous location and copies shall be available for inspection to all employees and job applicants (Minn. Stat. 181.952).

1012.7.2 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

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(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

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Annual Leave

1014.1 PURPOSE AND SCOPE

Employees of this department are provided with an annual leave benefit that gives them continued compensation during times of absence due to personal leave, illness etc. The number of hours available is detailed in Metropolitan Council policy and procedure 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).

If available, employees must first exhaust all banks of paid time (comp, floating holidays, annual, etc.) before using unpaid time. Unpaid time off may only be used in pre-approved or exigent circumstances and is subject to Metropolitan Council policy and procedure, unless an employee's collective bargaining agreement states otherwise.

1014.2 EMPLOYEE RESPONSIBILITIES

Annual leave may be used for scheduled/approved absences. Abuse of annual leave may result in discipline and/or denial of annual leave benefits.

1014.2.1 NOTIFICATION

Employees are encouraged to notify an immediate supervisor, the Shift Supervisor 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 the amount of time specified in their collective bargaining agreement 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, the employee shall, whenever reasonably possible, provide notice to the Department as soon as reasonably possible of the intent to take leave.

1014.3 LEAVE DUE TO 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 annual leave and/or the ability to return to work.

Nothing in this section precludes a supervisor, based upon reasonable cause, from requiring a physician's statement if three or fewer annual leave days are taken for an illness.

1014.4 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor annual leave usage and regularly review the attendance of employees under their command to ensure that the use of annual leave is consistent with this policy. Supervisors should address annual leave use in the employee's performance evaluation when it

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has negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of annual leave by the employee have a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of annual leave and should consider referring the employee to the Employee Assistance Program.

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Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1016.1.1 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 Metro Transit Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY

The Metro Transit 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.

1016.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(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).

2. Exposure control mandates in 29 CFR 1910.1030 (Minn. R. 5206.0600).

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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 ECO should also act as the liaison with the Minnesota Occupational Safety and Health Administration (MNOSHA) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

1016.4 EXPOSURE PREVENTION AND MITIGATION

1016.4.1 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.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

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1016.4.2 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).

1016.5 POST EXPOSURE

1016.5.1 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.

1016.5.2 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).

1016.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030; Minn. R. 5206.0600):

(a) Whether the member has been informed of the results of the evaluation.

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(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.

1016.5.4 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).

1016.5.5 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 is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Seeking testing through the procedures of Minn. Stat. § 144.7401 to Minn. Stat. § 144.7415 through a licensed hospital or other emergency medical care facility.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the Prosecuting Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1016.6 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).

1016.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; Minn. R. 5206.0700):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1017.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Metro Transit Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1017.2 POLICY

The Metro Transit Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Minn. Stat. § 144.414).

1017.3 SMOKING AND TOBACCO EMPLOYEE USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside Metropolitan Council / Metro Transit facilities and vehicles.

1017.4 ADDITIONAL PROHIBITIONS

No employee shall smoke, even while out of view of the public or off-duty, in areas properly posted with "No Smoking" notices nor shall any employee use tobacco products on public school property (Minn. Stat. § 609.681; Minn. Stat. § 144.4165). The Chief of Police or the authorized designee should ensure that proper signage is in place for notice of areas where tobacco use is restricted (Minn. R. 4620.0500).

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Personnel Complaints

1019.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Metro Transit Police Department (Minn. R. 6700.2200). This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1019.2 DEFINITIONS

Misconduct - means a violation of an agency policy or procedure governing member conduct, or conduct by a peace officer that is in violation of the POST Standards of Conduct per MN Administrative Rule 6700.1600.

Complainant - means a person who makes a complaint to the agency alleging misconduct.

Respondent - means the individual who is the subject of the complaint investigation.

Chief Law Enforcement Officer (CLEO) - has the same meaning given to it in MN Admin Rule 6700.0100, Subd. 8.

Receiving Authority - means the entity who receives and is required to investigate the complaint when the subject is the Chief Law Enforcement Officer.

Administrative Investigation - means an internal investigation conducted in response to a complaint with the goal of determining whether misconduct occurred.

Sustained - means that a fair preponderance of the evidence obtained in the investigation established that misconduct occurred.

Not Not Sustained - means that the investigation failed to disclose sufficient evidence to prove or disprove the allegation(s) of misconduct.

Unfounded - means that there is no factual basis for the allegation(s) and that the act(s) did not occur.

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

- the member named in the complaint was not involved in the alleged misconduct, or
- the act(s) that provided the basis for the complaint occurred but the investigation revealed that such act(s) were justified, lawful or proper.

Policy Failure - means that the allegation is factually correct but the member followed agency policy or procedure and the policy or procedure is found to be deficient.

Discipline - means any of the following or a combination thereof:

- Oral Reprimand
- Written Reprimand

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- Suspension
- Demotion and/or
- Discharge

1019.3 POLICY

The Metro Transit Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and impartially investigate all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, municipal and county rules, and the requirements of any memorandum of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1019.4 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1019.4.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified as follows:

Informal - A matter which has been reviewed by the Chief Law Enforcement Officer, does not require an administrative investigation and has been resolved by a supervisor of rank greater than the accused member.

Formal - An allegation of misconduct that has been reviewed by the Chief Law Enforcement Officer and requires a formal administrative investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Internal Affairs Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1019.4.2 SOURCES AND ACCEPTANCE OF COMPLAINTS

The following applies to the source of complaints:

1. Members must provide assistance and explain the department procedures to members of the public who wish to make a complaint.

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2. Complaint forms shall be made available to members of the public at designated department facilities and online. Complainants shall be asked to sign the complaint form attesting to the truth and accuracy of its contents to the best of their knowledge. The department member receiving the complaint must also sign it and provide the complainant with a copy. If the complainant refuses to sign the form, this will be noted on the form and the complaint processed according to this policy.
3. Individuals from the public may make complaints in any form, including in writing, by email, online, in person or by telephone.
4. Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
5. Any supervisor or the Internal Affairs Unit shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
6. Anonymous and third-party complaints should be accepted, but the complainant should be advised that remaining anonymous may affect the ability to fully investigate the complaint.
7. Tort claims and lawsuits may generate a personnel complaint.
8. The Minnesota Board of Peace Officer Standards and Training (POST) may refer complaints alleging a violation of a statute or rule that the Board is empowered to enforce (Minn. Stat. § 214.10, Subd. 10).
9. Any person making a complaint may be accompanied by an attorney or other representative, including at the time the complaint is made.
10. Any person wishing to file a complaint against the Chief of Police should be referred to the General Manager, who shall refer such allegations of misconduct to a neutral and external investigative entity. For example, another law enforcement agency or private investigative entity with no discernible conflict of interests.
    .

1019.5 SUPERVISOR RESPONSIBILITIES

The primary responsibility for the investigation of formal complaints shall rest with the Internal Affairs Unit.

However, a supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

1. Upon receiving or initiating a complaint form, forwarding it to the Internal Affairs Unit.
    (a) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Internal Affairs Unit. which will initiate appropriate action.
2. Responding to all complaints in a courteous and professional manner.

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3. Resolving those personnel complaints that can be resolved immediately.
    (a) Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
    (b) If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Internal Affairs Unit.
4. Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Internal Affairs Unit is informed.
5. Promptly contacting the Internal Affairs Unit for direction regarding their responsibilities in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
6. Forwarding unresolved personnel complaints to the Internal Affairs Unit, which will review the matter with the Chief of Police to determine whether an administrative investigation is necessary.
7. Taking reasonable steps to prevent aggravation of the situation.
8. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses, and providing these to the Internal Affairs Unit as appropriate.
9. When appropriate, ensuring immediate medical attention is provided and photographs taken of alleged injuries and accessible uninjured areas are taken, as appropriate.
10. Ensuring that the procedural rights of the accused member are followed.

1019.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated where the Chief Law Enforcement Officer determines that the facts alleged require an administrative investigation. This decision is based on current MTPD policy and MN Administrative Rule 6700.1600.

Where the Chief of Police determines that an administrative investigation is required, a member of the Internal Affairs Unit will be assigned to investigate the complaint, who will report directly to the Chief of Police. If the Chief of Police determines that an external investigation is appropriate, that referral will be made.

The complainant must be informed of the investigator's name, business phone number, and the status of the investigation as soon as possible after the investigation is assigned. The investigator shall provide the complainant with periodic updates on the status of the investigation, as appropriate and consistent with the provisions of the Minnesota Government Data Practices Act (MGDP) (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

The investigation must be completed within thirty (30) days of the filing of the complaint, unless the Chief of Police or Receiving Authority determines there is good cause to grant an extension. The complainant and respondent must be informed of any extension given to the investigative process.

The investigator must thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation.

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If the investigation reveals potential misconduct from another agency member, the investigator must report that fact to the Chief of Police, or in the case of potential misconduct of the Chief of Police, the Receiving Authority.

The Internal Affairs Unit shall maintain a record of all personnel complaints.

A written summary and analysis of dispositions will be completed by the Internal Affairs Unit and submitted to the Chief of Police annually, to identify any trends and/or training needs within the department.

The Department shall report annually to the Minnesota POST Board summary data regarding the investigation and disposition of cases involving alleged misconduct of officers (Minn. Stat. § 626.8457, Subd. 3).

1019.6.1 INVESTIGATION PROCEDURES

Procedures for the investigation and resolution of allegations of misconduct arising from violations of the Professional Code of Conduct for Peace Officers shall be conducted in accordance with Minn. Stat. 626.89, Peace Officer Discipline Procedures Act, the peace officer's collective bargaining agreement and any other applicable laws, administrative rules, or policies.

The following shall apply to members covered by the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89):

1. Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty (Minn. Stat. § 626.89, Subd. 7). If the member is off-duty, he/she shall be compensated.
2. Unless waived by the member, interviews of an accused member shall be at the Metro Transit Police Department or at a place agreed upon by the accused member (Minn. Stat. § 626.89, Subd. 4).
3. No more than two interviewers should ask questions of an accused member.
4. Prior to any interview, a member should be informed of the nature of the investigation.
    (a) The member shall be given a copy of any written complaint signed by the complainant (Minn. Stat. § 626.89, Subd. 5).
5. All interviews should be for a reasonable period and the member's personal needs should be accommodated (Minn. Stat. § 626.89, Subd. 7).
6. No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
7. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
    (a) A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the member

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may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

(b) No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

8. The interviewer shall record all interviews of members and witnesses. The member may also record the interview. A complete copy or transcript of the interview must be made available to the member upon written request without charge or undue delay. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview (Minn. Stat. § 626.89, Subd. 8).

9. All members subjected to interviews that could result in discipline have the right to have an uninvolved representative or attorney present before or during the interview (Minn. Stat. § 626.89, Subd. 9). When a member requests a representative or attorney, no interview may be taken until a reasonable opportunity is provided for the member to obtain that person's presence. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

10. All members shall provide complete and truthful responses to questions posed during interviews.

11. No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

12. Before a formal statement is taken, the member shall be advised in writing or on the record that admissions made may be used as evidence of misconduct or a basis for discipline (Minn. Stat. § 626.89, Subd. 10).

13. A member may not be required to produce financial records (Minn. Stat. § 626.89, Subd. 11).

14. A member's photograph will not be released unless allowed by law (Minn. Stat. § 626.89, Subd. 12).

1019.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

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Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1019.6.3 REVIEW AND DISPOSITION

Upon receipt of the investigation report, the Chief of Police shall review it and all accompanying materials.

Once the Chief of Police is satisfied that no further investigation or action is required, the Chief of Police shall make one or more of the following dispositions:

- Unfounded
- Exonerated
- Not sustained
- Sustained
- Policy Failure

If the allegation(s) is/are sustained, the Chief of Police will determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

1. A Determination of Findings Notice, including a summary of the acts constituting misconduct and the specific statutes, policies, regulations, and/or procedures violated,
2. Upon request, access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
3. An opportunity for a Loudermill Hearing with the Chief of Police to be scheduled within 14 (fourteen) days of receiving the Notice:
    (a) Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
    (b) If a member elects a Loudermill hearing, the hearing may be recorded by the department. If recorded, the member shall be provided with a copy of the recording, upon request.
4. This is not intended to be an adversarial or formal hearing.
5. Although the member may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

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6. The member may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
7. In the event that the Chief of Police elects to cause further investigation to be conducted, the member shall be provided with the results prior to the imposition of any discipline.
8. The member may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

Once the member has completed their response or if the member has elected to waive any such response, the Chief of Police shall consider all information received and shall render a timely written decision to the member, specifying the grounds and reasons for the final decision and the effective date of any discipline. Once the Chief of Police has issued a written decision, any discipline imposed shall become effective.

The member may grieve any discipline in accordance with the terms of their collective bargaining agreement, if applicable, and the discipline does not become final until the relevant time period has either expired or been waived.

The Chief of Police or Receiving Authority may postpone making a determination until any related criminal charges are resolved. If a determination is postponed, the complainant and respondent must be informed of the decision.

The Chief of Police may authorize that any investigation be re-opened any time substantial new evidence is discovered concerning the complaint.

1019.6.4 NOTIFICATION OF DISPOSITION

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition of the investigation, as soon as practicable. Notification must be consistent with the provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1019.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1019.8 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including, but not limited to, desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched at any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

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1019.9 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1019.10 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Metro Transit Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

The Chief of Police may postpone making a decision on an administrative investigation until any related criminal charges are resolved. The complainant and involved member should be informed of this decision.

1019.11 MINNESOTA POST BOARD INVESTIGATIONS

The Minnesota POST Board may require an administrative investigation based upon a complaint alleging a violation of a statute or rule that the Board is empowered to enforce.

Any such misconduct allegation or complaint assigned to this department shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10, Subd. 10).

The Department shall cooperate with any Minnesota POST Board investigations and provide requested information unless (Minn. Stat. § 626.8457):

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(a) There is an active criminal investigation or active criminal proceeding regarding the same incident or misconduct that is being investigated by POST.

(b) An active internal investigation exists regarding the same incident or misconduct that is being investigated by POST during 45 days from the time the request was made by POST. The Chief of Police or the authorized designee shall comply with the request upon completion of the internal investigation or once 45 days has passed, whichever occurs first.

1019.12 PROBATIONARY EMPLOYEES AND AT-WILL MEMBERS

At-will and probationary members may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy except for employees covered by the Veterans Preference Act (Minn. Stat. § 197.46). However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee (Minn. R. 6700.2200).

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1019.13 POST BOARD REPORTING REQUIREMENTS

1. The Chief of Police or designee must notify the Minnesota POST Board of certain peace officer personnel events, including but not limited to:

a. The termination or resignation of a peace officer who is the subject of an internal or criminal investigation due to alleged misconduct regardless of whether the investigation has been initiated or completed, or the officer was criminally charged, in accordance with Minn. Stat. 626.8457, Subd. 4.

b. The violation of a required POST model policy identified in Minn. R. 6700.1615, Subd. 2.

2. The Chief of Police or designee must provide:

a. Annual summary data regarding the investigation and disposition of cases involving alleged misconduct, indicating the total number of investigations, the total number by each subject matter, the number dismissed as unfounded, and the number dismissed on the grounds that the allegation was unsubstantiated, in accordance with Minn. Stats. 626.8457 and 626.8459.

b.'Real-time' individual peace officer data classified as public data in accordance with Minn. Stat. 626.8457, Subd. 3.

3. A licensed peace officer must, within 10 days, report to the Chief of Police and POST Board any violations of the standards of conduct for peace officers listed in Minn. Rule 6700.1600 which the licensee reasonably believes would constitute grounds for disciplinary action under any of the Board's regulatory provisions, in accordance with Minn. Rule 6700.1610.

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4. An unlicensed person with knowledge of conduct constituting grounds for action under Minn, Stat. Chapter 214, or Minn. Rules 6700.1600 may report the violation to the Board.

Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in Minn. Stat. 626.8457 Subd.3(b) to the Board. Any such confidentiality agreement is void as to the requirements of this section.

1019.14 MAINTENANCE AND DISCLOSURE OF DATA

The Internal Affairs Unit shall maintain a record of all personnel complaints. All data collected, created, received or retained by this department in connection with this policy shall be maintained in accordance with the established Records Retention Schedule.

Disclosure to the respondent, complainant and public of data collected, created or received by this department in connection with this policy is governed by the provisions of the Minnesota Government Data Practices Act.

A written summary and analysis of dispositions will be completed by the Internal Affairs Unit and submitted to the Chief of Police annually, to identify any trends and/or training needs within the department.

1019.14.1 CONFIDENTIALITY OF PERSONNEL FILES

All active investigations of alleged misconduct and personnel complaints shall be considered confidential and maintained in a secure location separately from peace officer personnel files. The contents of such files shall not be revealed to other than the involved member or authorized personnel, except pursuant to lawful process, such as Minn. R. 6700.2500. Data in closed files shall be treated as private or public data depending on whether discipline was imposed upon the member.

1019.14.2 LETTERS OF DISCIPLINE AND REPRIMANDS

Letters of discipline and reprimands may only be placed in a member's personnel file after they are received by the member (see generally Minn. Stat. § 626.89, Subd. 13).

1019.15 ANNUAL ANALYSIS

The Chief of Police or the authorized designee shall complete a written annual analysis of all employee misconduct complaints and dispositions, including outcomes of disciplinary procedures and other reporting requirements pursuant to Minn. Stat. § 626.8457, Subd. 3.

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Seat Belts

1021.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Minn. Stat. § 169.686).

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1021.1.1 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).

1021.2 POLICY

It is the policy of the Metro Transit Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1021.3 TRANSPORTING CHILDREN

All children younger than 18 years of age shall be restrained in a child restraint system or seat belt in accordance with manufacturer height and weight limits as required by Minn. Stat. § 169.685, Subd. 4a.

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.

1021.4 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.

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1021.5 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.

1021.6 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.

1021.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1023.2 POLICY

It is the policy of the Metro Transit 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.

1023.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Metro Transit Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1023.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in department range training.

(e) An officer may be excused from wearing body armor when they are involved in undercover or plainclothes work that their 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 shall wear body armor during pre-planned, high-risk operations.

1023.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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1023.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

1023.4 ARMORER RESPONSIBILITIES
The Armorer 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.

1023.5 BALLISTIC VEST REPLACEMENT
In order to streamline purchases, create accountability, and improve coordination with vendors, the following procedure will be required for all officers when ordering a new ballistic vest:

(a) The Training Coordinator will monitor the vest replacement schedule and determine eligibility.
    (a) Vests must be at least 60 months old from date of purchase
    (b) If officers are not due for a new vest under this guideline, the officer is personally responsible for the cost unless exigent circumstances exist.

(b) If eligible, the Training Coordinator will complete the Vest Replacement Authorization Form, which is signed off by the Training Manager and Administration Manager.

(c) Once approved, the Training Coordinator will forward the form to the officer to present to the appropriate vendor.

(d) The Department is responsible for purchasing two inner panels and two trauma plates, inside carrier, and one outside carrier which can be either:
    (a) Ballistic vest shirt carrier
    (b) Load-bearing ballistic vest carrier with a maximum of 8 pouches. If officers need additional pouches, they will be responsible for the cost.

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Body Armor

Specific details regarding each type of authorized vest are contained in the MTPD Uniform and Equipment Specifications Guide (see Uniform Regulations policy)

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Personnel Records

1025.1 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.

1025.2 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).

1025.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
2. Any member response shall be attached to and retained with the original adverse comment.
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

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1025.4 COMMAND FILE

Command files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Command file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1025.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1025.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Internal Affairs Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

1025.7 MEDICAL FILE

A private medical file shall be maintained separately from all other personnel data and shall contain all documents relating to the member’s medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers’ compensation claims or the 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 a member’s medical condition.

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(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1025.8 EMPLOYEE ASSISTANCE PROGRAMS

Employee assistance records must be kept separate from personnel records and shall not become part of an employee's personnel file (Minn. Stat. § 181.980, Subd. 3).

1025.9 SECURITY

Personnel data should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel data maintained in an electronic format should have adequate password protection.

Any personnel data not deemed public data is private and shall not be subject to disclosure except as provided in this policy, the Records Maintenance and Release Policy, according to applicable discovery procedures or with the member's written consent (Minn. Stat. § 13.43; Minn. Stat. § 181.967, Subd. 4).

Nothing in this policy is intended to preclude review of personnel data by the General Manager, Prosecuting Attorney or other attorneys or representatives of the Metropolitan Area in connection with official business.

1025.9.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for personnel data shall promptly notify the Custodian of Records or other person charged with the maintenance of such data.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel data shall be logged in the corresponding file.

1025.9.2 RELEASE OF PRIVATE DATA

Except as provided by this policy, pursuant to lawful process, pursuant to state law or court order, no private data shall be disclosed without the written consent of the employee or written authorization of the Chief of Police designee (Minn. Stat. § 13.43; Minn. Stat. § 181.967, Subd. 4).

1025.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Upon request, any member may request access to his/her own personnel file as set forth in Minn. Stat. § 181.961.

Any member seeking the removal of any item from his/her personnel files shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if

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appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel file. If the contested item is ultimately removed, the written responses shall also be removed (Minn. Stat. § 181.962, Subd. 1). An employee not satisfied with this resolution may seek such other remedies as are authorized by the MGDPA.

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(d) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(e) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(f) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(g) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1025.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel data shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of

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such matter may be destroyed in accordance with the established records retention schedule.

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Commendations and Awards

1029.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Metro Transit Police Department and individuals from the community.

1029.2 POLICY

It is the policy of the Metro Transit 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.

1029.3 AWARDS COMMITTEE

The Awards Committee shall be comprised of members of the Metro Transit Police Department and will represent a cross section of the organization. The Committee shall consist of at least five members and not more than eight. The Committee shall be composed of no more than three supervisors (Sergeant and above) and shall include at least two officers. Additional members may be added at the direction of the Chief of Police or Awards Committee Chairperson.

The Awards Committee Chairperson shall be appointed by the Chief of Police. The Chairperson shall serve a maximum of five consecutive years. The Chairperson may appoint a Co-Chairperson as needed.

Awards Committee Members shall be appointed by the Chairperson. A member shall serve a minimum two year term and shall not serve more than five consecutive years. The Chairperson shall be responsible for adhering to this requirement and filling member positions as needed. This committee will meet quarterly or as determined by the Awards Committee Chairperson.

1029.3.1 AWARDS COMMITTEE VOTING REQUIREMENTS

An Awards Committee quorum shall consist of four members and must include the Chairperson or Co-Chairperson as appointed by the Chairperson.

The Medal of Honor and the Medal of Valor requires a unanimous vote of the Awards Committee. All other awards require a majority vote of the Awards Committee. A member of the Awards Committee nominated for an award cannot vote on their nomination.

If the Awards Committee determines the actions as recommended do not meet the criteria for the recommended award, the committee Chairperson may consider a different award. The Awards Committee will then vote on the amended award recommendation.

Final award recommendations from the Awards Committee shall be forwarded to the Chief of Police for final approval.

1029.4 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.

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1029.4.1 AWARD CRITERIA

The following award criteria have been established by the Awards Committee:

1. **United States Flag (Oath of Office)**

Newly sworn-in members of the department are awarded the United States Flag bar upon receiving an Oath of Office from the Chief of Police.

2. **Medal of Honor**

The Medal of Honor may be awarded to a sworn member of the department for an act of outstanding bravery or heroism. This act is characterized by demonstrating unselfishness or courage while facing the immediate high risk of death or serious physical injury. The award may be given posthumously to a member who has died while involved in an action of demonstrated heroism. The Medal of Honor recipient shall receive a medal with a light blue ribbon, recognition plaque, and a light blue uniform bar.

3. **Medal of Valor**

The Medal of Valor may be awarded to a sworn member of the department for an act of bravery or heroism. This act is characterized by an obvious self-sacrifice in the face of death or serious physical danger. The Medal of Valor recipient shall receive a medal with a red ribbon, recognition plaque, and a red uniform bar.

4. **Medal of Commendation**

The Medal of Commendation may be awarded to a sworn member of the department for an outstanding act that brings credit to the department and is highly recognized by department members. This act is characterized by obvious self-sacrifice while facing personal danger. The Medal of Commendation recipient shall receive a medal with a green ribbon and a green-yellow-green uniform bar and a certificate.

5. **Medal of Merit**

The Medal of Merit may be awarded to a sworn member of any department for an outstanding act or achievement that brings credit to the department and demonstrates exceptional professional skill or conduct. It involves performance above-and-beyond that which is required by the recipient's work assignment. The Medal of Merit recipient shall receive a white-blue-white uniform bar and a certificate.

6. **Chief's Award of Merit**

The Chief's Award of Merit may be awarded to any person for performance demonstrating exceptional service to the department. The Chief of Police shall determine the recipient of this award. A sworn member of the department shall receive a plaque and a yellow-white-blue-white-yellow uniform bar. Non-sworn recipients shall receive a recognition plaque.

7. **Supervisor of the Year**

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This award is presented to a full-time sworn supervisor (sergeant or above) of the department for outstanding individual performance and dedicated commitment to law enforcement. Candidates may be nominated by any department member but will be awarded at the sole discretion of the Chief of Police. The award need not be presented every year, but rather as circumstances merit and the recipient shall receive a recognition plaque, a uniform bar, and a certificate. The recipient's name will be added to the Supervisor of the Year plaque on the department's wall.

8. **Officer of the Year**

This award is presented to a full-time sworn member of the department for outstanding individual performance and dedicated commitment to law enforcement. The recipient shall receive a recognition plaque, a uniform bar, and a certificate. The recipient's name will be added to the Officer of the Year plaque on the department's wall.

9. **Rookie of the Year Award**

This award is presented to a full-time sworn, probationary member of the department for outstanding individual performance and dedicated commitment to law enforcement within their first year with the department. The recipient shall receive a recognition plaque and a uniform bar. The recipient's name will be added to the Rookie of the Year plaque on the department's wall.

10. **Officer of the Year (Part-Time) - Tim Bowe Award**

This award is presented to a part-time sworn member of the department for outstanding individual performance and dedicated commitment to law enforcement in remembrance of Minnesota State Patrol Corporal Timothy Bowe. Corporal Bowe was a part-time officer with the department and was killed in the line-of-duty as a Minnesota State Patrol Trooper. The recipient shall receive a recognition plaque, a uniform bar, and a certificate. The recipient's name will be added to the Corporal Timothy Bowe Award plaque on the department's wall.

11. **Lieutenant Beverly Rodriguez Service Award**

This award may be presented to any individual member, unit or division of the department for developing, engaging in and/or leading successful community outreach programs of 1 year or more, where the recipient has demonstrated an outstanding dedication to compassion, de-escalation and respect for all members of the community we serve. The Chief of Police shall determine the recipient of this award and nominations are not required. A sworn member of the department shall receive a uniform bar and recognition plaque and a non-sworn member shall receive a recognition plaque. A unit or division shall receive a recognition plaque.

12. **Life Saving Award**

The Life Saving Award may be awarded to any member of the department for an act that significantly contributes to the saving of a person's life. This act must be performed in addition to basic first aid, such as NARCAN application. The Life Saving Award recipient (sworn member) shall receive a white-purple uniform bar displaying the words "LIFE SAVING" and a certificate. Subsequent awards will be reflected on a white, purple, white bar reflecting the number of awards

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received by the recipient. The Life Saving Award recipient (non-sworn member) shall receive a recognition plaque.

13. **Golden Stork Award**

The Golden Stork Award may be awarded to any member of the department who significantly assists with the delivery of a baby during the performance of their duties. The Golden Stork Award recipient (sworn member) shall receive a uniform bar and a certificate. The Golden Stork Award recipient (non-sworn member) shall receive a recognition plaque.

14. **Unit Citation Award**

The Unit Citation Award may be awarded to any unit or division for exemplary service or specific action. The Chief of Police shall determine the recipient of this award based on recommendations submitted. The unit or division shall receive a recognition plaque. A sworn member of the department will receive a white-green-white uniform bar.

15. **Pandemic Service**

The 2020 Pandemic Service decoration may be worn by all sworn members of the department that performed full-time service during the period of January to December 2020.

16. **Civilian of the Year Award (Plaque)**

This award is presented to a non-sworn member of the department for outstanding individual performance and dedicated commitment to law enforcement. The recipient shall receive a recognition plaque. The recipient's name will be added to the Civilian of the Year plaque on the department's wall.

17. **Civilian Award of Commendation (Plaque)**

The Civilian Award of Commendation may be awarded to any non-sworn member of the Department, employee of Metro Transit or citizen, for an outstanding act that is highly recognized by the Department. The act is characterized by obvious self-sacrifice while facing personal danger and the recipient shall receive a recognition plaque.

18. **Civilian Award of Merit (Plaque)**

The Civilian Award of Merit may be awarded to any non-sworn member of the Department, employee of Metro Transit or citizen, for an outstanding act or achievement that is highly recognized by the department and the recipient shall receive a recognition plaque.

19. **Certificate of Appreciation (Certificate Only)**

The Certificate of Appreciation may be presented to any person in recognition of outstanding service or assistance to law enforcement and the recipient shall receive a certificate.

1029.4.2 AWARD PRESENTATIONS

All awards will be presented to the member by the Chief of Police, Deputy Chief of Police or Captain as soon as practical and reasonable.

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Commendations and Awards

All award recipients will be invited to the formal awards ceremony which is held annually.

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Fitness for Duty

1031.1 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.

1031.2 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.

1031.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Shift Supervisor or the employee's available Division supervisor, 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.

1031.4 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 annual leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

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1031.5 WORK RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Supervisor or unit supervisor and concurrence of the Administration, 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.

1031.6 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.

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1031.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one day (24 hour) period or
- 84 hours in any seven day (168 hour) period

The 24-hour and/or 168-hour period begins at the first hour worked and is a rolling time period.

A supervisor, next level or above to the employee, shall authorize the exception to these guidelines. This authorization shall be in advance of the hours worked whenever possible. The supervisor 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. The employee, who exceeds these guidelines, shall note the reason and supervisor that approved the exception when adding the hours worked into the payroll record management system.

Except in very limited circumstances, members should have a minimum of eight hours off between shifts.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, outside employment, general overtime and any other work assignments.

1031.8 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievance Procedure Policy or the applicable collective bargaining agreement.

1031.9 ON DUTY HEALTH AND WELLNESS

Health and Wellness is one of the pillars of 21st Century Policing. The Metro Transit Police Department strives to support the health of all employees to the highest degree possible in order to improve strength, stress management, and self-confidence while reducing the potential for job-related injury and sick leave. The MTPD is therefore issuing the following order regarding on-duty exercise.

ELIGIBILITY:

Full-time employees are authorized to work out during their work hours.

DEFINITION:

Working out on duty means using a Met Council gym (West Command or East Command) or exercising outside (walking, running, biking, etc.).

EXPECTATIONS:

(a) Staffing:

1. Employees must gain approval from their shift supervisor prior to working out.

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2. Shift supervisors may consider staffing and work/call load in granting or rejecting the request. Working out on duty should not place undue strain or burden on the shift or the department.
3. A max of two officers (either two single-person squads or one two-person) may workout at once at each Command. Officers must use the gym at their assigned Command.
4. Officers working overtime will not be permitted to work out on duty.
5. Officers who are FTOing are not allowed to work out during work hours.
6. Exercise time is not cumulative: a missed work out one day does not rollover to the next day or shift.
7. Officers will inform dispatch when starting their allotted time and clear when they are done using CAD nature code GYM.

(b) Time Allowed:

(a) Workouts are limited to 45 minutes and in lieu of a meal break.

(b) This includes changing clothes/showering/hygiene.

(c) Workouts will not be used in place of pre-shift grooming and preparation.

(d) Employees working a partial shift (arriving late or leaving early due to appointments/personal business/etc.) are not permitted to work out while on duty.

(c) Equipment:

1. Officers will have their radio and/or work phones with them at all times.

(d) Non-sworn:

1. Non-sworn employees may also take advantage of this benefit.
2. Non-sworn employees should work with their supervisor to establish time during their work hours.

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Meal Periods and Breaks

1033.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible shall conform to the policy governing all Metropolitan Council / Metro Transit employees pursuant to Minn. Stat. § 177.253, Minn. Stat. § 177.254 and Minn. R. § 5200.0120.

1033.1.1 MEAL PERIODS

Meal periods, as defined in the collective bargaining agreements or non-represented plan, are in compliance with Minn. Stat. § 177.254. If there is no definition in the collective bargaining agreement or non-represented plan, employees who work for 8 or more consecutive hours are entitled to sufficient time to eat a meal.

Sworn employees shall remain on-duty subject to call during meal periods. Non-swornemployees are not on call during meal periods unless directed otherwise by a supervisor.

Uniformed officers shall request clearance from Transit Control Center prior to taking a meal period. Uniformed officers shall take their meal periods within their assigned areas unless on assignment outside of the Metropolitan Transit Police Department jurisdiction.

The time spent for the meal period shall not exceed the authorized time allowed. Employees should refer to their collective bargaining agreement or the Non-Represented Plan to ensure compliance.

1033.1.2 BREAKS

Each employee is allowed adequate time from work within each four consecutive hours of work to utilize the nearest convenient restroom (Minn. Stat. § 177.253). Employees shall refer to their collective bargaining agreement or non-represented plan as it may differ from the state statute previously listed.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Transit Control Center.

1033.2 MAXIMUM NUMBER OF UNITS

No more than two marked squads and/or four uniformed officers should be at the same establishment at the same time. Officers shall use appropriate discretion when other agencies are already present at the same location.

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Lactation Breaks

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1034.2 POLICY

It is the policy of the Metro Transit Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Minn. Stat. § 181.939).

1034.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks may be taken at the same time as the member's regularly scheduled rest or meal periods (Minn. Stat. § 181.939).

Members desiring to take a lactation break shall notify the dispatcher or supervisor prior to taking such a break.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1034.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Minn. Stat. § 181.939).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1034.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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Payroll Records

1035.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1035.2 POLICY

The Metro Transit Police Department maintains timely and accurate payroll records.

1035.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1035.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the Metropolitan Council payroll procedures.

1035.5 RECORDS

The Administration Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Part-time Officer Work Schedules

1036.1 PURPOSE AND SCOPE

The Metropolitan Transit Police Department employs part-time officers as part of its workforce to meet the service needs of the agency. The purpose of this policy is to establish a systematic and uniform procedure for maintaining a part-time officer's work schedule consistent with the needs of the Metropolitan Transit Police Department.

1036.2 SUBMITTING BIDS AND REQUIRED SERVICE

Work schedules are to be submitted on a bid sheet that will cover a two (2) week period. All schedule bids are to be returned to the Police Administrative office prior to the due date as listed on the bid sheet. All part-time sworn officers must average a minimum of sixteen (16) hours each calendar month as evaluated on a quarterly basis.

Part-time officers must work a minimum of four (4) Vikings and/or Gophers details each calendar year.Required detail hours worked shall count toward the 48 hour quarterly minimum.

The work averages will be calculated during the following quarters:

(a) Q1 = January, February and March

(b) Q2 = April, May and June

(c) Q3 = July, August and September

(d) Q4 = October, November and December

1036.2.1 ALLOWED VACATION

Officers will be allowed to designate a total of four (4) one-week periods throughout the year as vacation. Months in which one or more vacation weeks are taken will not be counted against the 16-hour per month average.

Vacation periods must be designated in advance by making a written notice to the Patrol Division Commander a minimum of two weeks prior to the intended vacation.

1036.3 FAILURE TO MEET SERVICE REQUIREMENT

Officers who fail to meet minimum service requirements in any quarter will be notified of their deficiency and will be given the opportunity to provide a written response. Absent any authorized mitigating circumstances, officers shall receive a written warning for failure to meet minimum service requirements for a first occurrence in any 12 month period. Failure to meet departmental service requirements (exclusive of authorized mitigating circumstances) for a second or subsequent quarter in any 12 month period will be grounds for separation from the Metropolitan Transit Police Department.

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1036.4 OFFICER RESPONSIBILITIES AND OUTCOME

When an officer is scheduled for a shift, it shall be the officer's duty to work the shift bid or find another officer to fill that shift. An officer must report to the on-duty supervisor (Lieutenant if working or Sergeant if a Lieutenant is unavailable) any scheduling change.

Any of the following circumstances will result in the officer receiving a **WRITTEN NOTICE** of the occurrence.

If the officer:

(a) Fails to work a scheduled shift

(b) Fails to find a replacement officer to work in that officer's place within four (4) hours of his/her scheduled shift

(c) Fails to notify the on-duty supervisor (as set forth above) that the officer cannot work

(d) Fails to work a complete shift

Upon receiving that notice, the officer will be provided an opportunity to give a written response. Three (3) such occurrences within any six (6) month period will require a meeting with the Patrol Division Commander to provide a plan to meet the Department service requirements. Failure to do so and/or continued occurrences will be grounds for dismissal.

1036.5 APPEALS

Decisions of the Patrol Lieutenants/Sergeants relative to this policy, may be appealed to the Patrol Division Commander. Decisions of the Patrol Division Commander may be appealed to the Chief of Police, whose decision on the matter will be final.

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Part-time Officer Discipline Notification

1038.1 PURPOSE AND SCOPE

The Metro Transit Police Department employs part-time officers as a supplement to their full-time police force. Most of those officers work full-time for other law enforcement agencies. The professionalism, integrity and public image of the Metro Transit Police Department is determined by the conduct and discipline of each employee. The purpose of this policy is to ensure that all part-time officers make prompt notifications to the Metro Transit Police Department Administration regarding their employment status with their full-time employer.

1038.2 POLICY

At anytime during employment with the Metro Transit Police Department, it will be the responsibility of each part-time officer to notify the Metro Transit Chief of Police if the officer is placed on Administrative Leave, Suspended or Terminated from their home agency. Notifications to the Chief of Police shall be in writing and will state the reasons and the periods of such Administrative Leave, Suspension or Termination.

Failure to notify the Metro Transit Chief of Police of any of the above changes in status, shall be grounds for Termination from the Metro Transit Police Department. Based upon the conditions and/or reasons for the officer's change in status (i.e. Administrative Leave, Suspension or Termination) from their home agency, it will be the decision of the Metro Transit Chief of Police if the officer will be allowed to work in any capacity for the Metro Transit Police during such periods of Administrative Leave, Suspension or Termination.

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Outside Employment and Outside Overtime

1039.1 PURPOSE AND SCOPE

This policy provides guidelines to assist employees who wish to engage in employment in addition to their work at the Metro Transit Police Department.

To avoid actual or perceived conflicts of interest, maintain efficient operations and ensure the protection of the community, the Department necessarily restricts and prohibits some outside employment.

1039.2 DEFINITIONS

Outside Employment - the employment of any member of the 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. This 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 the Department who performs duties or services for an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through the Department, so that the Department may be reimbursed for the cost of wages and benefits.

1039.3 POLICY

Full-time employees, whether sworn or civilian, shall obtain written approval from Administration, through the appropriate chain of command, prior to engaging in any outside employment.

Outside employment is prohibited during an employee's initial probationary period.

Approval of outside employment shall be at the discretion of Administration in accordance with the provisions of this policy.

1039.4 OBTAINING APPROVAL

To obtain approval for outside employment, the employee must submit the appropriate form requesting approval to work outside of the Department, to their immediate supervisor. The form will be forwarded through the appropriate chain of command to the Chief of Police or their designee for final determination.

The employee will be provided with a written decision within 30 days of submitting the form.

If the request is approved, the employee will be provided with a copy of the approved form.

If the request is denied, the employee will be provided with written reasons for that decision.

Unless otherwise indicated in writing, the ability to work outside employment will be valid through the end of the calendar year in which it is approved, for the particular employment stated on the application form.

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An employee seeking to continue outside employment beyond the end of the calendar year, shall submit a new form by December 1st requesting approval to continue.

Any employee who has previously been granted authority for outside employment and seeks to change the nature of the employment, shall submit a new form detailing the nature of the new employment and may not commence the new employment until approval has been granted.

Approval for outside employment may be denied or rescinded at the sole discretion of the Chief of Police in the following circumstances:

- when an employee is placed on administrative leave
- when it conflicts with, or may adversely affect, an employee's regularly scheduled working hours
- when the employee is subject to a Performance Improvement Plan and/or disciplinary action
- when the proposed employment conflicts with the mission and/or values of the Department.

Failure to obtain prior written approval for outside employment prior to engaging in outside employment prohibited by this policy is grounds for disciplinary action.

1039.4.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's outside employment request is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

The Chief of Police will confirm in writing whether the appeal is upheld or denied, within 10 days of receipt of the notice of appeal.

Employees may file a grievance pursuant to the procedure set forth in the employee's current collective bargaining agreement.

1039.4.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment approval may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Revocation will be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency and the outside employment may be related to the employee's performance. The Chief of Police or designee may, at their discretion, notify the employee of the intent to revoke any previously approved outside employment request(s). After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been reestablished to the minimum level of acceptable competency.

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(b) If, at any time during the term of a valid outside employment approval, an employee's conduct or outside employment conflicts with the provisions of Department policy or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or Metropolitan Council / Metro Transit.

1039.5 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any outside employment request submitted by an employee seeking to engage in any activity that:

(a) Involves the employee engaging in any business or occupation which is not compatible with police work (e.g. bartending, repossession work, any establishment that provides adult entertainment in the form of nude, semi-nude or topless exhibition, on-sale liquor establishments whose primary source of income is selling or dispensing of alcohol).

(b) Involves the employee's use of Department time, facilities, vehicles, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(c) 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.

(d) 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.

(e) 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.

(f) Involves outside or secondary employment as a private security guard, private investigator or other similar private security position. This includes full or part ownership of, or consulting for a security company.

1039.5.1 OUTSIDE ORGANIZATION REQUESTS

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

(a) The applicant will be required to enter into a written indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:

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1. The officer(s) shall wear the Department uniform/identification.
2. The officer(s) shall be subject to all the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services, outside employment or outside overtime shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without the prior written authorization of Administration.

1039.5.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1039.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

1039.6 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1039.7 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the valid approval period, 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.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

Employees who have been terminated by the outside employee must provide written notification to the Chief of Police through the appropriate chain of command within ten days of termination.

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The Department reserves the right to request information from the employee regarding the circumstances of the termination.

1039.8 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Department members engaged in outside employment who are placed on disability or administrative leave or transitional-duty shall inform the Chief of Police in writing within five days whether they intend to continue to engage in outside employment while on such leave or transitional-duty status. The Chief of Police shall review the duties of the outside employment along with any work-related doctor's orders and make a determination 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 the Chief of Police of his/her intentions regarding the outside employment, a notice of intent to revoke the employee's outside employment approval will be forwarded to the involved employee and a copy attached to the original approved request. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending the outside employment request 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 Metropolitan Council / Metro Transit'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 the Chief of Police.

(d) The outside employment is not compatible with the reason the employee is on administrative leave.

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Occupational Disease, Personal Injury and Death Reporting

1041.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, personal injuries and deaths.

1041.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 176.011):

Occupational disease – A mental impairment or physical disease arising out of and in the course of employment peculiar to the occupation in which the member is engaged and due to causes in excess of the hazards ordinary of employment. The term includes diagnosis of post-traumatic stress disorder (PTSD) by a psychiatrist, psychologist, or psychiatric mental health nurse practitioner; however, mental impairment is not considered a disease if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action taken in good faith by the Department (Minn. Stat. § 176.011 Subd. 15).

Personal injury – Any mental impairment or physical injury arising out of and in the course of employment, including personal injury caused by occupational disease, while engaged in, on, or about the premises where the member's services require the member's presence as part of that service at the time of the injury and during the hours of that service (Minn. Stat. § 176.011, Subd. 16). Personal injury does not include an injury caused by the act of a third person or fellow department member who intended to injure the member because of personal reasons, and not directed against the member as a member of the Metro Transit Police Department or because of the employment with the Metro Transit Police Department. Mental impairment is not considered a personal injury if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the Department.

1041.2 POLICY

The Metro Transit Police Department will address occupational diseases, personal injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (Minn. Stat. § 176.231).

1041.3 RESPONSIBILITIES

1041.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or personal injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

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1041.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or personal injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Metropolitan Council / Metro Transit wide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Workplace Accident and Injury Reduction policies apply and take additional action as required.

1041.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease, personal injury or death should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the Metropolitan Area's risk management entity and the AdministrationDivision Commander to ensure any required Minnesota Occupational Safety and Health Administration (MNOSHA) reporting is made as required in the illness and injury prevention plan identified in the Workplace Accident and Injury Reduction Policy.

1041.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1041.4 OTHER DISEASE OR INJURY

Diseases, injuries or deaths caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administration.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1041.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or personal injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1041.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or personal injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The

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purpose of such notice is to permit the Metropolitan Council / Metro Transit to determine whether the offered settlement will affect any claim the Metropolitan Council / Metro Transit may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the Metropolitan Council / Metro Transit's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

1043.1 PURPOSE

This policy provides guidance to all members to ensure that their personal appearance and hygiene projects professionalism and neutrality to the public and other members of the department.

1043.2 POLICY

Metro Transit Police Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and consistent with their assignments. Department personal appearance standards are primarily based on safety requirements, appearance uniformity, and the social norms of the community served, while considering matters important to members of the Department.

1043.3 GROOMING STANDARDS: ALL MEMBERS

1043.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair.

1043.3.2 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance should be kept to a minimum.

1043.3.3 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

1043.3.4 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Metro Transit Police Department in any official capacity.

1043.3.5 BODY ART

Definitions:

For the purpose of this policy, "body art" refers to tattoos and intentional scarring as defined:

Tattoos: Permanent or temporary marks, designs, pictures, patterns, or words placed on the body by inserting pigment beneath the skin with needles.

Intentional scarring: Permanent body modification created by intentionally cutting, scratching, etching, razoring, branding designs, patterns, or words into the skin to manipulate the body's

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natural healing process to result in scar tissue that is raised, textured, or a different color than the skin.

Prohibited Content

A member's body art generally is permitted to be visible while wearing a department-authorized uniform provided it does not exhibit prohibited content and is not on a prohibited body location. Prohibited content is content that promotes or symbolizes:

1. discrimination against a protected class;

2. a partisan political statement or expression;

3. drug or alcohol abuse;

4. sexually suggestive, explicit, profane, or obscene content; or

5. gang, supremacist, extremist, or criminal group affiliations.

The Chief of Police or Designee will decide whether visible body art contains prohibited content as outlined in this list.

Prohibited Body Locations

A member's body art may generally be permitted to be visible while wearing a department-authorized uniform, provided the body art does not contain any of the prohibited content listed above. However, body art is prohibited on the head, face, neck, ears, scalp, hands, or knuckles. Members are prohibited from having or obtaining any body art on these body locations, with two exceptions:

1. a single tattoo of a wedding band on one finger; and

2. permanent cosmetics matching natural skin tones and hair coloration (e.g. eyeliner, eyebrows, lips).

Applicability

This policy applies to all candidates who advance to the background check phase on or after October 1, 2026, and current members who obtain new body art. As part of he background check prior to hire, members must disclose all body art visible in any department-authorized uniform. Current members and candidates in the background check phase prior to October 1, 2026, are permitted to have existing body art in prohibited body locations if they are sufficiently covered as described below. In other words, no current member or candidate who advances to the background check phase is permitted to obtain new body art in a prohibited body location after October 1, 2026.

Covering Body Art

Visible, pre-existing body art in prohibited body locations and body art containing prohibited content must remain sufficiently covered while on duty. The preferred method to cover body art is clothing or makeup because they provide superior concealment. However, body art may be

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covered with bandages, medical tape, gauze, or athletic sweatbands if the weather is too warm for clothing coverage or makeup will not stay on or sufficiently cover the body art.

Any visible body art is subject to review by the Chief of Police or Designee. If newly obtained body art violates this policy, or if a determination is made that complained-of body art violates this policy, the member will be directed to ensure the body art is sufficiently covered while on duty. Additionally, the Chief of Police or Designee may direct a member to cover visible body art while an internal or public complaint is actively under investigation.

Members on undercover assignments may display body art when deemed necessary as part of an investigation and with the approval of their supervisor.

1043.3.6 BODY 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 or is part of a person's religious observance 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, scarification, or burning to create a design or pattern.

1043.3.7 DENTAL ORNAMENTATION

Dental ornamentation for decorative purposes that is not medically required is prohibited while on-duty or while representing the Metro Transit Police Department in any official capacity.Such ornamentation includes but is not limited to:

(a) Objects that are bonded to front teeth.

(b) Gold, platinum, or other veneers or caps used for decorative purposes.

(c) Orthodontic appliances that are colored for decorative purposes.

1043.4 GROOMING STANDARDS : SWORN EMPLOYEES AND COMMUNITY SERVICE OFFICERS

Unless otherwise stated and because deviations from these standards could present officer health safety issues, the following appearance standards shall apply to all sworn members and Community Service Officers, except those whose current assignment would make them inappropriate, and where the Chief of Police has granted an accommodation or exemption.

1043.4.1 HAIR

Hairstyles shall be neat in appearance and only natural colors are permitted. Hair shall not be worn over the ear or cover the face below the eyebrows. Hair must not extend below the top edge of the uniform shirt collar while assuming a normal stance. Hair longer than shoulder length must

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be worn in a tightly wrapped braid, bun, or ponytail when the officer is in uniform. Headbands are not allowed.

1043.4.2 MUSTACHES
Mustaches must be neatly trimmed and shall not extend beyond the corners of the mouth, or beyond the natural hairline of the upper lip.

1043.4.3 SIDEBURNS
Sideburns may not extend below the bottom of the earlobe and shall be neatly trimmed, ending in a clean horizontal line. No flare or mutton chop style sideburns are permitted.

1043.4.4 BEARDS
Beards must not exceed 1/4 inch in length and shall be neatly trimmed. Extreme designs or attachments of any kind are not permitted.

1043.4.5 FINGERNAILS
Fingernails shall be cleaned and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

1043.4.6 JEWELRY
For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars.Jewelry shall present a professional image and may not create a safety concern for the department member or others.Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

(b) Earrings shall be small and must not pose a safety hazard to the officer.

(c) Facial piercings are not permitted.

(d) One ring or ring set may be worn on each hand of the department member.No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(e) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(f) Wristwatches shall be conservative and present a professional image.

(g) Tie tacks or tie bars shall be conservative and present a professional image.

1043.5 GROOMING STANDARDS: CIVILIAN MEMBERS
These standards shall apply to civilian members and all other members who are, by virtue of their assignment not required to wear uniform.

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1043.5.1 HAIR
Hairstyles shall be neat in appearance and only natural colors are permitted.Hair should not interfere with an employee's ability to do their job (including, but not limited to, worn over the eyes or present a danger of being caught in any mechanical equipment).

1043.5.2 FACIAL HAIR
Facial hair is permitted, provided that it is neatly trimmed and groomed.

1043.5.3 FINGERNAILS
Fingernails should be neat and may not prevent an employee from their regular job duties, such as reasonable keyboard/computer use.

1043.5.4 JEWELRY
For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others.

Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

Jewelry may not interfere with an employee's ability to reasonably complete their job duties.

Facial piercings are not permitted.

1043.6 EXEMPTIONS
Members who seek an exemption to this policy protected by law (e.g., culturally protected hairstyles) should generally be accommodated (Minn. Stat. § 363A.03).A member with an exemption may be ineligible for an assignment if the individual exemption presents a security or safety risk.The Chief of Police shall be advised any time a request for such an exemption is received and will decide whether to grant or deny the request.

1043.7 RELIGIOUS ACCOMMODATION
The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety.The Chief of Police shall be advised any time a request for religious accommodation is received and will decide whether to grant or deny the request.

Those who request to wear headscarves, simple head coverings, certain hairstyles, or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

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Uniform Regulations

1045.1 PURPOSE AND SCOPE

This policy is established to ensure that licensed and non-licensed Metro Transit Police Department officers, are readily identifiable to the public through the proper use and wearing of Metro Transit Police Department uniforms.

The uniform identifies the wearer as a source of assistance in an emergency, crisis, or other time of need.

1045.2 POLICY

It is the policy of this department to provide uniforms for all licensed officers who are required to wear them in the manner, quantity, and frequency agreed upon in the applicable collective bargaining agreement.

Non-licensed officers and explorers will also be provided with uniforms.

All uniforms will meet the specifications described in the Metro Transit Police Department Uniform and Equipment Specifications Guide.

See attachment: MTPD Uniform and Equipment Specifications Guide.pdf

The guide forms an integral part of this written directive and is attached to this policy. It is maintained, reviewed and periodically updated by the Chief of Police or authorized designee and provides detailed guidance on authorized equipment, uniform specifications and all associated procedures.

The following associated policies should also be consulted for guidance, as applicable:

- Firearms
- Department-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

1045.3 UNIFORM CLASSES

The specifications for each uniform class are described in the Metro Transit Police Department Uniform and Equipment Specifications Guide.

All on-duty officers are required to wear their department-issued body-worn camera when outside a controlled law enforcement work area, unless an exemption has been granted by the Chief of Police or designee. An exemption may also be made for Class A uniforms at the discretion of the Chief of Police or designee.

If an officer is wearing business casual or professional attire, they should take care to conceal their firearm when outside a controlled law enforcement work area.

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1045.4 UNIFORM STANDARDS COMMITTEE

The Uniform Standards Committee is comprised of licensed officers, community service officers and civilian members.

Its assigned duties include conducting an annual review of all policies and procedures related to uniform regulations, reviewing submitted proposals for improvements or innovations to uniform standards, and auditing the inventory of clothing and equipment in accordance with established best practices.

It will make recommendations to the Professional Standards and Training Division Commander when appropriate and/or requested by the Chief of Police.

1045.5 OFFICER RESPONSIBILITIES

(a) All licensed and non-licensed officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(b) The uniform is to be worn in compliance with the Metro Transit Police Department Uniform and Equipment Specifications Guide.

(c) Uniform and equipment shall be ready at all times for immediate use.

(d) Uniforms shall be neat, clean and appear professionally pressed. Leather items, including footwear, shall be properly dyed and polished. Metal items shall be highly polished.

(e) Officers shall wear only the uniform specified for their rank and assignment.

(f) Supervisors shall perform regular documented roll call inspections to ensure compliance with these specifications and forward a copy of the record of inspection to the Patrol Captain.

(g) Uniforms shall only be worn while on-duty, while en route to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while en route and driving a personal vehicle, an outer garment shall be worn over the uniform shirt so as not to bring attention to the officer while off-duty.

(i) Officers shall not purchase or drink alcoholic beverages while wearing any part of the Metro Transit Police Department uniform.

(j) This department is not responsible for lost or stolen articles of uniform, or equipment left unsecured. Officers are advised to secure items in lockers or assigned offices, take extra items home, or store them in their personal vehicle. No reimbursements will be made for items lost, stolen, or otherwise missing.

1045.6 OPTIONAL ATTIRE BASED ON RELIGIOUS ACCOMMODATION

The religious beliefs and needs of all members should be reasonably accommodated. Requests for religious accommodation shall be made to the Chief of Police. Requests should generally be granted unless there is a compelling safety or security reason for denying the request.

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Muslim female members may wear a hijab or headscarf while on-duty. If the hijab is worn while in uniform, the hijab must be black or midnight/LA Blue in color. The hijab must not impair the operation of weapons, pose a health or safety hazard, or interfere with any other police equipment (e.g. hat, helmet, gas mask, etc.). The hijab must be worn in a manner that will not allow for it to be used to strangle the officer.

The hijab and other approved religious attire are considered optional uniform items and may be subject to reimbursement under the Department-Owned and Personal Property policy.

1045.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

Any of the items listed in the Metro Transit Police Department Uniform and Equipment Specifications Guide as optional shall be purchased at the expense of the member.

(a) Maintenance of optional items shall be the financial responsibility of the purchasing officer (e.g., repairs due to normal wear and tear).

(b) Responsibility for the replacement of items listed in the Guide as optional shall be as follows:

1. When the item is no longer functional because of normal wear and tear, the officer bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the officer's duties, it may be replaced following the procedures for the replacement of damaged personal property in the Department Owned and Personal Property Policy.

1045.8 DEPARTMENT ISSUED IDENTIFICATION AND BUSINESS CARDS

The Department issues each officer an official Department identification card bearing the officer's name, identifying information, and photo likeness. All officers 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, officers 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 Division Commander.

The department issues each officer with official business cards bearing the name, rank or title, badge number (sworn), and contact information.

(a) Only department-issued business cards are authorized for use.

(b) Licensed and non-licensed officers may provide a card to victims, witnesses, and/or other involved persons and should write the case number on the backside of the card.

(c) Business cards shall only be used when acting in an official capacity.

(d) Business cards shall be provided to any person who requests one.

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1045.9 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Metro Transit Police Departmentofficers 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 Metro Transit 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.

1045.10 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Members may not wear any uniform item, accessory, or attachment unless specifically authorized in the Metro Transit Police Department Uniform and Equipment Specifications Guide or by the Chief of Police or designee.

Members may not use or carry any tool or other piece of equipment unless specifically authorized in the Metro Transit Police Department Uniform and Equipment Specifications Guide or by the Chief of Police or designee.

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Community Service Officers (CSO)

1047.1 PURPOSE AND SCOPE

Community Service Officers work under direct supervision and perform a variety of routine and progressively advanced tasks in a program designed to prepare them for a career in law enforcement.

1047.2 EDUCATION REQUIREMENTS

To qualify for and maintain eligibility for the position, CSO's must be enrolled in and actively working toward a Law Enforcement or related degree. The maximum allowable time for completion of an Associate degree is three years. The maximum allowable time for completion of a Bachelor's degree is five years. Completion of a degree or failure to complete a Law Enforcement program within the timeline established above, will be a disqualifier from employment and the CSO program. An extension may be granted by the Chief of Police if the CSO is eligible for employment as a sworn police officer with the Metro Transit Police Department. See 1048.9 for further information on employment extentions.

1047.3 PROGRAM COORDINATOR

The Training Coordinator will serve as the CSO Program Coordinator. The Program Coordinator will be responsible for tracking the educational and job performance of CSO's as well as making their individual assignments throughout the Department. The Program Coordinator will also monitor the training provided for all CSO's and review all decisions affecting job assignments, school attendance and performance evaluations.

1047.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the CSO Program. These officers will serve as mentors for each CSO. CSO's will bring special requests, concerns and suggestions to their program advisor for advice or direction before contacting the program coordinator. One advisor may be designated as the coordinator's assistant to lead scheduled meetings and training sessions involving the CSO's. Multiple CSO's may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the program coordinator.

1047.4 ORIENTATION AND TRAINING

Newly appointed CSO's will receive an orientation of the organization and facilities. On the job training will be conducted in compliance with the CSO Field Training Manual. Training sessions will be scheduled as needed to train CSO's for as many assignments as possible. In addition to job specific training (i.e. Use of Force training), information will be offered to prepare CSO's to compete in the police officer selection process. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

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1047.5 CSO UNIFORMS

Each CSO will be provided with uniforms meeting the specifications described in the Uniform and Equipment Manual. CSO's are only authorized to wear the MTPD CSO uniform and related items during their established hours of employment. Under no circumstance shall the CSO uniform or related items be worn outside of employment hours or be worn by other persons not employed by the Metro Transit Police Department.

1047.6 ROTATION OF ASSIGNMENTS AND SCHEDULING

Rotating job assignments should occur to enhance the career development for each CSO. Department needs and concerns will take precedence over individual CSO considerations, with the final decision resting with the Training Coordinator.

The typical job activities of a CSO include, but are not limited to the following:

(a) Assist officers with fare inspection/enforcement.

(b) Assist with parking enforcement.

(c) Assist in fleet management (including the maintenance and cleaning of police vehicles).

(d) Assist the Asset Protection Division.

(e) Assist the Investigations Division.

(f) Assist the clerical staff and Administration.

(g) Assist in crowd control at special events.

(h) Other duties as assigned.

CSO's should typically be scheduled 15 to 40 hours per week in compliance with the Metropolitan Council policy for internship activities.

1047.7 RIDE-ALONG PROCEDURES

All CSO's are authorized to participate in the Ride-Along Program. CSO's shall wear their uniform while participating in a ride-along.

1047.8 PERFORMANCE EVALUATIONS

Performance evaluations for all CSO's shall be completed while in Field Training. After the first year, CSO's will be evaluated annually to assess their current job performance.

1047.9 TESTING FOR POLICE OFFICER POSITION WITHIN THE DEPARTMENT

The Metro Transit Police Department understands the value that CSO’s provide to the agency and believes in affording CSO's the opportunity to participate in a competitive selection process to become a police officer. Therefore, upon completion of a Law Enforcement or related program, CSO's will be allowed two attempts (consecutive job postings) to gain employment as police officers with the Metro Transit Police Department. Following the two attempts, and only if granted

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by the Chief of Police, CSO’s will have no more than a 90 day extension prior to termination of employment as a CSO.

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Nepotism and Conflicting Relationships

1049.1 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.

1049.1.1 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.

1049.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following restrictions apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever reasonably possible, Field Training Officers (FTO's) and other trainers will not be assigned to train relatives. FTO's 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.

1049.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1049.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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Department Badges

1051.1 PURPOSE AND SCOPE

The Metro Transit Police Department badge and uniform patch as well as the likeness of these items and the name of the Metro Transit Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1051.2 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 badges issued/ authorized by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1051.2.1 FLAT BADGE

The Chief of Police has authorized licensed officers to 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) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Metro Transit Police Department.

(b) 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.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-licensed personnel.

1051.2.2 NON-LICENSED 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. Civilian, CSO).

(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.

1051.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement, employees may retain their assigned duty badge for display purposes as long as it was purchased by them. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

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The honorable retiree may also be eligible for a Metro Transit Police Department identification card that is marked "Retired" and will be subject to the use as set forth above.

1051.3 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.

1051.4 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 Metro Transit Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(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.

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Transitional-Duty Assignments

1053.1 PURPOSE AND SCOPE

This policy establishes procedures for providing transitional-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, Metropolitan Council / Metro Transit rules, or current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1053.2 POLICY

Subject to operational considerations, the Metro Transit Police Department may identify transitional-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A transitional-duty assignment allows the employee to work, while providing the Department with a productive employee during the transitional period.

1053.3 GENERAL CONSIDERATIONS

Priority consideration for transitional-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Minnesota Human Rights Act (Minn. Stat. § 363A.01 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Metro Transit Police Department shall be created or maintained as a transitional-duty assignment.

Transitional-duty assignments are a management prerogative and not an employee right. The availability of transitional-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Transitional-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a transitional-duty assignment.

The Chief of Police or the authorized designee may restrict employees from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle and engaging in outside employment. The Chief of Police may also otherwise limit them in employing their peace officer powers.

Transitional-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1053.4 PROCEDURE

Employees may request a transitional-duty assignment for short-term injuries or illnesses.

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Employees seeking a transitional-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the transitional-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding transitional-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the Prosecuting Attorney as appropriate.

Requests for a transitional-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Supervisor or Division Commander, with notice to the Chief of Police.

1053.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to transitional-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1053.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to transitional duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to transitional duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a transitional-duty assignment extends beyond 60 days.

1053.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to transitional duty.

The responsibilities of supervisors shall include, but not be limited to:

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(a) Periodically apprising the Division Commander of the status and performance of employees assigned to transitional duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1053.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1053.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a transitional-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Minn. Stat. § 181.939; Minn. Stat. § 363A.08).

1053.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the Metropolitan Council / Metro Transit personnel rules and regulations regarding family and medical care leave.

1053.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a transitional-duty assignment may have their probation extended by a period of time equal to their assignment to transitional duty.

1053.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to transitional duty shall maintain all certification, training and qualifications appropriate to both their regular and transitional duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to transitional duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Speech, Expression, and Social Networking

1057.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Metro Transit Police Department.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1057.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Metro Transit Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1057.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Metro Transit Police Department members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.

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- Otherwise disclosing where another officer can be located off-duty.

1057.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Metro Transit Police Department, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participation in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing members by informing criminals of details that could facilitate an escape or attempted escape).

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.

(f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting, or disseminating any photographs, digital media or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Metro Transit Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

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Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1057.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Metro Transit Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the 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, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Metro Transit Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1057.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1057.6 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 the authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

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(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1057.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.

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POST Licensing

1059.1 PURPOSE AND SCOPE

Maintaining a valid POST license is a critical element of an officer's ability to continue their employment and is their sole professional responsibility. Every officer and every part-time officer is required to complete the continuing education requirements to maintain a valid license every three years (Minn. R. § 6700.0900; Minn. R. 6700.1000).

1059.2 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).

1059.2.1 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.

1059.3 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.

1059.4 INACTIVE LICENSE

Officers who fail to complete the requirements will have their license placed in the "Inactive" status. The employee may then be placed in a temporary administrative assignment until their license is "Valid". Those employees may also face administrative discipline up to and including termination.

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Workplace Accident and Injury Reduction

1060.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Metro Transit Police Department, in accordance with the requirements of Minn. Stat. § 182.653.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Metropolitan Council / Metro Transit wide safety efforts.

1060.2 POLICY

The Metro Transit Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain a Workplace Accident and Injury Reduction (AWAIR) program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1060.3 A WORKPLACE ACCIDENT AND INJURY REDUCTION PROGRAM

The Administration is responsible for developing an AWAIR program that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will (Minn. Stat. § 182.676; Minn. R. 5208.0010 et seq.):

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of member safety suggestions.
8. Assess the effectiveness of efforts made by the Department to meet applicable standards.

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(f) Establishing a process to ensure illnesses and injuries are reported as required under Minnesota Occupational Safety and Health Administration (MNOSHA) (29 CFR 1904.39; Minn. Stat. § 182.674; Minn. R. 5205.0010).

(g) Descriptions of the following (Minn. Stat. § 182.653):

1. How managers, supervisors and members are responsible for implementing the program and how continued participation of management will be established, measured and maintained
2. The methods used to identify, analyze and control new or existing hazards, conditions and operations
3. How the plan will be communicated to all affected members so that they are informed of work-related hazards and controls
4. How workplace accidents will be investigated and corrective action implemented
5. How safe work practices and rules will be enforced

The Administration must conduct and document a review of the AWAIR program at least annually and document how the program procedures are applied (Minn. Stat. § 182.653).

1060.3.1 SAFETY AND HEALTH COMMITTEE

The Administration will facilitate the safety and health committee and ensure applicable rules are addressed (Minn. R. 5208.0010 et seq.). The committee's purpose is to assist in the implementation of the AWAIR program and to bring workplace safety concerns or complaints to the attention of the department administration. Members of the committee must be selected by department members (Minn. Stat. § 182.676).

Duties of the committee should, at a minimum, include (Minn. R. 5208.0050):

(a) Reviewing and making recommendations related to AWAIR.

(b) Coordinating safety inspections.

(c) Training members about AWAIR and safe working procedures.

(d) Identifying the hazards associated with a particular task or job.

(e) Providing input regarding new workplace safety rules.

(f) Preparing AWAIR presentations for staff meetings.

(g) Assisting in workplace accident investigations.

(h) Reviewing and making recommendations for incidents involving work-related deaths, injuries and illnesses.

1060.4 ADMINISTRATION DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Administration Division Commander include but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

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(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the AWAIR program.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:

1. Informing members of the AWAIR guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
   (a) Bloodborne pathogen precautions (29 CFR 1910.1030; Minn. Stat. § 182.6555; Minn. R. 5206.0600)
   (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy) (29 CFR 1910.134; Minn. R. 5205.0010)
   (c) Appropriate barriers in law enforcement vehicles (Minn. R. 5205.0755)
   (d) Emergency Action Plan (29 CFR 1910.38(a); Minn. R. 5205.0010)
   (e) Walk-Working Surfaces (Minn. R. 5205.0010; 29 CFR 1910.21 et seq.)
   (f) Personal Fall Protection Systems (Minn. R. 5205.0010; 29 CFR 1910.140)

(e) Making available a form to document inspections, unsafe conditions, or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1060.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with AWAIR guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

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(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Division Commander.

(e) Notifying the Administration Division Commander when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1060.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administration via the chain of command.

The Administration will take appropriate action to ensure the AWAIR program addresses potential hazards upon such notification.

1060.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administration shall ensure that the appropriate documentation is completed for each inspection.

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1060.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1060.7.2 FREQUENCY OF INSPECTIONS

Safety inspections shall be conducted by the safety and health committee at a frequency decided by the committee, but at least quarterly (Minn. R. 5208.0040).

1060.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease, Personal Injury and Death Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1060.9 TRAINING

The Administration Division Commander should work with the Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member’s job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

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(f) Annually for training related to infectious agents and hazardous substances as required by MNOSHA (Minn. Stat. § 182.653).

1060.9.1 TRAINING TOPICS

The Training Manager shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1060.10 RECORDS

Records and training documentation relating to the AWAIR program will be maintained in accordance with the established records retention schedule.

All safety and health committee recommendations and reports shall be kept for two years. The reports shall be made available to the Minnesota Department of Labor and Industry upon request (Minn. R. 5208.0050).

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Line-of-Duty Deaths

1061.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Metro Transit 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 for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1061.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

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.

1061.2 POLICY

It is the policy of the Metro Transit 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.

1061.3 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 Shift Supervisor and Transit Control Center.

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 Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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(c) If the member has been transported to the hospital, the Shift Supervisor or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(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).

1061.4 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, Shift Supervisor, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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(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 child care 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 survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Metro Transit Police Department members may be apprised that survivor notifications are complete.

1061.4.1 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.

1061.5 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 shifts. Members reporting for duty from their residences should be instructed to contact their supervisors 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.

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Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1061.6 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) Wellness Support Liaison.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1061.6.1 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.

(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.

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(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-staff.

(g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1061.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).

(b) 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.

(c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Metro Transit Police Department members (except for members who may be guarding a suspect).

(d) Arrange for survivors to receive timely updates regarding the member before information is released to others.

(e) 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.

(f) Stay with survivors and provide them with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

(h) Make arrangements for hospital bills to be 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.

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- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1061.6.3 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:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- 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.

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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 Wellness Support Liaison for survivors to 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.

(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 (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1061.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:

1. Members involved in the incident.

2. Members who witnessed the incident.

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3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.

(c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support 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 wellness support or counseling services are needed.

1061.6.5 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.

(g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

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1061.6.6 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 Metro Transit Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1061.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

(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 following:

1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
2. Social Security Administration.
3. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Survivor benefits (Minn. Stat. § 353.657).
2. Disability survivor benefits (Minn. Stat. § 353.656).
3. Continued health insurance coverage benefit (Minn. Stat. § 299A.465).
4. Death benefit (Minn. Stat. § 299A.44).
5. Education benefit (Minn. Stat. § 299A.45).

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

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(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.

1061.6.8 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.

(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.

1061.7 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) Instruct department members to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).

2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.

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(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 have 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 notify media when survivor notifications have been made.

1061.8 DEPARTMENT CHAPLAIN

The Department Chaplain may serve a significant role in line-of-duty deaths.

Their duties may include, but are not limited to:

(a) Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.

(b) Assisting liaisons and coordinators with their assignments, as appropriate.

(c) Assisting department members with counseling or emotional support, as requested and appropriate.

1061.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death 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.

1061.10 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.

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1061.11 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.

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Wellness Program

1062.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive Wellness Program for department members.

The Wellness Program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Officer-Involved Shootings and Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1062.2 POLICY

It is the policy of the Metro Transit Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a Wellness Program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1062.3 DEFINITIONS

Definitions related to this policy include:

Critical Incident

An incident involving any of the following situations occurring in the line of duty:

1) the use of deadly force by or against a Metro Transit Police Officer.

2) the death of or great bodily harm to a Metro Transit Police Officer.

3) the death of or great bodily harm to a person who is in the custody or control of a Metro Transit Police Officer.

4) any action by a Metro Transit Police Officer that causes or was intended to cause death.

Serious Incident

An event or situation that may cause a strong emotional, cognitive or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical or serious incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical or serious incidents and certain personal or professional problems.

1062.4 WELLNESS PROGRAM

The Chief of Police will appoint a Wellness Coordinator whose responsibilities are as follows:

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(a) Identify wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).

1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.

(b) Develop management and operational procedures for department peer support members, such as:

1. Peer support member selection and retention.
2. Training and applicable certification requirements.
3. Assignment to members requesting assistance.
4. Managing potential conflicts between peer support members and those seeking service.
5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.

(c) Verify members have reasonable access to peer support or licensed psychotherapist support.

(d) Establish procedures for CISDs, including:

1. Steps for organizing debriefings following a critical incident.
2. Steps for organizing debriefings following a serious incident, when a member requests assistance.

(e) Facilitate the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

(f) Verify a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:

1. Obtaining a written description of the program services.
2. Providing for the methods to obtain program services.
3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

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(g) Assist members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).

1. The Department should work with appropriate liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Officer-Involved Shootings and Deaths Policy for additional guidance).

1062.5 PEER SUPPORT PROGRAM

The Peer Support Program is designed to offer voluntary and confidential support to fellow members, in dealing with work related stress, emotional difficulties or other personal challenges.

1062.5.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the Wellness Coordinator. Selection should be based on the member's:

- Letter of Interest
- Good standing
- Evaluation by the section supervisors and Chief of Police

1062.5.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

(a) Providing pre- and post-critical incident support.

(b) Presenting department members with periodic training on wellness topics, including but not limited to:

1. Stress management.
2. Suicide prevention.
3. How to access support resources.

(c) Providing referrals to licensed psychotherapists and other resources, where appropriate.

1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1062.5.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1062.6 PEER SUPPORT COMMUNICATIONS

Communications with peer support members are confidential and shall not be disclosed except as provided in Minn. Stat 181.9731. A peer support counselor is an individual who is designated by the Department and trained to provide peer counseling services (Minn. Stat 181.9731).

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1062.7 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following all critical incidents. It should also occur as soon as practicable after a serious incident, if requested by a member. The Wellness Coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken, because the sole purpose of the debriefing is to help mitigate the stress-related effects of an incident.

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 should only include individuals who were on the scene of the critical or serious incident, critical incident stress management team members, and those directly involved in the incident.

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

1062.7.1 CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER COMMUNICATIONS

Communications with critical incident stress management team members are confidential and shall not be disclosed except as provided in Minn. Stat. § 181.9732. A critical incident stress management team member is an individual who is designated by the Department and trained to provide critical incident stress management services (Minn. Stat. § 181.9732).

1062.8 PHYSICAL WELLNESS PROGRAM

The Wellness Coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

(a) Voluntary participation by members

(b) Allowable physical fitness activities

(c) Permitted times and locations for physical fitness activities

(d) Acceptable use of department-provided physical fitness facilities and equipment

(e) Individual health screening and fitness assessment

(f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting

(g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.

(h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)

(i) Ongoing support and evaluation

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1062.8.1 ON-DUTY EXERCISE

Health and Wellness is one of the pillars of 21st Century Policing. The Metro Transit Police Department strives to support the health of all employees to the highest degree possible in order to improve strength, stress management, and self-confidence while reducing the potential for job-related injury and sick leave. The MTPD is therefore issuing the following order regarding on-duty exercise.

ELIGIBILITY:

Full-time employees are authorized to work out during their work hours.

DEFINITION:

Working out on duty means using a Met Council gym (West Command or East Command) or exercising outside (walking, running, biking, etc.).

EXPECTATIONS:

(a) Staffing:

1. Employees must gain approval from their shift supervisor prior to working out.
2. Shift supervisors may consider staffing and work/call load in granting or rejecting the request. Working out on duty should not place undue strain or burden on the shift or the department.
3. A max of two officers (either two single-person squads or one two-person) may workout at once at each Command. Officers must use the gym at their assigned Command.
4. Officers working overtime will not be permitted to work out on duty.
5. Officers who are FTOing are not allowed to work out during work hours.
6. Exercise time is not cumulative: a missed work out one day does not rollover to the next day or shift.
7. Officers will inform dispatch when starting their allotted time and clear when they are done using CAD nature code GYM.

(b) Time Allowed:

1. Workouts are limited to 45 minutes and in lieu of a meal break.
2. This includes changing clothes/showering/hygiene.
3. Workouts will not be used in place of pre-shift grooming and preparation.
4. Employees working a partial shift (arriving late or leaving early due to appointments/personal business/etc.) are not permitted to work out while on duty.

(c) Equipment:

1. Officers will have their radio and/or work phones with them at all times.

(d) Non-sworn:

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1. Non-sworn employees may also take advantage of this benefit.
2. Non-sworn employees should work with their supervisor to establish time during their work hours.

1062.9 TRAINING

The Wellness Coordinator or authorized designee should collaborate with the wellness support providers to provide all members with regular education and training on topics related to member wellness.

1062.9.1 ADDITIONAL WELLNESS TRAINING FOR OFFICERS

Officers shall complete in-service wellness training approved by POST as provided in Minn. Stat. § 626.8478.

The Chief of Police shall ensure that wellness training records are maintained in compliance with Minn. Stat. § 626.8478 and are made available as requested by POST (Minn. Stat. § 626.8478).

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Attachments

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Domestic Abuse - Enhancements Table .pdf

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Enhancements Table

Conviction means a plea of guilty or verdict of guilty accepted by the court (Minn. Stat.§ 609.02, subd. 5).

Discharge from Offense means the time between conviction and the end of 5 years following discharge from sentence for that offense.

QDVRO means a "Qualified Domestic Violence Related Offense" which includes a violation of or an attempt to violate a domestic abuse order for protection; first or second-degree murder; first through fifth-degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth-degree criminal sexual conduct; malicious punishment of a child; terroristic threats; violation of harassment restraining order; stalking; interference with an emergency call; nonconsensual dissemination of private sexual images; and violation of domestic abuse no contact order (DANCO); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories. (Minn. Stat. 609.02, subd. 16)

Offense	Victim of Offense	Time Limit	Prior Conviction	Offense Level
Assault 5	Same Victim	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of discharge of 1st of 2 or more convictions	QDVRO	Felony
	Any Victim	w/in 3 years of conviction	QDVRO	Gross Misdemeanor
		w/in 3 years of 1st of 2 or more convictions	QDVRO	Felony
Domestic Assault	Family/Household Member (as defined in Minn. Stat. 518B.01, subd. 2.)	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of 1st of 2 or more convictions for Domestic Assault or Assault 5	QDVRO	Felony
Malicious Punishment	Any Victim	w/in 5 years of discharge	Assault 1-5, Domestic Assault, Malicious Punishment, Criminal Sexual Conduct 1-4, or Terroristic Threats	Felony
Violation of Order for Protection or Harassment Restraining Order	Any Victim	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of discharge of 1st of 2 or more convictions	QDVRO	Felony
Stalking	Any Victim	w/in 10 years of conviction	QDVRO	Felony
Interference w/ Privacy	Any Victim	None	Interference w/ Privacy or Stalking	Gross Misdemeanor

Example of Enhancement Reachback:	
Arrest for Assault 5 & Malicious Punishment	1/1/2013
Plea (Accepted) to Assault 5 & Malicious Punishment (Conviction)	6/1/2013
Sentence of 2 years of probation	8/1/2013
Expiration of reachback for **any victim** for Assault 5	6/1/2016
Discharge from sentence	8/1/2015
Expiration of reachback for **any victim** for Malicious Punishment	8/1/2020
Expiration of reachback for **same victim** for Assault 5	6/1/2023

MN POST Professional Conduct of Peace Officers Model Policy.pdf

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PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY
MN STAT 626.8457

I. POLICY

It is the policy of the _____ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

A. PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

1. **Rationale:** Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. **Rules**
   - **a)** Peace officers shall not knowingly exceed their authority in the enforcement of the law.
   - **b)** Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
   - **c)** Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
   - **d)** Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.
   - **e)** Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

1. **Rationale:** Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. **Rules**
   - **a)** Peace officers shall carry out their duties with integrity, fairness and impartiality.

b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.

e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.

f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

1. **Rationale:** Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

2. **Rules**

a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.

b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

D. PRINCIPLE FOUR

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

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

2. **Rules**

a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in **c)**.

b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.

c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.

d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.

e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.

g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.

h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

E. PRINCIPLE FIVE

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

1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

2. **Rules**

a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.

c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial or political gain.

1. **Rationale:** For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

2. **Rules**

a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.

b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.

c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.

d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.

e) Peace officers shall:

- not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
- maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
- not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

G. PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. **Rationale:** For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions

where those actions would or could conflict with the officer's appropriate responsibilities.

2. **Rules**
   - **a)** Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
   - **b)** Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
   - **c)** A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
   - **d)** A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

H. PRINCIPLE EIGHT

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

1. **Rationale:** Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

2. **Rules**
   - **a)** Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
   - **b)** Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
   - **c)** Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by *MN RULES* 6700.2000 to 6700.2600.

PB Rev 01/2011

Eyewitness Identification Procedures Model Policy.pdf

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EYEWITNESS IDENTIFICATION PROCEDURES MODEL POLICY

Minn. Stat. 626.8433

POLICY:

Officers shall adhere to the procedures for conducting eyewitness identifications set forth in this policy, in order to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eyewitness identification protocols. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration.

Purpose:

It is the purpose of this policy to establish guidelines for eyewitness identification procedures involving show-ups, photo arrays, and line-ups. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

Definitions:

Show-up: The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

Line-up: The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

Photo Array: A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

Administrator: The law enforcement official conducting the identification procedure.

Blinded Presentation: The administrator may know the identity of the suspect, but does not know which photo array member is being viewed by the eyewitness at any given time.

Confidence Statement: A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

Filler: A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

Sequential: Presentation of a series of photographs or individuals to a witness one at a time.

Simultaneous: Presentation of a series of photographs or individuals to a witness all at once.

Procedure:

1. Show-ups

The use of show-ups should be avoided whenever possible in preference to the use of a lineup or photo array procedure. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.

a. Document the witness's description of the perpetrator prior to conducting the show up.

b. Conduct a show-up only when the suspect is detained within a reasonably time frame after the commission of the offense and within a close physical proximity to the location of the crime.

c. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.

d. If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by officers, unless safety concerns make this impractical.

e. Caution the witness that the person he or she is about to see may or may not be the perpetrator—and it is equally important to clear an innocent person. The witness should also be advised that the investigation will continue regardless of the outcome of the show-up.

f. Do not conduct the show-up with more than one witness present at a time.

g. Separate witnesses and do not allow communication between them before or after conducting a show-up.

h. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.

i. Do not present the same suspect to the same witness more than once.

j. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.

k. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.

l. Ask the witness to provide a confidence statement.

m. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.

n. Videotape the identification process using an in-car camera or other recording device when feasible.

o. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

Line-up and Photo Array Procedures

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

a. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.

b. Whenever possible, a blind presentation shall be utilized. In cases where a blind presentation is not feasible for a photo array, a blinded presentation should be used. Live line-ups must be conducted using a blind presentation.

c. The line-up or photo array should consist of a minimum of six individuals or photographs. Use a minimum of five fillers and only one suspect.

d. Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.

e. Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

f. Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.

g. If there is more than one suspect, include only one in each line-up or photo array.

h. During a blind presentation, no one who is aware of the suspect's identity should be present during the administration of the photo array. However, during a line-up, the suspect's attorney should be present.

i. Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.

j. Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.

k. The witness shall be given a copy of the following instructions prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.

You will be asked to look at a series of individuals.

The perpetrator may or may not be present in the identification procedure.

It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

I don't know whether the person being investigated is included in this series.

Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat or other changes in appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.

You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.

The individuals are not configured in any particular order.

If you make an identification, I will continue to show you the remaining individuals or photos in the series.

Regardless of whether you make an identification, we will continue to investigate the incident.

Since this is an ongoing investigation, you should not discuss the identification procedures or results

l. The line-up or photo array should be shown to only one witness at a time; officers should separate witnesses so they will not be aware of the responses of other witnesses.

m. Multiple identification procedures should not be conducted in which the same witness views the same suspect more than once.

n. Officers should scrupulously avoid the use of statements, cues, casual comments, or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.

o. Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.

p. The administrator shall ask the witness to complete and sign an Eyewitness Identification Procedure Form.

q. Line-up and photo array procedures should be video or audio recorded whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording shall be documented. In the case of line-ups that are not recorded, agents shall take and preserve a still photograph of each individual in the line-up.

3. Photographic Arrays
   a. Creating a Photo Array
      1. Use contemporary photos.
      2. Do not mix color and black and white photos.
      3. Use photos of the same size and basic composition.
      4. Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.
      5. Do not include more than one photo of the same suspect.
      6. Cover any portions of mug shots or other photos that provide identifying information on the subject – and similarly cover other photos used in the array.
      7. Where the suspect has a unique feature, such as a scar, tattoo, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.
      8. Fillers should not be reused in arrays for different suspects shown to the same witness.
   b. Conducting the Photo Array
      1. The photo array should be preserved, together with full information about the identification process as part of the case file and documented in a report.

2. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures.
    a. Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used).
    b. The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that he or she cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.
    c. The administrator should position himself or herself so that he or she cannot see inside the folders as they are viewed by the witness.
3. The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
4. If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.

4. Line-ups
    a. Conducting the Line-up
        1. Live line-ups shall be conducted using a blind administrator.
        2. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
    b. The primary investigating officer is responsible for the following:
        1. Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.
        2. Ensuring compliance with any legal requirements for transfer of the subject to the line-up location if he or she is incarcerated at a detention center.
        3. Making arrangements to have persons act as fillers.
        4. Ensuring that the suspect’s right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspect’s right to counsel.
        5. Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line-up and to observe the manner in which the line-up is conducted.

References:

Eyewitness Identification Procedure Form
Sequential Photo Display Form

Guidelines for PCF_.jpg

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Metropolitan Transit Police Department
Uniform & Equipment Specifications Guide



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1. PURPOSE & SCOPE

The following guidelines aim to maintain a uniform and professional appearance for all Metropolitan Transit Police Department (MTPD) employees, while also protecting them from weather elements, increasing their comfort, and enhancing serviceability for various day-to-day duties. Law enforcement duties are always increasing in complexity and evolving in scope; similarly, clothing technologies and materials are often improved to increase effectiveness, improve comfort, and prevent damage and/or injury to the user, all while maintaining a uniform and professional appearance. To maintain the cutting-edge on these technologies and access to the very best available uniform materials, the MTPD Uniform & Equipment Guide is to be reviewed and updated annually, through user recommendations submitted to the MTPD Uniform Committee led by the Professional Standards Division. This manual describes the standards for wearing and maintaining MTPD Uniforms.

2. MTPD UNIFORM STANDARDS COMMITTEE

The Professional Standards Division maintains and staffs the Uniform Standards Committee. This committee shall be staffed by CSOs, officers of all ranks, and civilian staff, under the direction of the Committee Chair, who should be appointed by the Commander of Professional Standards. This committee shall be maintained and given assigned duties such as: Annual review of implemented procedures, review of recommended improvements (via MTPD Uniform Item Recommendation Form), maintenance and inventory of the clothing and equipment storage unit, and research to obtain data that supports a submitted proposal, re-design or uniform item change. Assist the Professional Standards Division in surveying and selecting new designs and logos, whenever requested by the Chief of Police.

One member of the committee shall be assigned to be the custodian of MTPD Clothing & Equipment property on hand. This property storage shall also function as a "Lost & Found" for MTPD uniforms and equipment that have been unsecured. The custodian shall conduct inventories and report to the committee what items are needed for acquisition and currently owned and available on hand.
Custodians work closely with the Training Unit in recovering MTPD property from members who reach the end of their employment and assist training cadre issuing initial items to newly hired personnel.

All uniforms must always be available for inspection, maintained clean and serviceable, regardless of rank or assignment. All uniforms will be properly sized for proper fit and personalized only with authorized department designs, insignia, and the member's name, rank, and badge number, in accordance with the guidelines set in this guide.

Default uniform descriptions are categorized at temperatures above 50 degrees without precipitation. Rain, Wind, Cold Weather (CW - Below 50 degrees), and Extreme Cold Weather (ECW - Below 0 degrees) accessories and modifications are described separately.

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3.1 CLASS A1 DRESS UNIFORM (Ceremonial, Special Events for Lieutenants & above).



(a) Midnight Navy Service Hat with gold badge, saucer type with black visor. Gold Band for Lieutenants and Gold Band with Gold Oak Leaf Bullion on visor for Captains and above. Hats are to be worn indoors/outdoors unless directed to remove it for a solemn occasion, in which case the hat will be carried on the left side and faced forward at the left ribcage.



(b) Midnight Navy Blouse Coat or Dress Jacket with Gold rank centered on the shoulder's epaulettes and wreath insignia centered on the collar. White Long Sleeve Dress Shirt (Polyester/Twill) with Gold rank placed on accordance with Appendix 3. Gold Name plate with "Serving Since" nameplate attachment flushed and centered to the top of the right breast pocket and under Gold awards and decorations bar rack flushed and centered on top of the nameplate. Up to two decoration pins centered on the right-breast pocket flap. Two gold-colored pens to be worn on the pen holder of the left-side breast pocket under a highly polished badge. Embroidered nameplates and Embroidered badges are not permitted for wear on Class A Uniform. These items are to be worn on the dress shirt and/or the blouse coat, as long as they are worn on the outermost garment. The division commander authorizes the wear of Mourning Bands for a specific period.

(c) Midnight Navy Tie with Gold Polished Tie Bar Clip (centered between the bottoms of the pocket flaps).

(d) Midnight Navy Dress Pants (Polyester/Twill) (No Cargo Pockets/ No Tactical Materials).



(e) Black Leather (Basket Weave Pattern) Duty Belt (Polished) with Gold Belt Buckle and basket weave pattern holders and holsters. The only items required on the Class A Belt are Firearm, Magazine (s), and handcuffs. All other equipment is optional as long as it falls into the belt configuration: Pistol to be on the strong-hand side, handcuffs and magazines as close to the front as possible with handcuffs on the right side and magazines on the left side. Velcro lining is recommended and belt keepers are optional whenever Velcro is used. If belt keepers are used, the fastener button must be gold.



(f) Black Oxford Shoes (High Gloss)

(g) Body Armor is not required for Class A Uniform, except when directed by the detail commander.

(h) Department issued phone, credentials and business cards.

(i) Cold Weather Variations: The only authorized cold weather accessories with the service hat are all-black earmuffs and reversible black/high-visibility rain cover. The Fur Lined "Arctic Trooper" Cap, Watch Caps, or Beanie-style caps are not authorized with the Class A Dress Uniform. Detail commander may authorize the wear of black leather gloves during inclement weather. Cold weather undergarments are authorized as long as they are not visible.

3.2 CLASS A2 DRESS UNIFORM (Ceremonial, Special Events for Sergeants and below)



(a) Midnight Navy Service Hat with gold badge, saucer type with black visor. A horizontal Black Band for Officers and Gold Band for Sergeants. Hats are to be worn indoors/outdoors unless directed to remove them for a solemn occasion, in which case the hat will be carried on the left hand and faced forward by the left ribcage.



(b) Midnight Navy Long Sleeve Dress Shirt (Polyester/Twill) with MTPD shoulder patches, service stripes and rank if a Sergeant. MTPD shoulder patches centered on each sleeve and applicable Sergeant rank to be sewed-on directly under the bottom edge of the patch, in contact with the tip of the chevron. Gold Nameplate with "Serving Since" nameplate attachment flushed and centered above the right-side breast pocket. Awards and decorations bar rack flushed and centered above the nameplate. Up to two decoration pins centered on the right-breast pocket flap. Two gold-colored pens to be worn on the pen holder of the left-side breast pocket under a highly polished badge. Embroidered nameplates and Embroidered badges are not permitted for wear on Class A Uniform. A midnight blue tie with a gold tie clip, oriented along the line made by the breast pocket buttons.

(c) Midnight Navy Dress Pants (Polyester/Twill) (No Cargo Pockets/ No Tactical Materials).



(d) Black Leather (Basket Weave Pattern) Duty Belt (Polished) with Gold Belt Buckle and basket weave pattern holders and holsters. The only items required on the Class A Belt are Firearm, Magazine (s), and handcuffs. All other equipment is optional as long as it falls into the belt configuration: Pistol to be on the strong-hand side, handcuffs and magazines as close to the front as possible with handcuffs on the right side and magazines on the left side. Velcro lining is recommended and belt keepers are optional whenever Velcro is used. If belt keepers are used, the fastener button must be gold.



(e) Duty Boots that are at least 3" and have High-Gloss polishable surfaces.

(f) Body Armor is not required for Class A Uniform, except when directed by the detail commander.

(g) Department-issued cell phone, credentials and business cards.









(h) Cold Weather Variations: The only authorized cold weather accessories with the service hat are all-black earmuffs and reversible black/high-visibility rain cover. The Fur Lined "Arctic Trooper" Cap, Watch Caps, or Beanie-style caps are not authorized with the Class A Dress Uniform. Detail commander may authorize the wear of black leather gloves (no logos) and the standard-issued "TRANSIT POLICE" reversible jacket during inclement weather. Cold weather undergarments are authorized as long as they are not visible.

3.3 CLASS A3 DRESS UNIFORM (Ceremonial, Special Events for Community Service Officers)



(a) Horizontal Black Band for CSOs. Hats are to be worn indoors/outdoors unless directed to remove them for a solemn occasion, in which case the hat will be carried on the left hand and faced forward by the left ribcage.

(b) Gray Long Sleeve Dress Shirt (Polyester/Twill) with MTPD/CSO patches. Silver Nameplate flushed and centered above the right-side breast pocket. Up to two decoration pins centered on the right-breast pocket flap. Highly polished silver badge above the left breast pocket. Embroidered nameplates and Embroidered badges are not permitted for wear on Class A Uniform. The division commander authorizes the wear of Mourning Bands for a specific period.

(c) Midnight Navy Tie with Silver Polished Tie Bar Clip (centered between bottoms of the pocket flaps).



(d) Midnight Navy Dress Pants (Polyester/Twill) (No Cargo Pockets/ No Tactical Materials).

(e) Black Leather (Basket Weave Pattern) Duty Belt (Polished) with inner velcro belt, silver belt buckle and basket weave pattern holders and holsters. Class A3 Duty Belt configuration is the same as Class B3 Duty Belt except for pistol holder.



(f) Class A Duty Boots (At least 3") and designed to protect toes. Boots must have high gloss polishable surfaces. Class B1 or B2 boots are not authorized for CSOs.

Examples of Class A Duty Boots

(g) Body Armor is not required for Class A3 Dress Uniform, except when directed by the detail commander.

(h) Department-issued phone, credentials and business cards.



(i) Cold Weather Variations: The only authorized cold weather accessories with the service hat are all-black earmuffs and reversible black/high-visibility rain cover. The Fur Lined "Arctic Trooper" Cap, Watch Caps, or Beanie-style caps are not authorized with the Class A Dress Uniform. Detail commander may authorize the wear of black leather gloves (no logos) and the standard-issued "METRO TRANSIT" reversible jacket during inclement weather. Cold weather undergarments are authorized as long as they are not visible.

3.4 CLASS B1 DUTY UNIFORM (Patrol Duty / Uniform Shirt or Shirt Vest with equipment on belt)

Sergeant | Officer



(a) Optional Midnight Navy Service Hat with badge, saucer type with black visor and alternative summer mesh. Black Band for Officers, Gold Band for Sergeants and Lieutenants and Gold Band with Gold Oak Leaf Bullion on visor for Captains and above. Staff have the option to wear a service hat, the optional soft cap or not to wear any headgear at all. Soft cap can be worn year-round, but it must be worn front-facing and not combined with any other headgear.



(b) The Class B1 Uniform is a traditional and minimalistic option for patrol and administrative duties. The uniform is distinguished by the presence of "flaps" in the breast pockets and all of the duty equipment items being worn on the duty belt (Leather basket weave only). Midnight Navy Long Sleeve Duty Shirt (TDU optional) with optional Midnight Navy Tie with Gold Tie Bar Clip. If no tie is worn, the upper collar button should be unbuttoned displaying a visible midnight blue or black turtleneck (or mock vest) embroidered with the letters "MTPD" above the left collar bone. Long Sleeve shirts must have service stripes on the left sleeve. Midnight Navy Short Sleeve Shirt (TDU optional) with a visible black undershirt. Gold Nameplate with "Serving Since" nameplate attachment flushed and centered above the right-side breast pocket. Optional awards and decorations bar rack (gold) flushed and centered above the nameplate. Velcro nametag and embroidered -or- flex-badge are permitted as long as both items are embroidered, and the officer has completed their initial probationary year. Awards and decorations are not permitted with embroidered nameplate/badge. Embroidered items shall be affixed to the uniform with Velcro material whenever possible. Service stripes and MTPD patches are required on the long sleeves (Velcro patches are not authorized), and applicable Sergeant rank patch shall be sewed-on directly under the bottom edge of the MTPD patch in contact with the top of the top chevron. No other markings such as "POLICE" can be worn on the sleeves. Long sleeve inner shirts are not permitted to be worn under short sleeve duty shirts.

(c) Midnight Navy 5.11 Class B Stryke PDU Pant Cl (Item: 74427 ABR) (No reflective materials authorized)

(d) Black Police Duty Boots (At least 3") and designed to protect toes. Boots must be designed for Police Duty and polishable surfaces are optional and made of any material that is designed for police duty.



Examples of Police Duty Boots

(e) Black Duty Belt (Leather/Basket Weave Pattern) with inner Velcro belt and quick release metal clasp. Gold buckle is authorized but not recommended for patrol duty. All the required patrol items must be worn on this belt, except for Microphone and BWC. If user has Velcro technology along the belt and metal clasps, keepers are not required and are now optional. If worn, keepers must be completely black and of the same material as the belt, and they should be secured in front and behind the two holsters (Pistol and EWC), including the inner belt in the keeper loop. Black Duty Belt (Vinyl/MOLLE) and "drop" or "thigh" holsters are not authorized with the Class B1 uniform.





Quick Release Metallic Clasp (Same or Similar)



Example of "blackout" belt keepers (if worn)

(f) DOJ-approved Body Armor (Concealed) or Load Bearing Vest (Safariland EXT Shirt Vest) whenever issued by MTPD (Date TBD) and every five years after the expiration of the body armor plates.







Midnight Navy Stevrin Shirt Vest without MOLLE or with partial MOLLE along midsection, same or similar "shirt vests", including the black "LRT Vest" will be faced out and no longer authorized for wear after 2026.

(g) Black protective duty gloves, preferably without brand logos. If logos are present, they must be discreet and inconspicuous.

(h) BWC, department issued cellphone, credentials and business cards.

(i) Cold Weather Variations: Midnight Navy Fur Lined "Trooper" Hats, Watch Caps or Beanie-style caps with embroidered "MTPD" above the left eye. Under Extreme Cold Weather(>-10), an all-black ski-mask and/or neck gator/balaclava is permitted, along with police duty snow pants, all black or navy blue winter gloves. No other colors or designs are permitted. Cold weather navy blue jackets, including leather jackets that are designated as "police duty" are authorized for wear "over" the Duty Shirt or Shirt Vest. Jackets must contain the same BWC, name, and badge specifications as the Duty Shirt and contain service stars instead of stripes. Whenever the MTPD watch cap is worn, the "MTPD" embroidering shall always align with the left eye and the embroidering of the turtleneck (if worn).









EXAMPLES OF ACCEPTABLE COLD WEATHER & EXTREME COLD WEATHER ACCESSORIES











(j) The Class B1 Uniform is the preferred uniform for duties involving the wearing of a high visibility vest. During cold weather, the high visibility vest can be replaced by the “TRANSIT POLICE” reversible jacket. Due to its design, this jacket can only be worn with Class A1 and Class B1 uniforms.







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3.5 CLASS B2 DUTY UNIFORM (Patrol Duty / Outer Carrier Vest with equipment on vest)



(a) The only headgear authorized for the Class B2 soft cap or to not wear any headgear at all. Soft cap can be worn year-round, but it must be worn front-facing and not combined with any other headgear. Service hat will not be worn with Class B2.

(b) Midnight Navy TDU Long Sleeve Duty Shirt or high-performance police duty shirts or pullovers and fleeces are authorized for wear under the outer carrier or load-bearing body armor (except for Velcro patch shirts). TDU Long sleeve shirts with an open/exposed collar, do not need to have an MTPD turtleneck and may be worn with the black under shirt alone. Short Sleeve Shirt (TDU optional) or high-performance duty shirts that are designated as "police duty" are authorized for wear under the outer carrier or load bearing body armor (except for Velcro patch shirts), with a black undershirt visible. Embroidered nametapes shall be affixed to the uniform with Velcro material. Service stripes and MTPD patches are required (See Appendix 3). No other markings such as "POLICE" can be worn on the sleeves. Long sleeve inner shirts are not permitted to be worn under short sleeve duty shirts. Ties and metallic insignia are not authorized with the Class B2 Uniform.

5.11 or Flying Cross Short Sleeve PDU Shirt and Long Sleeve PDU Shirt (Same or Similar)







(c) Safariland Oregon City Outer Carrier Body Armor (Midnight Navy or Navy Blue). No metallic insignia is authorized in the Class B2 Uniform, all insignia must embroidered or sewn-on. The left-side name space of the vest, directly under the badge, shall be blank. No other color insignia or design is authorized for wear (i.e. "Morale Patches", "Blue-Line Flags" and other markings). The Class B2 vest is designed to carry all equipment, except for pistol, however it is authorized for officers to carry any piece of equipment on their belt in addition to the use of "drop" or "thigh" holsters as long as that same configuration is used during range qualification. Magazines (2-3), Radio, Handcuffs, Flashlight, OC Spray, 2 X Narcan doses. Optional items include: Two black vinyl utility pouches (to carry transit duty related items such as evidence bags, gloves, forms), one Individual First Aid Kit (IFAK) pouch with Tourniquets, one set of shears (fixed or foldable), one multi-tool (fixed or foldable), one duty knife (fixed or foldable), one door stopper/door jam and one ASP Baton (if no ECD is carried). Up to eight holders (black color, rigid thermoplastic/Kydex, same or similar to Zero 9) are authorized for carry and subject to placement at the officer's discretion, except for the BWC, which must be unobstructed, high/centered and closest possible to the officer's collar. Any holders purchased prior to this manual version (2026) are grandfathered in and can be worn until the 5-year body armor expiration date, or the year 2031, whichever comes first. Outer Vest back-side panel is optional, however, if worn, only the words "METRO TRANSIT POLICE" can be displayed in gold-colored standardized font.

(d) Midnight Navy 5.11 Class B Stryke PDU Pant Cl (Item: 74427 ABR) (No reflective materials authorized)

(e) Black Police Duty Boots (At least 3") and designed to protect toes. Boots must be designed for Police Duty, and polishable surfaces are optional and made of any material that is designed for police duty.



Examples of Police Duty Boots

(f) DOJ-approved Body Armor inside Load Bearing Vest (Safariland EXT) whenever issued on hire date and every five years after the expiration of the body armor plates.





Midnight Navy Stevrin Shirt Vest without MOLLE or with partial MOLLE along midsection, same or similar "shirt vests", including the black "LRT Vest" will be faced out and no longer authorized for wear after 2026.



(g) Black Duty Belt (Nylon) with inner velcro belt and quick release metal clasp. This belt platform is designed to carry only pistol and ECD, but any items selected by the users may be worn on the belt. Because of the Velcro technology and metal clasp, keepers are not required and are optional. If worn, keepers must be completely black and of the same material as the belt, and they should be secured in front and behind the holsters, including the inner belt in the keeper. Black Duty Belt (Leather/Basket Weave Pattern) is not authorized with the Class B2 uniform.



Quick Release Metallic Clasp (Same or Similar)



Example of "blackout" belt keepers (if worn)



(h) Black protective duty gloves, preferably without brand logos. If logos are present, they must be discreet and inconspicuous. Gloves are not to be carried by hanging on the uniform.

(i) BWC, department issued cellphone and business cards.

(j) Cold Weather Variations: Cold weather navy blue fleece jackets, "Pullovers" or high-performance duty shirts that are designated as "police duty" are authorized for wear "under" the Outer Carrier or Load Bearing Body Armor and tucked in at the waist. Long Sleeves must contain MTPD patches and service stripes. Although permitted, standard winter jackets are not recommended for wear on top of the Outer Carrier or Load Bearing Body Armor due to possible interference with equipment and an unprofessional look, since these types of jackets are not designed to zip up and down with an outer vest worn underneath. Exception to this would be the rare use of a lightweight high visibility safety vest, when required. Extreme Cold Weather (>-10), an all-black ski-mask and/or neck gator/balaclava is permitted, along with police duty snow pants, all black or navy blue winter gloves. No other colors or designs are permitted.

EXAMPLES OF ACCEPTABLE COLD WEATHER & EXTREME COLD WEATHER ACCESSORIES













EXAMPLES OF UNACCEPTABLE ITEMS ON CLASS A & B











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3.6 CLASS B3 DUTY UNIFORM (Uniformed Civilians: Community Service Officers, Explorers, Reserves)
The Class B3 Duty includes:




(a) Optional Midnight Navy Service Hat with badge, saucer type with black visor and alternative summer mesh. Black Band with silver badge for CSOs. CSOs may choose not to wear any headgear in this uniform or the designated soft cap or not to wear any headgear at all. Soft cap can be worn year-round, but it must be worn front-facing and not combined with any other headgear.



(b) Gray Long Sleeve Duty Shirt (TDU optional) with optional Midnight Navy Tie with Silver Tie Bar Clip. If no tie is worn, the upper button should be unbuttoned displaying a visible black turtleneck (or mock vest) embroidered with the letters "MTPD" above the left collar bone -OR- Gray Short Sleeve Shirt with a visible black undershirt. Silver Nameplate flushed and centered above the right-side breast pocket. Embroidered name and Embroidered badge are not permitted. The division commander authorizes the wear of Mourning Bands for a specific period.



Examples of Class B Duty Boots

(c) Midnight Navy Duty Pants (TDU optional).

(d) Class A Duty Boots (At least 6") and designed to protect toes. Boots must have high gloss polishable surfaces. Class B1 or B2 boots are not authorized for CSOs.

(e) Black Duty Belt (Basket Weave Pattern) with quick release metal clasp and with all the required patrol items: Radio, Handcuffs, Flashlight, OC Spray and both ASP Baton and CEW.




(f) DOJ-approved Body Armor (Concealed).

(g) Black protective duty gloves, preferably without brand logos. If logos are present, they must be discreet and inconspicuous. Gloves are not to be carried by hanging on the uniform.

(h) BWC, department issued cellphone and business cards.

(i) Cold Weather Variations: Midnight Navy Fur Lined "Trooper" Hats, Watch Caps or Beanie-style caps with embroidered "MTPD" above the left eye. Under Extreme Cold Weather(>-10), an all-black ski-mask and/or neck gator/balaclava is permitted, along with police duty snow pants, all black or navy-blue winter gloves. No other colors or designs are permitted. Whenever the MTPD watch cap is worn, the "MTPD" embroidering shall always align with the left eye and the embroidering of the turtleneck (if worn).








3.7 CLASS C ATTIRE (Administrative Duty/Transitional Duty/Physical Fitness)

(a) Sworn staff working in an administrative capacity, such as Recruitment, Liaison Business Technology Unit / Real Time Information Center (RTIC) shall wear business casual or professional attire. This clothing will be free of offensive, political, vulgar, or otherwise inappropriate items. No image or message that encourages alcohol or drug abuse is allowed. Shorts and open-toed footwear are not allowed.

(b) Police personnel on light-duty or transitioning on to regular duty will wear plain civilian clothes in accordance with the Personal Appearance and Standards Policy.

(c) Sworn employees will store their firearm in a secure location while working in this capacity. Clothing exceptions and accommodations will be made whenever a medical need exists.

(d) Physical Fitness Uniform allows for the wear of shorts and athletic footwear and other clothing items to facilitate physical fitness in MTPD Grounds

(e) Specialized Units such as Recruitment, Liaison, Business Technology Unit / Real Time Information Center (RTIC), Training.

i. Midnight Navy or Black Polo shirt with embroidered name and embroidered badge. Metal insignia is not authorized on Class C uniforms.
ii. Midnight Navy or Navy-Blue TDU Pants.
iii. Black Police Duty Boots or comfortable duty shoes (No open toes).
iv. Duty assignments located inside a law enforcement-controlled facility do not require constant wear of body armor and BWC only when there is an expectation of contact with the public or Law Enforcement action is expected.

3.8 CLASS D PLAIN CLOTHES (Assigned LE Duties / Field Training Officers in Shadow Phase)

(a) Class B1 uniform modified with civilian clothing that replace midnight blue TDUs. Clothing must be durable and protective, no shorts or open toe shoes allowed. Standard equipment includes pistol, ECD/baton, handcuffs and extra magazines. A metallic badge and BWC must be worn and visible as needed and credentials available upon request.

(b) This modified uniform can be worn in external training courses at the discretion of the training instructor.

3.9 CLASS E TRANSIT RESPONSE UNIT DUTY UNIFORM

(a) Class B2 Duty Uniform with unit specific shirt and hoodie.

3.10 CLASS F EMERGENCY RESPONSE UNIT DUTY UNIFORM

(a) Class B2 Duty Uniform with Velcro shoulder patch and zippered pocket specialty shirt.



3.11 CLASS G HONOR GUARD DUTY UNIFORM (Ceremonial, Funerals & Special Events)







(a) Ceremonial Honor Guard Uniform (Class G1) with HG Hat and badge, Oxford shoes, sunglasses and white gloves. White gloves to be carried wrapped on the duty belt to the right of the belt buckle. Nameplate centered and flushed against right breast pocket and only authorized pin is the Honor Guard pin centered on the right pocket flap Only winter coat authorized is the Extreme Cold Weather Overcoat (with earmuffs). Class G1 uniform does not have awards rack nor a "Serving Since" plate. Annual Police Week decorations at Washington DC are authorized to be worn centered above the nameplate.

Whenever wearing the G1 uniform, the following are the required grooming standards: Neatly groomed hair, that maintains a tapered appearance and does not exceed 2in in bulk and 1in on the sides and back. Haircuts with braids, twists, dreadlocks, or shaved designs are prohibited, as well as non-natural color dyes. Sideburns must be neatly trimmed to a clean horizontal line and cannot extend below the ear opening. Mustaches must be neatly trimmed, tapered, and tidy and must not extend above the lowest portion of the nose or below the upper lip line. Must not extend beyond a vertical line drawn upward from the corners of the mouth. Handlebar, goatees, and beards are not authorized. Sideburns must be neatly trimmed and may not extend below the lowest part of the exterior ear opening and must not flare or come to a point. All other facial hair, including beards, goatees, and handlebar mustaches, is prohibited unless authorized by the commander of the Honor Guard.



(b) Alternate ceremonial uniform is the Class A Dress Uniform modified for HG Duty (Class G2). The Class G2 Uniform will have the Class A gold nameplate flushed and centered above the right breast pocket, Honor Guard Pin centered above the right pocket button and "French Fourragère" - gold/blue cord on left shoulder. Highly polished black basket weave duty belt with gold buckle with Pistol, handcuffs and magazine pouch only. Oxford shoes, issued sunglasses (aviator style) with gold trim and issued white gloves. Class G2 uniform does not have awards rack nor a "Serving Since" plate. Annual Police Week decorations at Washington DC are authorized to be worn centered above the nameplate.



(c) Class G3 utility/training uniform with specialized HG training polo shirt includes embroidered nameplate, HG patch on the left shoulder and US Flag on the right shoulder. Pants can be combined with the Class B uniform or specialized black TDUs used during Law Enforcement Memorial Association (LEMA) Camp. Boots will be highly shined Class A boots or Oxford shoes.

3.11 CLASS H HOMELESS ACTION TEAM DUTY UNIFORM (Admin / Community Outreach)

(a) Homeless Action Team (HAT) staff performing outreach and administrative duties are authorized to wear a modified Class C uniform which includes a Midnight Navy Polo shirt with embroidered name and embroidered badge and tan/brown TDU pants (Class H1). This modified uniform is designed for administrative duties, community outreach, HAT business meetings and other activities, where no law enforcement action is expected to be taken or inside of a law enforcement-controlled building. This uniform also removes the requirement to wear body armor. Class H1 uniform will not have additional police markings than those allowed on the Class B uniforms.

(b) Patrol Uniform (B1 or B2), whenever any specialty unit members are expected to answer calls, take on law enforcement action or work an OT shift with other patrol officers, they are required to wear a full Class B1 or Class B2 uniform without modifications or combinations of other uniforms.

3.13 CLASS I INVESTIGATIONS/DETECTIVE DUTY UNIFORM

(a) Investigations Division/Detective Squad



i. Class C, D or I Duty Uniforms for duties performed, Business Casual or as directed by unit commander.

ii. Command Staff and employees assigned to drive an unmarked squad are authorized to wear Class I clothing items as directed by the Chief of Police.

iii. Detectives performing undercover duties are to wear only the necessary items required by the unit commander.

3.14 CLASS J BICYCLE RAPID RESPONSE TEAM DUTY UNIFORM







i. Police Bike Safety Helmet

ii. Class B1 configuration with Royal Blue polo with “POLICE” lettering in the back, concealed body armor and midnight Navy PFAS Bike Patrol Pant (convertible to shorts)

iii. Eye Protection with both dark/clear lenses suitable for day/night riding conditions

iv. Black Duty Belt (Nylon) with inner velcroed belt and quick release metal clasp.

v. Black Bike Patrol Gloves

vi. Black Lightweight Bike Patrol Shoes







3.15 CLASS K CANINE HANDLER DUTY UNIFORM

(a) Canine Handlers (K9)

i. Class B2 Duty Uniform with specialized MTPD K9 Patch and handler accessories.



3.16 CLASS T TRAINING ACADEMY DUTY UNIFORM

a. Professional Standards Division

i. Backgrounds Unit: Class C Duty Uniform includes a Midnight Navy polo shirt with embroidered name and PDU Pants

ii. Training Unit Instructors: Class C Duty Uniform includes a Midnight Navy polo shirt with embroidered name and PDU Pants. Firearms instructors may use their own outer carrier or a customized outer carrier colored red. A back panel must be worn with the words “FIREARM INSTRUCTOR” in MTPD gold font.

iii. Full-Time Academy Recruits: Class B1 Uniform without patches or embroidered items. Class B Stryke shirt with Velcro nameplates only.

iv. Full-Time Academy Graduates: Class A2 Uniform



Metropolitan Transit Police Department

560 6th Avenue North, Minneapolis, Minnesota 55411

Uniform Item Recommendation Form

Date: _____

Officer: _____

Badge ID #: _____

I am requesting to ☐ RESCIND the following Uniform item:_____

I am requesting to ☐ ADD the following Uniform item:_____

Reasons for the requested change (be specific and use detail describing colors, sizes, manufacturer brands, nomenclatures, model numbers and pricing): _____

_____

_____

_____

_____

_____

_____

_____

_____

Group Requests: The following is a list of employees/users that concur with this recommended change:

_____

_____

_____

_____

_____

Complete this form and turn-in into the MTPD Uniform Committee who reviews uniform changes annually in March.

APPENDIX 2: MTPD AWARDS & DECORATIONS (Order of Precedence and Specifications)

AWARDS & DECORATIONS - (Attachment below shows the awards and decorations currently authorized by the chief of police effective April 2026 (CSOs do not wear any awards, decorations or "Service Since" Bars):

1. AWARD BARS also known as "ribbons" are 1.125" long by .125" wide and are to be arranged on gold metallic racks or similar holder. The metallic racks shall not be visible and shall not exceed three bars capacity horizontally or vertically. If the employee has earned more than nine, only the highest nine awards shall be worn. Bars shall be worn centered .5" above the nametag on right breast pocket. Only two decorations are allowed to be worn as bars and must be worn below all other award bars and in accordance with the order of precedence in the attachment below. The highest award will always be the US Flag (Constitutional Oath of Office) and lead the awards below in a precedence order leading away from the heart (center of the chest).

2. DECORATION PINS, including task/assignment insignias, are to be centered on top of the right breast pocket flap of the uniform shirt. Only two decoration pins are allowed to be worn at one time, and the matching bar cannot be worn at the same time. Generally speaking, members should only wear task/assignment bars and pins for their current assignment (s), except for the "SWAT" insignia, which can be worn by SWAT operators past and present. Members should only wear their two "highest" possible decorations, but the employee maintains discretion on choosing their preferred decoration, as long as it doesn't not violate the above provisions.

ORDER OF PRECEDENCE (highest award on top and to the left and lowest award on the bottom and to the right, while always keeping the Oath of Office closest to the heart)**.**

AWARDS:

1. United States Flag (Oath of Office) Bar: 
   Newly sworn-in members of the department are awarded the United States Flag bar upon receiving an Oath of Office from the Chief of Police.

2. Medal of Honor Bar:  Medal:
   The Medal of Honor may be awarded to a sworn member for an act of outstanding bravery or heroism. This act is characterized by demonstrating unselfishness or courage while facing the immediate high risk of death or serious physical injury. The award may be given posthumously to a member who has died while involved in an action of demonstrated heroism. Recipient shall receive a medal with a light blue ribbon, recognition plaque, and a light blue uniform bar.

3. Medal of Valor Bar:  Medal:
   The Medal of Valor may be awarded to a sworn member for an act of bravery or heroism. This act is characterized by an obvious self- sacrifice in the face of death or serious physical danger. Recipient shall receive a medal with a red ribbon, recognition plaque, and a red uniform bar.

4. Medal of Commendation Bar:  Medal:
   The Medal of Commendation may be awarded to a sworn member for an outstanding act that brings credit to the department and is highly recognized by department members. This act is characterized by obvious self-sacrifice while facing personal danger. Recipient shall receive a medal with a green ribbon and a green-yellow-green uniform bar and a certificate.

5. Medal of Merit Bar:  Medal:
   The Medal of Merit may be awarded to a sworn member of any department for an outstanding act or achievement that brings credit to the department and demonstrates exceptional professional skill or conduct. It involves performance above-and-beyond that which is required by the recipient's work assignment. Recipient shall receive a white-blue-white uniform bar and a certificate.

6. Chief's Award of Merit Bar: 
   The Chief's Award of Merit may be awarded to any person for performance demonstrating exceptional service to the department. The Chief of Police shall determine the recipient of this award. A sworn member of the department shall receive a plaque and a yellow-white-blue-white-yellow uniform bar, and non-sworn recipients shall receive a recognition plaque.

7. Supervisor of the Year Bar: 

This award is presented to a full-time sworn supervisor (sergeant or above) of the department for outstanding individual performance and dedicated commitment to law enforcement. Candidates may be nominated by any department member but will be awarded at the sole discretion of the Chief of Police. The award need not be presented every year, but rather as circumstances merit. The recipient shall receive a recognition plaque, a uniform bar, and a certificate. The recipient's name will be added to the Supervisor of the Year plaque on the department's wall.

8. Officer of the Year Bar: 

This award is presented to a full-time sworn member of the Department for outstanding individual performance and dedicated commitment to law enforcement. The recipient shall receive a recognition plaque, a uniform bar, and a certificate. The recipient's name will be added to the Officer of the Year plaque on the department's wall.

9. Rookie of the Year Bar: 

This award is presented to a full-time sworn probationary member of the department for outstanding individual performance and dedicated commitment to law enforcement within their first year with the department. The recipient shall receive a recognition plaque and a uniform bar. The recipient's name will be added to the Rookie of the Year plaque on the department's wall.

10. Part-Time Officer of the Year – Tim Bowe Award Bar: 
This award is presented to a part-time sworn member of the department for outstanding individual performance and dedicated commitment to law enforcement in remembrance of Minnesota State Patrol Corporal Timothy Bowe. Corporal Bowe was a part-time officer with the department and was killed in the line-of-duty as a Minnesota State Patrol Trooper. The recipient shall receive a recognition plaque, a uniform bar, and a certificate. The recipient's name will be added to the Corporal Timothy Bowe Award plaque on the department's wall.

11. Lieutenant Beverly Rodriguez Service Award Bar: 

This award may be presented to any individual member, unit or division of the department for developing, engaging in and/or leading successful community outreach programs of 1 year or more, where the recipient has demonstrated an outstanding dedication to compassion, de-escalation and respect for all members of the community we serve. The Chief of Police shall determine the recipient of this award and nominations are not required. A sworn member of the department shall receive a uniform bar and recognition plaque. A non-sworn member shall receive a recognition plaque. A unit or division shall receive a recognition plaque.

12. Life Saving Award



1st Award Bar 2nd Award Bar 3rd Award Bar 4th Award Bar 5th Award Bar

The Life Saving Award may be awarded to any member of the department for an act that significantly contributes to saving a person's life. This act must be performed in addition to basic first aid, such as NARCAN application. The Life Saving Award recipient (sworn member) shall receive a white-purple uniform bar displaying the words "LIFE SAVING" and a certificate. Subsequent awards will be reflected on a white, purple, white bar reflecting the number of awards received by the recipient. The Life Saving Award recipient (non-sworn member) shall receive a recognition plaque.

13. Golden Stork Awards Bar:  Bar: 
The Golden Stork Award may be awarded to any member of the department who significantly assists with the delivery of a baby during the performance of their duties. The Golden Stork Award recipient (sworn) shall receive a uniform bar, certificate and a recognition plaque. A non-sworn recipient will receive a recognition plaque.

14. Unit Citation Award Bar: 
The Unit Citation Award may be awarded to any unit or division for exemplary service or specific action. The Chief of Police shall determine the recipient of this award based on recommendations submitted. The unit or division shall receive a recognition plaque. A sworn member of the department will receive a white-green-white uniform bar.

15. 2020 Pandemic Service Bar: 

The 2020 Pandemic Service decoration may be worn by all sworn members of MTPD that performed full-time service during the period of January to December 2020.

16. Civilian of the Year Award Plaque:
This award is presented to a non-sworn member of the department for outstanding individual performance and dedicated commitment to law enforcement. The recipient shall receive a recognition plaque. The recipient's name will be added to the Civilian of the Year plaque on the department's wall.

17. Civilian Award of Commendation Plaque:
The Civilian Award of Commendation may be awarded to any non-sworn member of the Department, employees of Metro Transit or citizens, for an outstanding act that is highly recognized by the Department. The act is characterized by obvious self-sacrifice while facing personal danger. The Civilian Award of Commendation recipient shall receive a recognition plaque.

18. Civilian Award of Merit Plaque:
The Civilian Award of Merit may be awarded to any non-sworn member of the Department, employee of Metro Transit or citizen for an outstanding act or achievement that is highly recognized by the Department. The Civilian Award of Merit recipient shall receive a recognition plaque.

19. Certificate of Appreciation Certificate:
The Certificate of Appreciation may be presented to any person in recognition of outstanding service or assistance to law enforcement. The Certificate of Appreciation recipient shall receive a certificate.

DECORATIONS Only two decoration ribbons can be worn (at the bottom of the rack) and only two pins can be worn (centered in the right breast pocket flap) simultaneously.

1. US Military Service
This decoration may be worn by a full-time sworn member of the department who has previously served or currently serving in the United States Armed Services.

Ribbon: 

Ribbon: 

Ribbon: 

Ribbon: 

Ribbon: 

Ribbon: 

2. US Military Purple Heart Ribbon:  Pin: 

3. Minnesota Chiefs of Police Association Pin: 

4. FBI National Academy

Ribbon: 

Pin: 

5. FBI LEEDA Trilogy

Ribbon: 

Pin: 

6. Special Weapons And Tactics (Operator, Past and Present)

This decoration may be worn by a full-time sworn member of the department who has previously been or is currently assigned to the Ramsey County Swat Team, representing MTPD.

Ribbon: 

Pin: 

7. Special Weapons And Tactics (Breacher)

Ribbon:

Pin:

8. Special Weapons And Tactics (Negotiator)

Ribbon: 

Pin:

9. Emergency Response Team (ERT)

Ribbon:

Pin:

10. Accident Reconstructionist

Ribbon: 

Pin:

11. Honor Guard

Ribbon: 

Pin: 

12. Canine Handler

Ribbon: 

Pin: 

13. Bicycle Rapid Response Team (BRRT)

Ribbon: 

Pin: 

14. Field Training Officer

Ribbon: 

15. Crisis Intervention Team (CIT/ICAT)

Ribbon: 

Pin: 

16. Training Unit Officer / Instructor (Full-Time)

Ribbon: 

17. Officer Jason Newkirk Memorial (May)

Pin: 

18. Lieutenant Beverly Rodriguez Memorial Pin (June)

Pin: 

19. USMC Toys for Tots Charity (November – December)

Pin: 

20. National Latino Peace Officers Association

Pin: 

21. Minnesota Asian Peace Officers Association

Pin: 

22. Emerald Society (MN)

Pin: 

23. National Black Police Association (MN)

Pin: 

24. Minnesota Association of Women Police

Pin: 

25. Somali American Police Association

Pin: 

26. Metro Transit Service

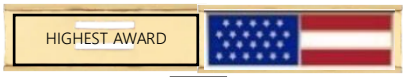
20 Year Pin:  15 Year Pin:  10 Year Pin:  5 Year Pin: 

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AWARD SLIDE BARS
(HI-GLO GOLD H-0.375” X W-1.375”)



1



2



3



4



5



6



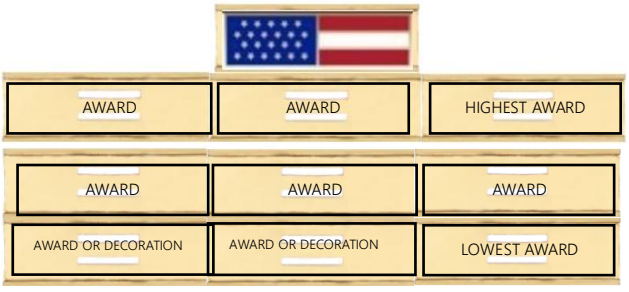
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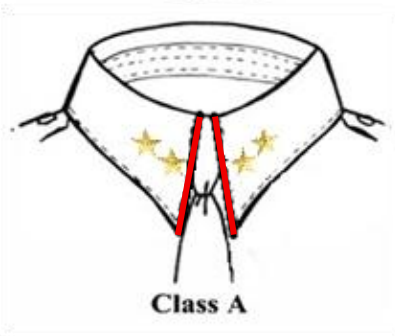
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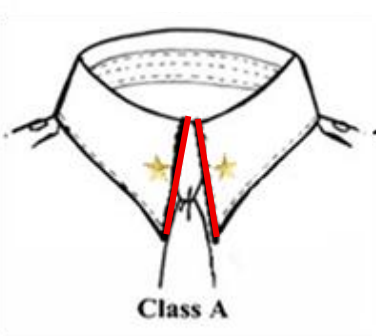
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APPENDIX 3: INSIGNIA, PATCHES, SHIELDS & NAMEPLATES

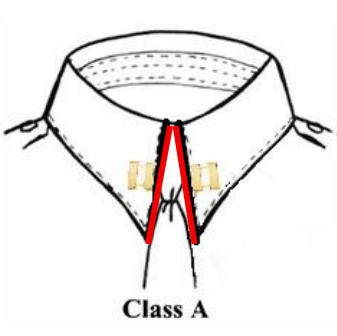
Class A1: Centered and flushed gold metallic pins, against the red vertical line. Applies to Midnight Blue and White Shirts
Class B1: Centered and flushed embroidered rank, against the red vertical line. Applies to Midnight Blue Shirts, jackets and overcoats where the manufacturer specifications recommend rank placement (Shoulder lapel, chest or collar or no rank at all)



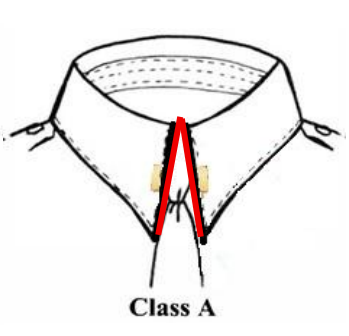
Chief of Police



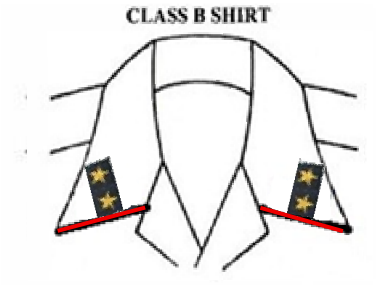
Deputy Chief of Police

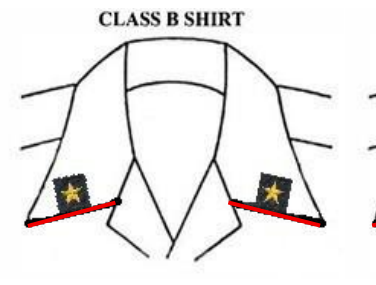


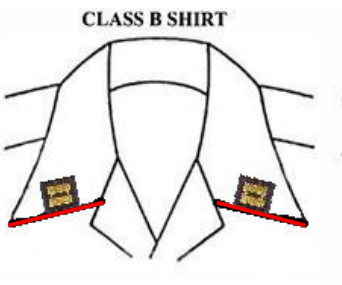
Captains

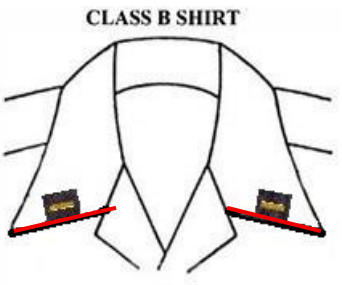


Lieutenants

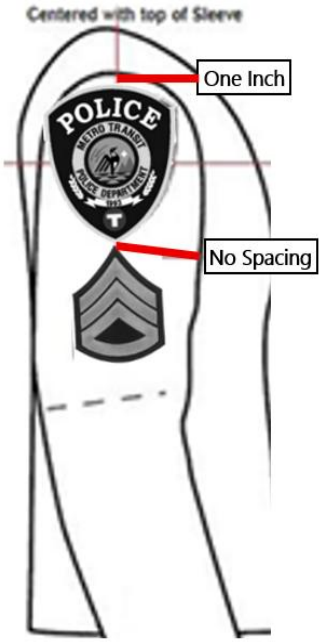








Sergeant embroidered rank insignia is to be worn on Class A / Class B, centered and directly under the MTPD patch without spacing. MTPD Patch is to be worn centered below the seam connecting the sleeve to the collarbone using a 1" spacing.



Sergeant 15+ Years (E54283)



Sergeant 10-15 Years (E54282)



Sergeant 5-10 Years (E13873)



Sergeant 0-5 Years (E13085)



a. MTPD PATCH(ES) – Standard Duty Uniform Patch (2026), K9 Patch, Breast Cancer Awareness, Autism Awareness, Honor Guard and Community Service Officer (CSO).



Officially Authorized Patch (2026) (E50171)



Breast Cancer Awareness (OCTOBER ONLY)



Autism Awareness (APRIL ONLY)



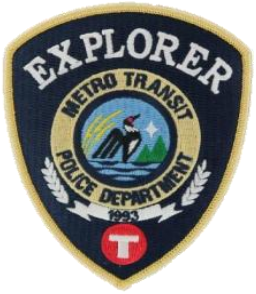
Honor Guard (E13496)



Canine (K9) Unit (E33550)



Community Service Officer (E50503)



Explorer (E50935)

The following patches are obsolete and not authorized for wear after the effective dates below:



2013-2027



2023-2026 (E42323)



2022-2025



2003-2012



2003-2012



1993-2002

b. MTPD SHIELD – The MTPD badge must be worn and visible on the upper-left side of the chest when wearing any MTPD uniform and worn visible as close in proximity to the firearm when not in uniform. A wallet badge is authorized for a concealed firearm if it is readily available for display. Only department-issued or authorized replica badges can be used. Authorized replicas such as embroidered badges must have an assigned badge number printed below the word "POLICE", if not, an alternative badge with its number must be available upon request.



A mourning band is authorized to wear across the badge, whenever:

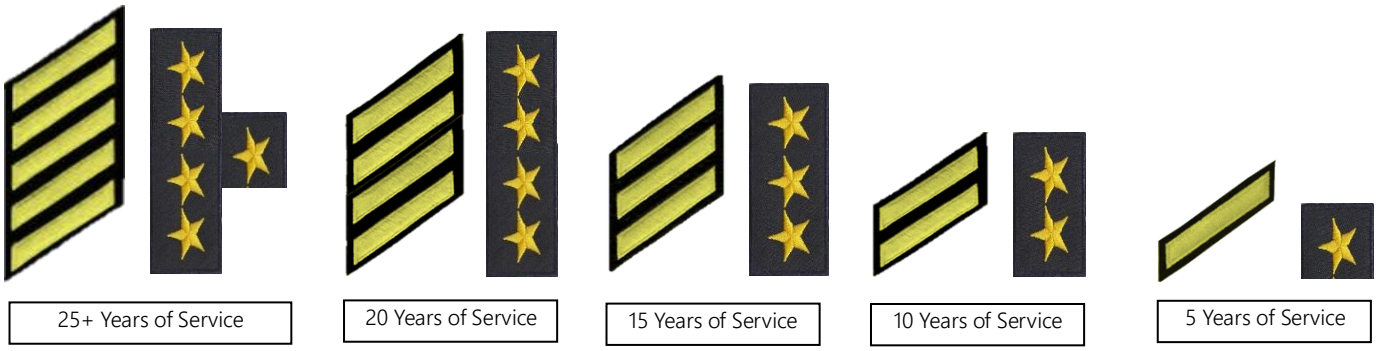
1. An officer of this department – From the time of death until midnight on the 14th day after the death, or until midnight on the day of the funeral (whichever is later).
2. An officer from Minnesota – From the time of death until midnight on the day of the funeral.
3. Funeral Attendees – While attending the funeral of the fallen officer.
4. National Peace Officers Memorial Day – From midnight to the following midnight
5. As directed by the Chief of Police.

MTPD Hat Badge is to be worn on the Service Hat (Class A & Class B1) and on cold weather "trooper" style hat (Class B1 Only) and never worn on the Class B2. Waterbury "P" Buttons must be gold for officers and above and silver for CSOs.





c. MTPD SERVICE STRIPES/STARS – Service stripes shall be worn on the left sleeve of uniform shirts and stars should be worn on the left sleeve of uniform winter fleeces and jackets, starting four inches from the wrist cuff. One stripe or star should be worn for every five years of law enforcement service. Additional stripes will ascend up the sleeve, while stars will form a row around the cuff. CSO's do not wear service stripes/stars.



d. NAME PLATES/TAGS – Gold (Sworn) Metal nameplates shall be worn centered and immediately above the right pocket flap of the uniform. A "Serving Since" attachment is authorized for Sworn personnel, and it should be displayed below the nameplate. Embroidered nameplates are "MTPD Gold" and 5/8" Block Font, displaying the first initial of the first name and the last name of the member. Embroidered nameplates are authorized after the 1-year probationary year has been completed. Velcro-type embroidered name plates are encouraged to be used on all jackets, fleeces and vests, and they are to be worn above the right breast pocket. The left breast pocket of the outer vest should not have any objects near or around the MTPD Badge which should be clearly visible at all times.





MTPD Organizational Color Design:

a. The color “Black” is the required color for all long-sleeve and short-sleeve undershirts, socks, duty gloves, and boots/footwear. Optional sunglasses and extreme weather accessories like balaclavas, scarves, ski masks will also be plain black.
b. The color “Midnight Blue” also known as “LAPD Navy” is the darkest of all blues in the police uniform industry. This is the required color of the Class A and B shirts, pants, tie and service hat.
c. The color “Navy Blue” is used for alternative headgear, jackets, and fleeces.
d. The color “MTPD Gold” is used for name lettering, rank insignia and service stripes/stars.
e. The color “Gold Plated” is used on metallic name plates, awards, rank insignia, badges, tie clips and belt buckles for sworn personnel.
f. The color “Silver Plated” is used on metallic name plates, awards, rank insignia, badges, tie clips and belt buckles for Community Service Officers (CSOs).

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APPENDIX 4: MTPD FUNDED INITIAL CLOTHING ISSUE (Per Labor Union Contract)

The following are general guidelines for authorization to obtain a new uniform initial issue, in accordance with current labor contract language and its subject to change (Items not listed are optional and subject to personal expense:

a. **Newly hired full-time police officers** are authorized to receive a list of items known as "Initial Issue" listed below and after a year, they will be authorized to receive an annual clothing allowance to be used to acquire uniform items not covered in the initial issue. Any overages or additional costs above that amount will be paid by the employee. This initial issue includes:
    a. Class A1 Dress Uniform
        i. (1) Keystone (or similar) Police Duty Cap (Midnight Navy) Round (No points) and Gold "P" buttons with MTPD Hat Badge and reversible rain cover (Neon Yellow/Black)
        ii. (1) 5.11 Class A Fast-Tac Twill Long Sleeve Shirt (Midnight Navy) (MTPD patch embroidered authorized for academy graduation ceremony)
        iii. (1) 5.11 Class A Fast-Tac Twill Pants (Midnight Navy)
        iv. (1) Bianchi (or similar) Duty Belt (Black/Basket Weave) with Velcro lining (and matching inner belt), Gold Buckle and four black basket weave keepers (Black or Concealed snaps) and all holsters and holders for standard equipment (Black/Basket Weave)
        v. (1) Set of Class A accessories: Gold plated nametag with "Serving Since" plate, Clip-on tie with plain gold bar tie holder.
        vi. (1) Set of Black Police Duty Boots with high-polishable flat and toe

    b. Class B1 Duty Uniform
        i. (3) 5.11 (First Tactical or Similar) Class B Stryke PDU Short Sleeve Shirt, w velcro nametape (Item: 71037 ABR) (No name or MTPD patch embroidered authorized until completion of academy)
        ii. (3) 5.11 (First Tactical or Similar) Class B Stryke PDU Long Sleeve Shirt, w velcro nametape. (No name or MTPD patch embroidered authorized until completion of academy)
        iii. (3) 5.11 (First Tactical or Similar) Class B Stryke PDU Pant Cl (Item: 74427 ABR)
        iv. (3) Black Turtleneck Long Sleeve Undershirt with "MTPD" embroidered
        v. (1) Class B1 Police Duty Jacket with Liner
        vi. (1) "Transit Police" Winter (Reversible) Coat with Velcro nameplates and badge

b. **Newly hired part-time police officers** are authorized to wear their home agency's equipment and weapons and are exempt from probationary requirements to wear Class B2 uniform. Additionally, PT officers are authorized to be reimbursed for "Initial Issue" items described in the MTPD Uniform Specifications Manual. Part time officers become eligible for reimbursement after 100 duty hours worked and completing the reimbursement process with attached receipts.
    a. (1) Class B1 Duty Uniform (1 X Pants, 1 X LS Shirt & 1 X SS Shirt)
    b. (1) Class B1 Police Duty Jacket with Liner
    c. (1) "Transit Police" Winter Coat (reversible)

c. **Newly hired Community Service Officers (CSOs)** are authorized to receive an initial issue of uniform clothing that matches a specific dollar amount agreed to be paid by the employer. Any overages or additional costs above that amount will be paid by the employee. This initial issue includes:
    a. (1) Class A3 Dress Uniform (Class A1 Pants) with Class A Belt (Silver buckle) with Class A insignia in silver.
    b. (3) Class B3 Dress Uniforms (3 X LS Shirts, 3 X SS Shirts and 3 X B1 Pants) with Class B3 Duty Belt with equipment and black duty boots.

c. (3) "Metro Transit" Winter Coat (reversible)

d. **Current Authorized Equipment List (As of 2026):**

Equipment	QTY	Brand	Style	Model #	Color	Rec
Duty Belt	1		Buckle		Gold	
Under Belt	1		Buckle		Gold	
Mag Holder	1		Open/Double/Face Out		Basket	
Irritant Holder	1		2 oz Closed		Basket	
Flashlight Holder	1				Basket	
Flashlight	1		Dual Botton		Black	
Radio Holder	1				Basket	
Baton Holder	1				Basket	
Baton	1	Asp	Medium: No Long or Short		Black	
MFF Baton Ring	1	Boston	Basketweave	5450-3-GLD		
Holster	1		Basketweave		Basket	
Gun Light	1	Streamlight	TLR-1 HL		Black	
Key Holder	1		Silent		Basket	
Handcuff Holder	1		Closed/Double Holder		Basket	
Handcuffs	2	Peerless	Chain Only		Nickel	
Handcuff Pen Key	1		Pen Handcuff Key		Black	
Keepers (4 Pack)	1		4 Pack – No Show		Basket	
Duty Bag	1					
Torniquet Holder	1				Black	
Torniquet	1					
Service Hat	1		Duty Round			
Winter Stocking Hat	1		Embroidery: **MTPD**			
Training Polo	1		No Embroidery or Patches		Dark Blue	
Long Sleeve Uniform	3		**No Name Embroidery**			
Turtleneck	2		Embroidery: **MTPD**			
Tie	1					
Tie Bar	1		Plain		Gold	

Short Sleeve Uniform	3		**No Name Embroidery**			
Name Tags	2				Gold	
Velcro Name Tag	1		Name Embroidery			
Mourning Band	1		Solid Color		Black	
Winter Jacket	1		Inner Zip-In & Outer Shell	**No Embroidery**		
Reversible Jacket	1					
Reflective Vest	1					
Class A Pants	1		4 Pocket			
Duty Pants	3		1st Tactical Like			
Boots	1		Polishable Toe/Solid Color		Black	
Ballistic Vest	1		2 Carriers Allotted 1 Required Inner Carrier 1 Optional Molle Carrier ***-Holders Not Included*** ***-Holders Meant for Off Probation***			

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