PREFACE
PROFESSIONAL CONDUCT OF POLICE OFFICERS 626.8457

I. POLICY

It is the policy of the Hopkins Police Department 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.

(a) 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.

(b) 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.
(a) 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.

(b) 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.

(a) 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.

(b) 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.

(a) 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.

(b) 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 domestic abuse.
(b) 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.

(a) 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.

(b) 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.

(a) 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.
(b) Rules
   (a) Peace officers shall not use their official position, identification cards or badges for:
       (a) personal or financial gain for themselves or another person
       (b) obtaining privileges not otherwise available to them except in the performance of duty
       (c) 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-through 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.

   (a) 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.
   (b) 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.

(a) 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.

(b) 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.
MISSION STATEMENT / VISION STATEMENT / CORE VALUES

Mission

Service to the community with Honesty, Integrity and Respect.

Vision Statement

To be recognized as a progressive law enforcement agency striving to enhance the quality of life for all citizens. We seek to promote safety, equity and inclusion, while continuing to expand community partnerships. We will recruit, hire and retain the most qualified personnel to fulfill this vision.

Core Values

- **Ethical** We employ personnel of the highest ethical character who are guided by the principles of honesty integrity and respect.
- **Dedicated** Being committed to oneself, partner, department and the public which we serve where going above and beyond the call of duty is the expectation, not exception.
- **Progressive** Looking ahead to find new ways, procedures, and tools to best serve the community.
- **Problem Solvers** We are committed to identifying and solving problems through building positive community partnerships.
- **Transparency** Through openness we will build trust and mutual understanding.
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Chapter 1 - Law Enforcement Role and Authority
Law Enforcement Authority

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

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

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

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

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

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE HOPKINS POLICE DEPARTMENT
Full- and part-time, on-duty officers may make an arrest outside the jurisdiction of the Hopkins 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 Hopkins Police Department, and the person to be arrested escapes from custody or flees out of the officer's jurisdiction.
(b) Whenever the officer is authorized by a court order.
(c) Under the same conditions as if the officer was in the jurisdiction of the department, whenever the officer is acting in the course and scope of employment.

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

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

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

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

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

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

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

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

100.4 POLICY
It is the policy of the Hopkins 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.

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

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

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

102.1 POLICY
It is the policy of the Hopkins Police Department that, when appropriate, department members 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 (Minn. Stat. § 358.05).

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

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

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

I, (employee name), solemnly swear that I will support the Constitution of the United States and the State of Minnesota and faithfully discharge the duties as a (applicable position or office) for the City of Hopkins, in the County of Hennepin and State of Minnesota, to the best of my judgment and ability. So help me God.
Policy Manual

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

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

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

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

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

103.2.2 STAFF
Staff shall consist of the following:

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

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings or via electronic communication.

103.3 AUTHORITY
The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.3.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the manual:

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

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

Adult - Any person 18 years of age or older.
Child - Any person under the age of 18 years.
City - The City of Hopkins.
Civilian - Employees and volunteers who are not licensed peace officers.
Department/HPD - The Hopkins Police Department.
DPS - The Minnesota Department of Public Safety.
DVS - The Minnesota Department of Driver and Vehicle Services.
Employee/personnel - Any person employed by the Department.
May - Indicates a permissive, discretionary or conditional action.
Member - Any person employed or appointed by the Hopkins Police Department including:

• Full- and part-time employees
• Licensed peace officers
• Reserve officers
• Civilian employees
• Volunteers

MSP - Minnesota State Patrol

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

OIC - Officer in Charge. In lieu of a sergeant, an officer may be designated as the officer in charge. They must have at least three years of law enforcement experience.

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

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

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

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

PSO - Public Service Officer

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL
An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.
Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL
The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

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

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

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

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

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

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

- Operations Division
- Investigations and Community Services Division
- Support Services Division

200.2.1 OPERATIONS DIVISION
The Operations Division is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the Operations Division. The Operations Division consists of uniformed patrol.

200.2.2 INVESTIGATIONS AND COMMUNITY SERVICES
The Investigations and Community Services Division is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the Investigations and Community Services Division. The Investigations and Community Services Division consists of:

- Investigation Unit
- Parking / Property Room
- Police Services Liaison
- JCPP Liaison

The Investigations and Community Services Division Captain makes the determination of property and evidence retention or disposal in compliance with this manual and city code 305.05.

200.2.3 SUPPORT SERVICES DIVISION
The Support Services Division is commanded by the Support Services Manager. Their primary responsibility is to provide general management, direction and control for the Support Services Division.

200.3 COMMAND PROTOCOL
200.3.1 SUCCESION OF COMMAND
The Chief of Police exercises command over all personnel in the Department. During planned absences a Captain shall act with the authority of the Chief of Police. When both the Chief and the Captains will be absent, the Chief of Police will designate a Sergeant to 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:

(a) Captain
(b) Sergeant

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

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

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

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

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason therefore.
General Order and Special Orders

201.1 PURPOSE AND SCOPE
General Orders and Special Orders establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding or other collective bargaining agreement. General Orders will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 GENERAL ORDER PROTOCOL
General Orders will be incorporated into the manual as required upon approval of staff. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing General Orders have now been incorporated in the updated Policy Manual as of the below revision date.

201.1.2 SPECIAL ORDERS PROTOCOL
Special Orders establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders are issued to the organization as a whole, to a division, to a unit or to an individual thereof and are temporary in nature. Special Orders become inoperative with the passing of the incident or situation that caused the order's issuance.

201.2 RESPONSIBILITIES

201.2.1 STAFF
The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by General Order.

201.2.2 CHIEF OF POLICE
The Chief of Police or designee shall issue all General Orders and Special Orders.

201.3 ACCEPTANCE OF GENERAL ORDERS AND SPECIAL ORDERS
All employees are required to read and obtain any necessary clarification of all General Orders or special orders. All employees are required to acknowledge the receipt and review of any new General Order or special order. The method of acknowledgement for General Orders may be in written or electronic form.
Emergency Operations Plan

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

202.2 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.

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

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

202.3 LOCATION OF MANUALS
The manual for employees is available online as well as the workroom and the Sergeant's office.

202.4 PLAN REVIEW
The Fire Chief, as the City's Emergency Manager, shall annually review the Emergency Operation Plan and recommend updates when applicable. The annual review, update, and approval of the plan and supporting documents must be in accord with the guidance provided by the Department of Public Safety and the Division of Emergency Management.

202.5 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.
Training

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

203.2 PHILOSOPHY
The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever reasonably possible, the Department will use courses certified by the Minnesota Board of Peace Officer Standards and Training (POST) or other regulatory or nationally recognized entities.

203.3 OBJECTIVES
The objectives of the Training Program are to:

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

203.4 TRAINING PLAN
It is the responsibility of the Training Sergeant to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and Department-required training is completed by sworn employees. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address State required minimum mandated training for licensing of peace officers or hiring of non-licensed employees.

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Sergeant shall review the entire training plan on an annual basis.

The Reserve Coordinator will be responsible for providing Reserve Officers with relevant and helpful training pertinent to their actions as volunteers for the Department.

The Support Services Manager will be responsible for scheduling training for records staff.
Training

The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. The Training Sergeant will be responsible for documenting the training. The Training Sergeant is responsible for ensuring members of the Department have been trained as required.

203.4.1 STATE MANDATED TRAINING
State training requirements include, but are not limited to, 48 hours of POST-approved law enforcement related courses every three years.

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

203.5 TRAINING NEEDS ASSESSMENT
The Training Sergeant, with the assistance of firearms and use of force instructors, will conduct an annual training-needs assessment and complete a report of the training-needs assessment. Upon review and approval by the Chief of Police, or their designee, the needs assessment will form the basis for the training plan for the ensuing fiscal year.

203.6 TRAINING COMMITTEE
The Training Sergeant shall establish a Training Committee, which will serve to assist with identifying training needs for the Department. The Training committee will consist of instructors from across the Department.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:
(a) Any incident involving the death or serious injury of an employee.
(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene as determined by the Training Sergeant to review the identified incidents. The committee shall determine whether a training need exists and then submit written recommendations of its findings to the Training Sergeant. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Sergeant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

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

203.8 REPORTING TRAINING TO POST
The POST Board distributes license renewals and requires the reporting of completed continuing education courses from the previous license period. Officers are responsible for responding to these requests in a timely manner and otherwise maintaining their licensed status.

203.9 DAILY TRAINING BULLETINS
The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Hopkins Police Department policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Operations Captain.

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

Employees who are assigned to participate in the DTB program should complete each DTB as assigned.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.
203.10 CLASSROOM DISCRIMINATION
The Training Sergeant 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).
Electronic Mail

204.1 PURPOSE AND SCOPE / CITY POLICY
Members of the Hopkins Police Department will adhere to the City of Hopkins Electronic Communication and Technology policy (Policy 4-D).
Administrative Communications

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

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

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

Letterhead that is mailed out to citizens, other agencies, etc should be signed:

Sincerely,
Brent Johnson
Chief of Police
By,
John Cop
Officer

The Officer will then sign their name to the document.

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

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

205.5 OTHER COMMUNICATIONS
General Orders and other communications necessary to ensure the effective operation of the Department shall be promulgated by the Chief of Police, his/her designee or a Captain.
Supervision Staffing Levels

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

206.2 MINIMUM STAFFING LEVELS
A minimum of 3 Officers will be scheduled at all times.

206.2.1 OIC
A qualifying officer may be used as a patrol supervisor in place of a Patrol Sergeant when the Sergeant is absent due to vacation, sick time or training.
Retiree Concealed Firearms

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

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

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

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

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

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

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

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
   1. An indication from the person’s former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement
Retiree Concealed Firearms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A permit holder whose permit was denied may seek a judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.7131, Subd. 8).
208.6 VOIDING PERMIT
The permit becomes void at the time that the holder becomes prohibited from possessing a pistol under Minn. Stat. § 624.713, in which event the holder is required to return the permit within five days to the Department (Minn. Stat. § 624.7131, Subd. 2).
Permit to Carry a Pistol

209.1 PURPOSE AND SCOPE
The Sheriff is given the statutory authority to issue a permit to carry a pistol to residents within the county and persons who do not reside in Minnesota. All individuals seeking a permit to carry a pistol should be referred to the Sheriff's Office.
Chapter 3 - General Operations
Use of Force

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

300.1.1 DEFINITIONS
Definitions related to this policy include:

Bodily Harm - Physical pain or injury, illness, or any impairment of physical condition.

Deadly Force - 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.

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

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

Non-Deadly Force - Any application of force by an officer other than deadly force.

Reasonable - An objective standard viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight and within the limitations of the totality of the circumstances presented at the time of the incident. Any interpretation of reasonableness about the amount of force that appears to be necessary in a particular situation, must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving.

Substantial Bodily Harm - Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

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

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

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

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

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

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

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

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

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

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

(a) In effecting a lawful arrest.
(b) In the execution of a legal process.
(c) In enforcing an order of the court.
(d) In executing any other duty imposed by law.
Use of Force

(e) In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime.

(f) In restraining a person with a mental illness or a person with a developmental disability from self-injury or injury to another.

(g) In self defense or defense of another.

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of drugs or alcohol.

(e) Subject’s mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(h) The availability of other options and their possible effectiveness.

(i) seriousness of the suspected offense or reason for contact with the individual.

(j) Training and experience of the officer.

(k) Potential for injury to officers, suspects and others.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.

(m) The risk and reasonably foreseeable consequences of escape.

(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
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(p) Prior contacts with the subject or awareness of any propensity for violence.
(q) Any other exigent circumstances.

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

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

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

300.3.4 CAROTID CONTROL
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 may only be applied when the Officer is authorized to use deadly force.

300.3.5 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 Hopkins Police Department for this specific purpose.

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

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

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

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.

2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.5 REPORTING THE USE OF FORCE

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

Reportable force applications include:

(a) The application has caused a visible injury.
(b) The application would lead a reasonable officer to conclude the individual may have experienced more than momentary discomfort.
(c) The individual subjected to the force has expressed a complaint of pain or injury.
(d) Any application of a control device, with the exception of handcuffs for a short duration.
(e) The individual subjected to the force has been rendered unconscious.
(f) An individual was struck or kicked in any manner.
(g) An individual alleges any of the above has occurred.
300.5.1 NOTIFICATION TO SUPERVISORS
Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.
(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
(c) The individual subjected to the force complained of injury or continuing pain.
(d) The individual indicates intent to pursue litigation.
(e) Any application of an Electro-Muscular Disruption Technology (EMDT) device or control device.
(f) Any application of a restraint device other than handcuffs, shackles or belly chains.
(g) The individual subjected to the force was rendered unconscious.
(h) An individual was struck or kicked.
(i) An individual alleges any of the above has occurred.

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

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

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

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

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

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

(b) Ensure that any injured parties are examined and treated.

(c) When possible, a recorded interview with the subject upon whom force was applied should be taken. The fact that a recorded interview was conducted should be documented in a report and the recording should be retained until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.
   1. 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.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

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

300.8 TRAINING
Officers will receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).
300.9 USE OF FORCE ANALYSIS
At least annually, the Operations Captain, or their designee, should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.
(b) Training needs recommendations.
(c) Equipment needs recommendations.
(d) Policy revision recommendations.
Use of Force Review Process

301.1 PURPOSE AND SCOPE
The purpose of this policy is to establish a process to review the use of force by employees of this department.

301.1.1 REMOVAL FROM LINE-DUTY ASSIGNMENT
An employee whose actions or use of force, in an official capacity or while using department equipment, results in death or great bodily harm may be removed, based on the circumstances, from a line-duty assignment pending an administrative review. The type of review will be determined by the Chief of Police.

This action is to be taken solely to allow the officer involved to receive critical incident debriefing and counseling.

301.2 USE OF FORCE REVIEW
Every incident requiring a Use of Force report will be reviewed by the officer's supervisor to ensure that the use of force was appropriate and within the guidelines of the policy. The Use of Force report will be reviewed by the Operations Captain and the Training Sergeant to determine policy compliance and identify any training needs.
Handcuffing and Restraints

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

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

302.3   USE OF RESTRAINTS
Only members who have successfully completed Hopkins 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.

302.3.1   RESTRAINT OF DETAINES
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.

302.3.2   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 irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.
Handcuffing and Restraints

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

302.3.3 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.

302.3.4 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.

302.4 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.

302.5 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 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.

### 302.6 AUXILIARY RESTRAINT DEVICES

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

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

### 302.7 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.

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).

### 302.7.1 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.
Handcuffing and Restraints

(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).

302.8 Required Documentation
If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If 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) The types of restraint used.

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

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

(e) Observations of the person’s behavior and any signs of physiological problems.

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

302.9 Training
Subject to available resources, the Training Sergeant 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.

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

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

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

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

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

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

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

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

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.

303.4 RESPONSIBILITIES

303.4.1 SERGEANT / OIC RESPONSIBILITIES
The Sergeant / OIC may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 TRAINING SERGEANT RESPONSIBILITIES
The Training Sergeant 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 Training Sergeant or the designated instructor for a particular control device. The inspection shall be documented.
Control Devices

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Training Sergeant or appropriate instructor for disposition.

303.5 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 suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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.

303.6 TEAR GAS GUIDELINES
Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Incident 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.

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

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

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

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

303.8.1  DEPLOYMENT AND USE

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

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

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

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

303.8.2  DEPLOYMENT CONSIDERATIONS

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

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

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

Officers should keep in mind the manufacturer’s recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to
Control Devices

manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

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

303.8.3 SAFETY PROCEDURES
Officers will inspect the kinetic energy projectile launcher and projectiles at the beginning of each shift to ensure that the weapon is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the kinetic energy projectile launcher will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile launcher, the officer shall visually inspect the kinetic energy projectiles to ensure that only approved less lethal ammunition is present in the squad car.

303.8.4 REPORT OF USE
All Kinetic Energy Projectile field deployments, to include subject compliance prior to discharging a projectile, shall be documented in the related arrest/offense/information report and notification made to a supervisor in compliance with the Use of Force Policy.

Photographs of the projectile impact sites should be taken, and the expended cartridge should be entered into evidence by the officer. If feasible, efforts should be made to locate the projectile. If the projectile is located, it should be entered into evidence by the officer.

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

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

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

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

304.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance and use of the TASER / Electro-Muscular Disruption Technology (EMDT) device.

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

304.2.1 DEFINITION
For the purposes of this policy:

- TASER, TASER X26, TASER X2, CEW and EMDT have the same meaning.
- The term Officer encompasses licensed members, Reserve officers, PSOs, and Parking / Evidence officers.

304.3 ISSUANCE AND CARRYING EMDTS
Only members who have successfully completed department-approved training may be issued and carry the EMDT.

EMDTs 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’s inventory.

Members shall only use the EMDT and cartridges that have been issued by the Department. Uniformed members who have been issued the EMDT shall wear the device in an approved holster on their person. Non-uniformed members may secure the EMDT in a manner approved by their supervisor relative to their assignment.

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

When carried while in uniform, officers shall carry the EMDT in a weak-side holster, or a cross-draw holster, on the side opposite the duty weapon.

(a) All EMDTs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
(b) Whenever practicable, members should carry two or more cartridges on their person when carrying the EMDT.
(c) Members shall be responsible for ensuring that their issued EMDT is properly maintained and in good working order.
(d) Officers should not hold both a firearm and the EMDT at the same time.
304.4 VERBAL AND VISUAL WARNINGS
A verbal warning of the intended use of the EMDT 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 EMDT may be deployed.

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

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

304.4.1 APPLICATION OF THE TASER/EMDT DEVICE
Authorized personnel may use the TASER/EMDT device when circumstances known to the officer at the time indicate that such application is reasonable to control a person in any of the following circumstances:

(a) The subject is violent or physically resisting.

(b) A subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm officers, him/herself or others. The officer must be able to articulate a reasonable belief that other available options appeared ineffective, impractical or would have presented a greater danger to the officer, the subject or others.

(c) Absent meeting the conditions set forth in (a) or (b) above, or a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officers shall not serve as good cause for the use of the EMDT to apprehend an individual.

304.4.2 SPECIAL DEPLOYMENT CONSIDERATIONS
The use of the TASER/EMDT device should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the TASER/EMDT device:

(a) Pregnant females.

(b) Elderly individuals or obvious juveniles.
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(c) Individuals who are handcuffed or otherwise restrained.
(d) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any flammable material.
(e) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the EMDT in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised. The application in drive-stun mode should be limited to brief applications in which pain compliance would reasonably appear necessary to achieve control.

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

304.4.3 REPORT OF USE
All EMDT discharges shall be documented in the related report and notification made to a supervisor in compliance with the Use of Force Policy. Negligent discharges of a EMDT cartridge will also be documented.

Negligent discharges will be documented with a memo written to the Officer's supervisor.

Any report documenting the discharge of a EMDT cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

The onboard EMDT memory will be downloaded through the data port by a TASER instructor and saved with the related report. Pointing the device at a person, laser activation and arcing the device will also be documented.

Photographs of probe sites should be taken and the expended cartridge along with both probes and wire should be submitted by the officer collecting the cartridge into evidence for future reference. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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

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

304.5.2 MULTIPLE APPLICATIONS OF THE EMDT
Officers should apply the EMDT for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the EMDT against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

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

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

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

304.5.4 TASER® CAM™
The TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the officer intends to use the device. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the department records retention schedule.

304.5.5 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department EMDTs while off-duty. EMDT devices shall be stored at the department unless being carried for an official law enforcement purpose, except for when the officer is granted the expressed consent of a Captain.

Officers shall ensure that EMDTs 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.
304.6 MEDICAL TREATMENT
Officers that have been trained to do so may carefully remove EMDT probes from a person’s body. Used EMDT 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 EMDT probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or higher certified 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 EMDT probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
(e) The person requests medical treatment.

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

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

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

304.8 TRAINING
Personnel who are authorized to carry the EMDT shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the EMDT as a part of their assignment for a period of six months or more shall be recertified by the department-approved EMDT instructor prior to again carrying or using the device.
TASER / Conducted Energy Device (CED)

Officers who have been issued the EMDT 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 skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for EMDTs will be documented in the officer’s training file.

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

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

Application of EMDTs during training could result in injury to personnel and should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

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

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

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

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

305.3 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.

305.4 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.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS
The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect’s crime occurred. For example, the Hopkins Police Department would control the investigation if the suspect’s crime occurred in Hopkins.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.
305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS
The control of the criminal investigation into the involved officer’s conduct during the incident will be
determined by the employing agency’s protocol. When an officer from this department is involved,
the criminal investigation of the officer involved in the incident will be conducted by the agency
asked to conduct the investigation at the discretion of the Chief of Police.

Requests made of this department to investigate a shooting or death involving an outside agency’s
officer shall be referred to the Chief of Police or the authorized designee for approval.

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

305.4.4 INVESTIGATION RESPONSIBILITY MATRIX
The following table identifies the possible scenarios and responsibilities for the investigation of
officer-involved shootings:

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Criminal Investigation of Suspect(s)</th>
<th>Criminal Investigation of Peace Officer(s)</th>
<th>Civil Investigation</th>
<th>Administrative Investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>HPD Officer in this Jurisdiction</td>
<td>BCA</td>
<td>BCA</td>
<td>HPD</td>
<td>HPD Captain</td>
</tr>
<tr>
<td>Outside Agency’s Peace Officer in this Jurisdiction</td>
<td>HPD or BCA</td>
<td>HPD or BCA</td>
<td>Involved Peace Officer’s Agency</td>
<td>Involved Peace Officer’s Agency</td>
</tr>
<tr>
<td>HPD Officer in Another Jurisdiction</td>
<td>Agency where incident occurred</td>
<td>Agency where incident occurred</td>
<td>HPD</td>
<td>HPD Captain</td>
</tr>
</tbody>
</table>

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

305.5 INVESTIGATION PROCESS
The following procedures are guidelines used in the investigation of an officer-involved shooting
or death:
305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved HPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

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

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

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
   1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
(b) If necessary, the supervisor may administratively order any HPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
   1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
   2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
(c) Provide all available information to the Sergeant / OIC and Dispatch. If feasible, sensitive information should be communicated over secure networks.
(d) Take command of and secure the incident scene with additional HPD members until properly relieved by another supervisor or other assigned personnel or investigator.
(e) Determine staffing needs to handle patrol functions during the investigation of the incident.
(f) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
   1. Each involved HPD officer should be given an administrative order not to discuss the incident with other involved officers or HPD members pending further direction from a supervisor.
2. When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

3. If practicable, a non-involved officer should be assigned to accompany the involved officer(s) to the station.

305.5.3 SERGEANT / OIC RESPONSIBILITIES
Upon learning of an officer-involved shooting or death, the Sergeant / OIC shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Captain. All outside inquiries about the incident shall be directed to the Press Information Officer (PIO) or the Sergeant / OIC.

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

- Chief of Police
- Operations Captain
- Investigations Captain
- Outside agency investigators (if appropriate)
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer’s agency representative (if requested)
- Press Information Officer (PIO)

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

(a) Any request for legal or union representation will be accommodated.

1. Involved HPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

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

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

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
(d) A licensed psychotherapist shall be provided by the Department to each involved HPD officer. A licensed psychotherapist may also be provided to any other affected HPD members, upon request.

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

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

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

(e) Communications with peer counselors are privileged and shall not be disclosed without the permission of the involved officer. The peer counselor, however, may disclose information that he/she reasonably believes indicates that the officer may be a danger to self or others, as long as the information is used only for the purpose of eliminating the danger. Such information or opinion is not admissible in any personnel or occupational licensing matter involving the officer (Minn. Stat. § 181.973).

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

Each involved HPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Sergeant / OIC to make schedule adjustments to accommodate such leave.

305.5.6 MEDIA RELATIONS

A single media release shall be prepared with input and concurrence from the supervisor and the agency representative responsible for each phase of the investigation. This release will be available to the Sergeant / OIC, Captain and Press Information Officer in the event of inquiries from the media.

It is the policy of this department to release the identities of involved officers when the release does not hinder a law enforcement purpose, does not reveal the identity of an undercover law enforcement officer and as otherwise required by law (Minn. Stat. § 13.82). No involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police or designee.

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

305.5.7 DEBRIEFING

In all cases where a person has been injured or killed as a result of an officer involved shooting or dies as a result of other action of an officer, the involved officer will be required to undergo a de-briefing with a department authorized psychologist as soon as possible. The de-briefing should
not be related to any department or criminal investigation of the incident and nothing discussed in the de-briefing will be reported to the department.

The de-briefing will be protected by the privileged physician-patient relationship. If the psychologist continues in treatment of the involved officer, they may consult with the Chief of Police to determine when the officer can resume regular duty.

305.5.8 ADMINISTRATIVE LEAVE/DUTY
Any officer directly involved in the use of deadly force against another shall be placed on administrative leave or duty. This leave or duty shall be without loss of pay or benefits and shall not be interpreted, implied or indicated that the officer acted improperly.

The Department recognizes the impact that a shooting or other use of deadly force may have on an officer. During administrative leave or duty, the officer will be provided with all the resources necessary for physical and emotional recovery from the incident. While on administrative leave or duty the officer will:

(a) Remain available for official departmental interviews regarding the incident and shall be subjected to recall to duty at any time
(b) Discuss the incident only with personnel assigned to investigate the incident, personal attorney, medical personnel, clergy, critical incident stress peer counselor and the officer's immediate family.
(c) Actively participate in his/her emotional and medical recovery by following the course of treatment developed by medical and psychological health professionals.

The Chief of Police will determine when the officer will be reassigned to his/her previous duty. This will be done after consulting with the officer and the officer's health care professionals.

305.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

305.6.1 INVESTIGATIVE PERSONNEL
Once notified of an officer-involved shooting or death, it shall be the responsibility of the Operations or Investigations Captain to assign appropriate investigative personnel to handle the investigation of related crimes.

If the investigation is handled by BCA or an outside agency, the Operations or Investigations Captain will coordinate with that agency to accommodate their needs for information and access to officers.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to both the Operations and Investigations Captains.
305.6.2 CRIMINAL INVESTIGATION
This department may utilize an outside agency to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigations personnel from this department may be assigned to partner with investigators from the outside agency to avoid duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Captains should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring interviews or indirectly providing areas for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

(d) No administratively coerced statement(s) will be provided to any criminal investigators.

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

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

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

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.
305.6.4 WITNESS IDENTIFICATION AND INTERVIEWS
Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

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

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
   1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

305.7 ADMINISTRATIVE INVESTIGATION
In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved HPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Operations Captain and will be considered a confidential officer personnel file.

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

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

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

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

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information (Minn. Stat. § 626.89).

(a) Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview.

(b) The interview must be taken at the HPD or at a place agreed to by the interviewer and the involved officer.

(c) The interview must be of reasonable duration and provide the involved officer reasonable periods for rest and personal necessities. When practicable, the interview must be held during the involved officer’s regularly scheduled work shift. If not, the involved officer must be compensated at his/her current pay rate.

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

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

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

(g) The Operations Captain shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

(h) Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be reviewed to determine whether there was compliance with the Use of Force Policy.

(i) Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
305.8 CIVIL LIABILITY RESPONSE
A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

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

305.9 AUDIO AND VIDEO RECORDINGS
Any officer involved in a shooting or death should not review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports. The officer should not review the video or audio recordings prior to giving a statement in order to preserve the officer's perceptions and memory at the time of the incident, and not have their statement influenced by reviewing the video or audio recordings.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney’s Office, as appropriate.

305.10 REPORTING
If an officer discharges a firearm in the course of duty, other than for training purposes or the killing of an animal that is sick, injured, or dangerous, the Chief of Police shall notify the Commissioner of Public Safety within 30 days of the reason for and the circumstances surrounding the discharge of the firearm (Minn. Stat.§ 626.553).
Firearms

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

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

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

306.1.1 AUTHORIZATION TO CARRY FIREARMS
All licensed personnel shall successfully complete department training regarding the use of force, 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).

The Chief of Police or designee may suspend the peace officer privilege to carry a firearm during the period of a suspension from duty or other removal from active duty.

306.2 SAFE HANDLING OF FIREARMS
The intent of this policy is to promote proper firearm safety on- and off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

306.2.1 SAFETY CONSIDERATIONS

(a) Officers shall not unnecessarily display or handle any firearm. All handguns are to be properly and safely unloaded and cleared prior to maintenance or inspection purposes.

(b) Officers shall be governed by all rules and regulations pertaining to the use of the firearms range and shall obey all orders issued by the Training Sergeant and designated firearms instructors. Officers shall not dry fire or practice holstering/unholstering their handgun except under specified conditions, in designated areas and under the Training Sergeant or firearms instructor supervision.

(c) Any member who discharges his/her weapon negligently or intentionally, on- or off-duty, except during training or recreational use, shall make a verbal report to his/her supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall complete a report prior to the end of their shift. If off-duty, as directed by the supervisor.

(d) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded utilizing safe firearms handling.

(e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is secured and locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a designated secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter
the jail section with any firearm. No loaded firearms are allowed to be stored in the department armory.

(f) Officers shall not use any select fire firearm, heavy caliber rifles, gas or other types of chemical weapons (from the armory) unless specially trained and authorized except with approval of a supervisor or when an emergency or exigency reasonably requires immediate use of the weapon.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to the Department Training Sergeant or to a designated armorer for inspection. Any weapon determined to be in need of service or repair during an inspection by the Department Training Sergeant or designated armorer will be immediately removed from service. If the firearm is the officer's primary duty sidearm, a replacement firearm will be issued to the officer until the duty sidearm is rendered serviceable by an certified armorer.

(h) At the beginning of their shift, it is the responsibility of the individual officer to inspect the squad rifle for serviceability to include but not limited to serviceability, proper working order of all components and proper squad configuration for duty.

306.2.2 STORAGE OF FIREARMS AT HOME
Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep the weapon inaccessible to children and irresponsible adults (Minn. Stat. § 609.666 and Minn. Stat. § 609.378 Subd. 1 (c)).

306.3 AUTHORIZED WEAPONS
No duty firearms will be carried that have not been thoroughly inspected by the Training Sergeant and/or designated firearms instructor or armorer during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no duty firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons, 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 personnel in the performance of their official duty without the express written authorization of the Operations Captain. This exclusion does not apply to the carrying of a folding pocketknife or multi tool that is not otherwise prohibited by law.

306.3.1 DUTY WEAPONS
Only issued or approved handguns, shotguns and patrol rifles are authorized for on-duty use. The authorized Department-issued handgun is the GLOCK 17 Generation 4 9mm. Other handguns may be carried only after the approval of the Training Sergeant.

The authorized Department issued patrol rifle is the Smith & Wesson or Bravo Company Manufacturing AR15 chambered in 5.56mm and assigned to each marked
306.3.2 AUTHORIZED SECONDARY FIREARMS
Officers desiring to carry a secondary firearm are subject to the following restrictions:

(a) The firearm shall be in good working order and approved by the Training Sergeant.
(b) Only one secondary firearm may be carried at a time and in an approved holster.
(c) The purchase of the secondary firearm and ammunition shall be the responsibility of the officer unless it is chambered in an issue caliber.
(d) The secondary firearm shall be carried in an approved holster, concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control of the firearm.
(e) The secondary firearm shall be inspected by the Training Sergeant prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
(f) Ammunition may be the same as department issue. If the caliber of the firearm is other than department issue, the Chief of Police, Training Sergeant or the authorized designee shall approve the ammunition.
(g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision of a department firearms instructor and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency, safe handling, and that the firearm functions properly.
(h) Personnel shall provide the make, model, serial number and caliber of a second firearm to the Training Sergeant or designated firearms instructor upon qualifying.

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

(a) The firearm shall be serviceable and approved by the Training Sergeant.
(b) The purchase of the firearm and ammunition shall be the responsibility of the officer unless chambered in an issued caliber.
(c) The firearm shall be carried in an approved holster, concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control of the firearm.
(d) It will be the responsibility of the officer to submit the firearm to the Training Sergeant for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Training Sergeant, firearms instructor or certified armorer. Prior to
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carrying any off-duty firearm, the officer shall demonstrate that he/she is proficient in the operation, maintenance, and handling of that firearm and that it will be carried in a safe manner.

(e) The officer will successfully qualify with the off duty firearm prior to it being carried and thereafter once a year. The range qualification dates will be specified by the Training Sergeant or designee.

(f) A complete description of the firearm shall be contained on the qualification record approved by the Training Sergeant.

(g) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.

(h) Officers shall only carry department-authorized ammunition.

(i) It is recommended that officers carry at least one spare ammunition loading device (magazine/speed loader) when carrying an off duty firearm.

(j) When armed, whether on- or off-duty, officers shall carry their badge and/or department identification.

306.3.4 AMMUNITION
Officers shall carry only Department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all Department-issued firearms and as necessary to replenish expended duty ammunition or that that is rendered unserviceable through the course of duty. Officers carrying personally owned authorized firearms off duty of a caliber differing from Department-issued firearms shall be responsible for obtaining 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 Sergeant or designated firearms instructors when needed in accordance with established procedure.

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

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

306.3.7 LASER SIGHTS / TACTICAL LIGHTS
Laser sights and tactical firearms lights may only be installed on a weapon carried on or off duty after the laser sights/tactical lights have been examined and approved by the Training Sergeant.
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(a) Any approved laser sight and/or tactical light shall only be installed in strict accordance with manufacturer specifications and inspected by the Training Sergeant prior to using.

(b) Only laser sights and tactical lights that do not require permanent modification of the firearm are authorized.

(c) Once approved laser sights and/or tactical lights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the firearm prior to carrying it. Except in an approved training situation, an officer may only activate a laser sight and/or tactical firearms lights when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target.

(d) Only approved holsters specifically designed to accommodate a tactical light equipped firearm are authorized for duty/off duty use. Officers should be able to draw and holster a firearm equipped with a tactical light without attaching or removing the tactical light.

306.4 DUTY FIREARMS PROFICIENCY
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 and Minn. Stat. § 626.8463).

An officer failing to demonstrate a minimum level of proficiency with any duty firearm he/she is authorized to use may not carry or use the duty firearm until he/she participates in the remedial duty firearm course provided by the Department.

All licensed personnel shall participate in annual Department training regarding the use of force, deadly force and the use of firearms (Minn. Stat. § 626.8452 Subd. 3).

306.4.1 QUALIFICATIONS
All licensed personnel are required to qualify as determined by the Training Sergeant and show weapons proficiency with all duty firearms on an approved range course or as directed by the Training Sergeant.

In addition to regular qualification schedules, the Training Sergeant shall be responsible for providing all licensed personnel with regular practical training designed to simulate field situations, including shoot / no-shoot situations.

306.4.2 NON-QUALIFICATION
If an officer is unable to qualify for any reason, including injury, illness, duty status or scheduling conflict, that officer shall make notification to his/her immediate supervisor prior the required qualification.

Members who fail to demonstrate duty firearms proficiency as required by law, or who fail to qualify over a six month period will be relieved from field assignment and appropriate disciplinary action may follow.
Licensed members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated.

306.5 TRAINING SERGEANT DUTIES
The range will be under the exclusive control of the Training Sergeant and/or their designee. All members attending will follow the directions of the Training Sergeant or designated firearms instructor. The firearms instructors will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any officer to sign in and out with the Training Sergeant or designee may result in non-qualification.

The range shall remain operational and accessible to Department members during hours established by the Department. The range can be used at any time when there are two or more people present on the range.

The Training Sergeant and/or their designee has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by officers of this department to verify proper operation. The Training Sergeant has the authority to deem any privately owned firearm used for on or off duty carry unfit for service. The officer will be responsible for all repairs to his/her personal firearm; it will not be returned to service until inspected by the Training Sergeant.

The Training Sergeant has the responsibility to ensure each officer on a yearly basis can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Training Sergeant shall ensure completion of 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 POST Board, a list of each member who completes the training. The Training Sergeant should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records.

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

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
(b) Officers must carry their Hopkins Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

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

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

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

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

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

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

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

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

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

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

   (b) The officer is not the subject of any current disciplinary action.
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(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

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

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

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.
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307.1 PURPOSE AND SCOPE
Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement’s duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers (Minn. Stat. § 626.8458 Subd. 1).

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

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

307.2 DEFINITIONS
Definitions related to this policy include:

Vehicle pursuit - An event involving one or more peace officers attempting to apprehend a suspect who, is operating a motor vehicle with the intent to attempt to elude the peace officer following a visual and audible signal given by the peace officer to the driver of the motor vehicle, and the driver of the motor vehicle refuses to stop the vehicle by increasing speed, extinguishing motor vehicle headlights or taillights, refusing to stop the vehicle, or using other means. (Minn. Stat. 609.487 Subd. 1)

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

Boxing-in - A tactic designed to stop a violator’s vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.
Pursuit Intervention Technique (PIT) - A maneuver intended to terminate the pursuit by causing the violator’s vehicle to spin out and come to a stop.

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

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

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

Primary unit - Normally the unit that had initiated the pursuit and/or the police vehicle first in line behind the suspect vehicle.

Secondary Unit - Any other police vehicle that becomes involved in the active pursuit of the suspect vehicle.

Backup Unit - Other police units that may assist the pursuing units once the suspect vehicle has stopped or the pursuit has been terminated by other means.

Unmarked / Semi Marked Police Vehicles - Unmarked police vehicles are those official vehicles not carrying official markings and/or exterior mounted emergency equipment.

(a) Unmarked / Semi Marked Police Vehicles are allowed to initiate a pursuit.

(b) As soon as safely possible, the Unmarked / Semi Marked vehicle should be relieved of their role as primary unit. This relief should be clearly communicated over the radio.

(c) Once enough units are involved to safely pursue the suspect vehicle, the Unmarked / Semi Marked vehicle should leave the pursuit.

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

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

307.3.1 WHEN TO INITIATE A PURSUIT
Officers are authorized to initiate a pursuit when it is reasonable to believe that 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 shall only initiate a pursuit when:
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(a) The officer knows or has reasonable grounds to believe the suspect has committed a serious and violent felony or gross misdemeanor; or

(b) The officer has current, credible information that the individual is about to commit a serious and violent felony or gross misdemeanor; or

(c) The suspect's driving prior to the attempted stop is so flagrantly reckless (e.g. severe intoxication) that the driver would pose an imminent and life-threatening danger to the public if not apprehended.

Serious and violent felonies and gross misdemeanors include, but are not limited to:

- The attempt or act of murder
- Serious or violent sexual assaults
- Robbery
- Arson
- Kidnapping
- Carjacking (not to include auto theft or stolen motor vehicle, which are property crimes)
- First or second degree assault
- First degree burglary
- Terrorist Acts
- Terroristic threats / Threats of violence

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):

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

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) Apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).

(d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(f) Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
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(g) Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect’s escape.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) Age of the suspect and occupants.

(l) Availability of other resources, such as aircraft assistance.

(m) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

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

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

In the case of a suspected impaired driver, members shall consider whether or not the pursuit is making an already dangerous situation even more dangerous.

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.
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(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 should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

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

(h) When radio communications are broken or inadequate.

(i) When the danger that the continued pursuit poses to the public, the officers or the suspect is too great, balanced against the risk of allowing the suspect to remain at large.

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

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

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

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

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

307.4 PURSUIT UNITS
Pursuit units should be limited to three vehicles (preferably two officers and a supervisor). When determining the number of units in a pursuit, all of the involved squads should be counted (to include squads from other agencies) (Minn. R. § 6700.2701 (B)).

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

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

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

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

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

(a) Travel direction / location
(b) Reason for initial contact (specific violations)
(c) Identity of fleeing driver, if known
(d) Plate number if available, and / or vehicle description
(e) Speed of the fleeing vehicle

If the primary officer initiates a pursuit outside the city limits of Hopkins (i.e. TZD detail) they should make a request to the controlling dispatcher to notify the on duty Hopkins Sergeant / OIC. Additional information to be conveyed as soon as possible and continuously updated throughout the pursuit:

(a) Traffic conditions including cross traffic, controlled intersection violations, and presence of pedestrians
(b) Speed and location of fleeing vehicle, including wrong way travel and maneuvers placing anyone at risk
(c) The number, identity, or description of the known occupants.
(d) Weather, road and traffic conditions.
(e) Identity of other agencies involved in the pursuit.
(f) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
(g) 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).

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

307.4.3 SECONDARY/BACK UP UNIT(S) RESPONSIBILITIES

Secondary Unit(s)

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

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

Back Up Unit(s)
The backup units will not be actively involved in the pursuit, but will be available to assist in the apprehension of the suspect once the pursuit has been terminated. Back up officers should remain a sufficient distance from the units involved in the pursuit so it is reasonably clear they are not actively involved in the pursuit.

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

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
(b) Officers may proceed past a red, or stop signal, or stop sign but only after slowing down and utilizing a flashing red lamp or siren as may be necessary for safe operation (Minn. Stat. § 169.03, Subd. 2).
(c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway, or freeway (Minn. Stat. § 169.03). In the event the pursued vehicle does so, the following tactics should be considered:
   1. Request assistance from an available air unit.
   2. Maintain visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
   3. Request other units to observe exits available to the suspects.
(d) Notify the Minnesota State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.
(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit, and a clear understanding of the maneuver process exists between the involved officers.

307.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT
There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.
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Non-pursuing personnel needed at the termination of the pursuit should respond in a safe manner only activating lights and siren if deemed necessary.

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

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

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

307.4.7 AIRCRAFT ASSISTANCE
When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (4)).

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

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

The Sergeant / OIC of the officer initiating the pursuit, or if unavailable, the nearest Sergeant / OIC will be responsible for the following:

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

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

(c) Exercise management and control of the pursuit even if not engaged in it.
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(d) Ensure that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Direct that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

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

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

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

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

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

307.5.1 SERGEANT / OIC RESPONSIBILITIES

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

The Sergeant / OIC shall review all pertinent reports for content and forward them to the Captain.

307.6 COMMUNICATIONS

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

307.6.1 LOSS OF PURSUED VEHICLE

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

307.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5); Minn. R. § 6700.2701).
307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY
Hopkins Police Department officers will discontinue the pursuit when another agency has assumed control of the pursuit unless continued assistance of the Hopkins 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 role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

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

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION
The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit.

In addition to a request for assistance:

1. The pursuit must meet the requirements of Hopkins Police Department policy allowing officers to pursue a fleeing vehicle, and

2. Verbal acknowledgment and approval from the on duty Sergeant / OIC, and

3. The limit of three units involved in the pursuit must not be exceeded, unless approved by the Sergeant / OIC, and

4. Assistance to a pursuing outside agency by officers of this Department will terminate at the city limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation by officers from this Department shall cease when sufficient assistance is present, unless approved by the Sergeant / OIC. For purposes of this section sufficient assistance is defined as the participation of two squad cars assisting the primary officer squad car.

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

(a) Ability to maintain the pursuit.
(b) Circumstances serious enough to continue the pursuit.
(c) Adequate staffing to continue the pursuit.
(d) The public's safety within this jurisdiction.
(e) Safety of the pursuing officers.
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As soon as practicable, a supervisor or the Sergeant / OIC should review a request for assistance from another agency. The Sergeant / OIC or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency’s pursuit.

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

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

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

It is imperative that officers act within legal bounds using good judgment and accepted practices.

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

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

Pursuit Intervention Technique (PIT)

Only those officers trained in the use of the PIT may use it

(a) Because the primary concern in all pursuits is the safety of the public, it is essential that all pursuits be ended quickly. Once an officer is certain that a subject is starting to flee, the officer should immediately look for and utilize opportunities to end the pursuit with
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a pursuit intervention technique. Early proper use of this technique will accomplish the goals of public safety and apprehension/arrest of the suspect. It is appropriate to use at any time during a pursuit when it can successfully shorten the pursuit and reduce the risk to the public.

Blocking

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

(a) The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers or other members of the public.

(b) All other reasonable intervention techniques have failed or reasonably appear ineffective.

(c) Employing the blocking maneuver does not unreasonably increase the risk to officer safety.

(d) The target vehicle is stopped or traveling at a low speed.

(e) At no time should civilian vehicles be used to deploy this technique

Ramming

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

1. The Officer is authorized to use deadly force as described in this manual.

Boxing In/Rolling Roadblocks

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

Spike Strips
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(a) Spike strips should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

Stationary Roadblocks

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

307.8.4 CAPTURE OF SUSPECTS

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

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

307.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate local and state regulations. The Support Services Manager 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) All other involved units will complete supplementary reports.
(c) The primary officer or supervisor shall complete the appropriate pursuit report.
(d) After first obtaining available information, the on-duty field supervisor shall promptly complete a Significant Incident Report, briefly summarizing the pursuit to the Chief of Police or designee. The report should minimally contain the following information (Minn. Stat. 626.5532):

1. Date and time of pursuit.
2. Length of pursuit in distance and time.
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3. Involved units and officers.
4. Initial reason and circumstances surrounding the pursuit.
5. Starting and termination points.
6. Alleged offense, charges filed or disposition: arrest, citation or other release.
7. Arrestee information should be provided if applicable.
8. Injuries and/or property damage.
10. The outcome of the pursuit.
11. Name of supervisor handling or at the scene.
12. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted.

(e) After receiving copies of reports, logs and other pertinent information, the Sergeant will:
   1. Conduct a review and debriefing with the involved Officers and other department employees that were involved in the pursuit.
   2. Critique the effectiveness and conformity of the pursuit with this policy.
   3. Forward all reports and paperwork to the Operations Captain.
   4. Notify the Chief of Police and/or anyone else required to be notified under Departmental policy.

(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.

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

The Training Sergeant 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).

307.9.2 POLICY REVIEW
Each licensed member of this department shall acknowledge they have received, read and understand this policy initially and upon any amendments. Acknowledgement may be done in an electronic format.
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307.9.3 YEARLY CERTIFICATION
This policy shall be reviewed and certified to the state annually that it complies with requirements of any new or revised model policy adopted by the state (Minn. Stat. § 626.8458 Subd. 3).

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

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

308.2 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.

308.3 PHILOSOPHY
Police vehicles are an invaluable tool for policing in the city of Hopkins. They provide work space for officers and enable rapid response to emergency calls and other calls for service, as well as a tool for pursuit and apprehension of criminals and traffic violators.

The presence of a police vehicle provides reassurance to crime victims and law-abiding citizens and it provides a deterrent effect for law violators. Operating a police vehicle is also one of the most consistently hazardous aspects of police work. Under all circumstances the police vehicle shall be operated in a way that reflects upon the competence and professionalism of the Hopkins Police Department and its staff.

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

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

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

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

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

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

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

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

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

The Sergeant / OIC will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

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

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

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

(c) Disregard regulations governing direction of movement or turning in specified directions as authorized by law.
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(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. An officer shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

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

308.6.1 UNMARKED POLICE VEHICLES

Unmarked police vehicles are those official vehicles typically used for investigations and administrative duties.

(a) Operators of unmarked police vehicles must utilize extreme caution during any emergency response to insure a safe pathway when exceeding the speed limit, entering any intersection or traveling in an area where pedestrian traffic might be expected.

308.7 SUPERVISORY RESPONSIBILITIES

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

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

When making the decision to authorize an emergency call response, the Sergeant / OIC should consider the following:

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

308.8 FAILURE OF EMERGENCY EQUIPMENT
If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency call response and respond accordingly. The officer shall notify the Sergeant / OIC or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

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

309.1 PURPOSE
This policy is for Hopkins Police Department Reserve Personnel to follow when transporting an individual who has been taken into custody.

309.2 LIMITATIONS
Non-sworn officers shall not transport the following individuals:

- Violent Offenders
- Combative persons
- Persons who have made threats that they will be combative
- Persons with a history of being combative
- Persons making suicidal comments
- Persons with an injury or claiming injury that could cause jail to reject their admittance
- Obviously intoxicated persons
- Persons under the influence of any other substance to the extent that would cause jail to reject their admittance

All non-sworn prisoner transports must be approved by the on duty supervisor.

If there is a Sergeant on duty, they are allowed discretion to have a PSO or Reserve Officer transport a person who is on the prohibited list above. Absent an on duty Sergeant, the OIC will strictly follow the guidelines listed above.

309.3 RESPONSIBILITIES
Both sworn and non-sworn officers have responsibilities when non-sworn officers transport detained individuals.

309.3.1 SWORN OFFICER RESPONSIBILITIES
If a sworn officer is requesting a non-sworn personnel transport of an in custody, notify the supervisor on duty.

309.3.2 NON-SWORN OFFICER RESPONSIBILITIES
Non-sworn officers are responsibilities include:

- Check handcuffs prior to transport to make sure they are applied appropriately
- Transport prisoners in the rear of the squad and utilize the seat belt
- Once prisoners are secured, all squad doors should be locked
- Utilize squad video and audio monitoring equipment
Non Sworn Officer Prisoner Transport

- Obey the speed limit and other traffic laws
- Non-Sworn Personnel will not respond to other calls for service or stop for observed activity while transporting unless exigent circumstances exist.
- Request assistance from detention facility staff if needed
- Contact the on duty supervisor with any questions or concerns

309.4 UNUSUAL INCIDENTS
Unusual incidents may be defined as, but not limited to, medical emergencies, attempted escapes, hostile prisoner, and accidents with transport vehicles. Should an unusual incident occur during a prisoner transport, the transport officer shall take the following actions, in an order appropriate for the situation:

- Immediately notify dispatch as to the location of the incident
- Request additional support to the location based on the nature of the incident (medical, fire rescue, law enforcement support, etc)
- Notify the on-duty supervisor as soon as practical
- If a subject is hostile and/or combative in the rear passenger compartment, non-sworn officers should not engage the subject until a sworn law enforcement is on scene to assist.
- If the subject claims an injury, notify the on duty supervisor
- If the subject appears to be in need of life saving medical attention, notify the supervisor, and render medical aid as directed

309.5 TRAINING
In order to transport in custody individuals, non-sworn personnel must complete annual in custody transport training and demonstrate proficiency in use of force. At the time of the in custody transport training, personnel must review the policy for transporting individuals who are in custody.

Reserve Officers will complete additional training as designated by the reserve staff. Only Reserve officers who have been certified for transporting individuals will be able to transport. The reserve officers who are certified to transport will be indicated on the Reserve roster.
Domestic Abuse

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

310.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

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

310.2 POLICY
The Hopkins 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.

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

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

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

(b) 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.

(c) 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.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) 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 Unit in the event that the injuries later become visible.

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

(g) 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.

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

(i) 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.

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

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

310.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

(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.

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

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

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

(a) Recognize that a victim's behavior and actions may be affected.
(b) Provide the victim with the department's domestic abuse information handout, even if the incident may not rise to the level of a crime.
(c) Alert the victim to any available victim advocates, shelters and community resources by issuing them a victim's rights card.
(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
(g) Ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for. If no reasonable care can be found, contact social services for placement.
Domestic Abuse

(h) Contact Sojourner, preferably at the scene, and give them the relevant information from the call.

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

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

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

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

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

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

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

310.8 LEGAL MANDATES AND RELEVANT LAWS
Minnesota law provides for the following:

310.8.1 STANDARDS FOR ARRESTS
Officers investigating a domestic abuse report should consider the following:

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

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

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

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

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

(d) The Sergeant / OIC 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 Sergeant / OIC determines that it reasonably appears the release of the person (Minn. Stat. § 629.72):

1. Poses a threat to the alleged victim or another family or household member.
2. Poses a threat to public safety.
3. Involves a substantial likelihood that the arrested person will fail to appear at subsequent proceedings.

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

(f) 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).

(g) 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.
(h) 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.

(i) 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.

(j) 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.

310.8.2 REPORTS AND RECORDS

(a) Officers should include information related to the following in a report, as applicable (Minn. Stat. § 629.341):

1. Names, addresses, telephone numbers of all involved persons
2. Condition of clothing
3. Description of the scene, including any property damage
4. Evidence of physical injury, including strangulation
5. Presence of elderly victims or persons with disabilities
6. Facts related to any person who may have been a primary aggressor
7. Excited utterances of the victim and the suspect
8. Demeanor of the victim and the suspect
9. Medical records, including the victim’s statements to paramedics, nurses and doctors
10. Detailed statements of interviews of witnesses, including children, who may have been present, noting any language barriers
11. A detailed explanation of the reasons for the officer’s decision not to arrest or seek an arrest warrant
12. Evidence of any prior domestic abuse, related convictions, including dates
13. Any existing orders for protection, harassment restraining order or no contact orders
14. Identifying information of a specific court order violated, including county of origin, the file number and the provision allegedly violated
Domestic Abuse

(b) Domestic abuse reports should be forwarded to the appropriate prosecutor for review and consideration of criminal charges, even when no arrest is made or warrant requested.

(c) If a child was present at the scene of a domestic abuse incident or was the victim of domestic abuse, the officer should determine whether the child has been subjected to physical abuse, sexual abuse or neglect, and comply with the mandatory reporting requirements of Minn. Stat. § 626.556.

1. The officer shall also attempt to verify whether there has been an order for protection issued under Minn. Stat. § 260C.201 and take appropriate action.

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

310.8.3 SERVICE OF COURT ORDERS
Officers, when reasonably safe and in a position to do so, shall serve copies or short forms of court orders as directed in Minn. Stat. § 518B.01 and Minn. Stat. § 609.748.

310.8.4 JUVENILE ARRESTED FOR DOMESTIC VIOLENCE
Under court rules of procedure, juveniles are not eligible for release on bail before a preliminary hearing. Therefore, any juvenile that is arrested for domestic assault should be sent to the Hennepin County Juvenile Detention facility. All appropriate forms should be forwarded to JDC.

If the juvenile detention center will not accept the juvenile, and the juvenile can't stay at the residence due to safety concerns from either the juvenile or their family, place the juvenile in an appropriate facility ex. the bridge.

Questions relating to the handling of juveniles in domestic assault situations should be referred to the juvenile division of the Hennepin County Attorney's office.

310.8.5 COURT-ORDERED FIREARM SURRENDERS
Although not required, this department generally will accept firearms surrendered by a court order from an abusing party or defendant. A decision to refuse a surrendered firearm should be approved by a supervisor.

Firearms will normally be surrendered at the Hopkins 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 Evidence Room in accordance with the Evidence Room Policy.
Search and Seizure

311.1 PURPOSE AND SCOPE
Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Hopkins Police Department personnel to consider when dealing with search and seizure issues.

311.2 POLICY
It is the policy of the Hopkins Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

311.3 SEARCHES
The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.
311.4 SEARCH PROTOCOL
Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances reasonably permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated. If the officers believe an attempt to obtain keys prior to the search would jeopardize the search or officer safety, officers may proceed without a key.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

311.5 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.
Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE
This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Hopkins Police Department (42 USC § 5633; Minn. Stat. § 260B.176; Minn. Stat. § 260C.176).

The Hopkins Police Department is not authorized to hold juveniles in the secure detention facility, unless extraordinary circumstances exist.

312.2 POLICY
The Hopkins 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 Hopkins Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

312.3 CUSTODY OF JUVENILES
No juvenile should be held in temporary custody at the Hopkins Police Department without authorization of the Sergeant / OIC.

Juveniles shall be detained in the non-secure area of the Hopkins Police Department, unless the incident requires use of the secure detention area (i.e. DUI processing, booking procedures, exigent circumstances). A juvenile in the secure detention area must be under continuous visual supervision by a law enforcement officer or other department member. Status offenders or non-offenders should not be processed in the secure detention area.

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 Hopkins Police Department (42 USC § 5633).

Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

312.3.1 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).
312.3.2 CUSTODY OF JUVENILE OFFENDERS
Juvenile offenders should be held in non-secure custody while at the Hopkins Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally juvenile offenders may be taken into custody under the authority of Minn. Stat. § 260B.175 when a court order authorizes the custody, when the juvenile has committed an offense that would warrant the arrest of an adult, or when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision.

An officer who takes a juvenile offender of any age or gender into custody or could take the juvenile into custody under Minn. Stat. § 260B.175 is authorized to perform a protective pat-down search of the juvenile offender in order to protect the officer's safety (Minn. Stat. § 260B.175, Subd. 4).

The parent, guardian, or custodian of the juvenile shall be notified as soon as possible when a juvenile offender is taken into custody. Juvenile offenders shall be released to the custody of a parent, guardian, custodian, or other suitable person unless there is reason to believe that the juvenile would (Minn. Stat. § 260B.176):

(a) Endanger him/herself or others.
(b) Not return for a court hearing.
(c) Run away from or otherwise not remain in the care or control of his/her parent, guardian, or custodian.
(d) Face immediate endangerment to his/her health or welfare.

If a juvenile offender is not released to a parent, guardian, custodian, or other suitable person, the officer taking the juvenile offender into custody shall notify the court as soon as possible of the detention of the juvenile and the reasons for detention (Minn. Stat. § 260B.176).

312.3.3 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)

However, the department is not required to notify the school if it is determined that notice would jeopardize an ongoing investigation.
312.4 JUVENILES WHO SHOULD NOT BE HELD
Juveniles who exhibit any of the following conditions should not be held at the Hopkins 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 Hopkins Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

312.4.1 SUICIDE PREVENTION OF JUVENILES IN CUSTODY
The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself, or any unusual behavior that may indicate the juvenile may harm him/herself while in custody.

312.5 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.

312.6 JUVENILE CUSTODY LOGS
Any time a juvenile is held in secure custody at the Department the custody shall be documented in the Temporary Holding Facility Log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Hopkins Police Department.

(c) Sergeant / OIC 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.

312.7 NO-CONTACT REQUIREMENTS
Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile or status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Hopkins Police Department
Temporary Custody of Juveniles

shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

312.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Hopkins Police Department shall ensure the following:

(a) The Sergeant / OIC should be notified if it is anticipated that a juvenile may need to remain at the Hopkins Police Department more than four hours. This will enable the Sergeant / OIC to ensure no juvenile is held at the Hopkins Police Department more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care such as changing clothing or using the restroom without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices such as peep holes or mirrors of which the juvenile is not aware. Therefore an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

(f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment including any special diet required for the health of the juvenile.

(g) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Blankets should be provided as reasonably necessary.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
(o) No discipline may be administered to any juvenile nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

312.9 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 Hopkins 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 Sergeant / OIC. 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.
Adult Abuse

313.1  PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Hopkins Police Department members as required by law (Minn. Stat. § 626.557).

313.1.1  DEFINITIONS
Definitions related to this policy include (Minn. Stat. § 626.5572):

**Adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult’s care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

313.2  POLICY
The Hopkins Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

313.3  MANDATORY NOTIFICATION
Members of the Hopkins Police Department shall notify the entity responsible for receiving such reports when they have reason to believe that a vulnerable adult is being or has been maltreated, or has sustained a physical injury which is not reasonably explained. Members shall also report suspected negligent care by a service or health care provider that resulted in injury or harm requiring the care of a physician (Minn. Stat. § 626.557).

For purposes of notification, a vulnerable adult is a person age 18 or older who has physical, mental or emotional disabilities that make it difficult for the person to care for or to protect him/herself from maltreatment. It also refers to adults who reside at a facility, or receive care at a facility or through home care (Minn. Stat. § 626.5572).

Maltreatment includes abuse, neglect and financial exploitation. Abuse can be physical, emotional or sexual. Financial exploitation may include any instance where vulnerable adults’ money, assets or property are not used for their benefit or are stolen or kept from them (see Minn. Stat. § 626.5572 for full definitions).

313.3.1  NOTIFICATION PROCEDURE
Oral notification should be made as soon as possible, but in all cases within 24 hours (Minn. Stat. § 626.557; Minn. Stat. § 626.5572). To the extent possible, the following should be included in the notification:

(a) The identity of the vulnerable adult and any caregiver
(b) The nature and extent of the suspected maltreatment
(c) Any evidence of previous maltreatment
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(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 Hopkins Police Department, the member receiving the notification shall complete and forward the intake form to the entity responsible for receiving such reports.

313.4 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).

313.5 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 as 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:

(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.
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(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).

313.6 INTERVIEWS

313.6.1 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.

313.6.2 DETAINING VICTIMS FOR INTERVIEWS
An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.

2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.

3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

313.7 MEDICAL EXAMINATIONS
When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult’s transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a
supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

### 313.8 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.

#### 313.8.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit 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 labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigation Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Ensure when officers respond to drug labs or other narcotics crime scenes the environmental, medical, social and other conditions that may affect the adult are documented.

#### 313.8.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab 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 Unit supervisor so an interagency response can begin.

### 313.9 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

#### 313.9.1 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau 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.
Adult Abuse

313.9.2 RELEASE OF REPORTS
Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Minn. Stat. § 626.557).

313.10 TRAINING
The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.
(b) Conducting interviews.
(c) Availability of therapy services for adults and families.
(d) Availability of specialized forensic medical exams.
(e) Cultural competence (including interpretive services) related to adult abuse investigations.
(f) Availability of victim advocates or other support.
Discriminatory Harassment

314.1 PURPOSE AND SCOPE
This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

314.2 POLICY
The Hopkins Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate, discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

314.3 DISCRIMINATION PROHIBITED

314.3.1 DISCRIMINATION
The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual’s protected class. It has the effect of interfering with an individual’s work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department’s commitment to an environment that is free of discrimination.

314.3.2 SEXUAL HARASSMENT
The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person’s sex.
Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

314.3.3 ADDITIONAL CONSIDERATIONS
Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) or the Minnesota Department of Human Rights.

(b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

314.3.4 RETALIATION
Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

314.4 RESPONSIBILITIES
This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, Assistant City Manager or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.
Discriminatory Harassment

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.

314.4.1 SUPERVISOR RESPONSIBILITY
Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including sexual harassment and retaliation.

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure that their subordinates understand their responsibilities under this policy.

(d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Chief of Police or Assistant City Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

314.4.2 SUPERVISOR’S ROLE
Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

314.5 INVESTIGATION OF COMPLAINTS
Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that
all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

314.5.1 SUPERVISORY RESOLUTION
Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

314.5.2 FORMAL INVESTIGATION
If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency, dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Assistant City Manager or the City Manager.

314.5.3 ALTERNATIVE COMPLAINT PROCESS
No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

314.6 NOTIFICATION OF DISPOSITION
The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.
314.7 DOCUMENTATION OF COMPLAINTS
All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, the City Manager or Assistant City Manager if more appropriate.
- Maintained for the period established in the department’s retention schedule.

314.8 TRAINING
All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

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.

314.8.1 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, the Assistant City Manager or the City Manager for further information, direction or clarification.
Child Abuse

315.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Hopkins Police Department members are required to notify the county social services agency of suspected child abuse.

315.1.1 DEFINITIONS
Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child’s care or any other act that would mandate notification to a social service agency (Minn. Stat. § 626.556; Minn. Stat. § 626.5561).

315.2 POLICY
The Hopkins Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the county social services agency is notified as required by law.

315.3 MANDATORY NOTIFICATION
Members of the Hopkins Police Department shall notify the county social services agency when they have reason to believe any of the following may have occurred or when someone reports any of the following (Minn. Stat. § 626.556):

(a) A child is being neglected or has been neglected within the preceding three years.
(b) A child is being physically abused or has been physically abused within the preceding three years by a person responsible for the child’s care.
(c) A child is being sexually abused, threatened with sexual abuse or has been sexually abused within the preceding three years by a person responsible for the child’s care, by a person who has a significant relationship to the child or by a person in a position of authority.
(d) A woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol (marijuana), or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive (Minn. Stat. § 626.5561).

Notification is mandatory for any acts of neglect, physical abuse and sexual abuse that constitute a crime, whether or not the suspect had any relationship to or responsibility for the child (Minn. Stat. § 626.556, Subd. 10a).

For purposes of notification, physical abuse includes injuries, mental injuries or injuries that cannot be reasonably explained (e.g., punching, kicking, burning). Sexual abuse includes criminal
Child Abuse

sexual conduct and prostitution offenses. Neglect includes failure to supply a child with necessary clothing, shelter, medical care. See Minn. Stat. § 626.556, Subd. 2 for full definitions of physical abuse, sexual abuse and neglect.

315.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (Minn. Stat. § 626.556):

(a) The member tasked with the investigation shall call the county social services agency and report the alleged abuse as soon as possible but always within 24 hours. The time of the call and the name of the person should be documented.

(b) Notification, when possible, should include:
   1. The child’s current location and whether the child is in immediate danger.
   2. A description of when and where the incident occurred and what happened to the child.
   3. A description of the injuries or present condition of the child.
   4. The names and addresses of the child, parents, or caregivers.
   5. Whether there were any witnesses to the incident and their names.
   6. Any additional information about the child, family, or caregivers that may be helpful.
   7. Whether the incident occurred in a licensed facility or a school and what actions the facility employees may have taken.
   8. Whether there are immediate family, relative, or community resources that would offer protection or support to the child.

(c) Forms that may be required by the county social services agency or other written notification shall be completed and faxed or delivered to the county social services agency as soon as possible but always within 72 hours, exclusive of weekends and holidays.

(d) Approved investigation reports should be forwarded to the county social services agency as soon as practical.

(e) When the child abuse occurred at a facility or by a person from a facility that requires a state license or a profession that requires a state license (e.g., foster homes, group homes, day care, educator), notification shall also be made to the agency responsible for licensing the facility or person (Minn. Stat. § 626.556).

315.4 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.
(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.

315.5 INVESTIGATIONS AND REPORTING
In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

315.6 PROTECTIVE CUSTODY
Before taking any child into protective custody, the officer should make reasonable attempts to contact the county social services agency. Generally, removal of a child from his/her family,
guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the county social services agency.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Minn. Stat. § 260C.175):

(a) When a court has issued an order for removal.

(b) When a child is found in surroundings or conditions that pose an imminent threat to the child's health or welfare or that a peace officer reasonably believes pose an imminent threat to the child's health or welfare.

(c) If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, taking the child into custody under this clause shall be consistent with the Indian Child Welfare Act (25 USC § 1922).

315.6.1 NOTICE TO PARENT OR CUSTODIAN

Whenever an officer takes a child into protective custody, the officer shall notify the parent or custodian that he/she may request that the child be placed with a relative or a designated caregiver 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. 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).

The above notifications may be made by the county social services agency representative if he/she is at the scene.

315.6.2 SAFE PLACE FOR NEWBORNS

A person may leave an unharmed newborn less than seven days old with the staff of a hospital, urgent care facility or ambulance service without being subject to prosecution (Minn. Stat. §
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609.3785). The responsible social service agency is charged with addressing these matters but may contact law enforcement if child abuse is suspected (Minn. Stat. § 145.902; Minn. Stat. § 609.3785).

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

315.7.2 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.

315.7.3 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. § 626.556, Subd. 10).

The interview may take place at school or at any facility or other place where the alleged victim or other children might be found, or the child may be transported to, and the interview conducted at, a place that is appropriate for the interview and has been designated by the local welfare agency or law enforcement agency. The interview may take place outside the presence of the alleged offender or parent, legal custodian, guardian or school official (Minn. Stat. § 626.556, Subd. 10).
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. § 626.556, Subd. 10).

315.7.4 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. § 626.556, Subd. 10).

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. § 626.556, Subd. 10).

315.7.5 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. § 626.561):

(a) The date, time, place and duration of the interview.
(b) The identity of the persons present at the interview.
(c) A summary of the information obtained during the interview if it was not audio recorded.

Members should follow the written guidelines of the county attorney’s office regarding recording interviews of a child abuse victim.

315.8 MEDICAL EXAMINATIONS
If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child’s transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

315.9 DRUG-ENDANGERED CHILDREN
A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.
315.9.1 SUPERVISOR RESPONSIBILITIES
The Investigation Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including the county social
services agency, other law enforcement agencies, medical service providers and local
prosecutors to develop community specific procedures for responding to situations
where there are children endangered by exposure to methamphetamine labs or the
manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigation
Unit supervisor that the officer has responded to a drug lab or other narcotics crime
scene where a child is present or where evidence indicates that a child lives there.

(c) Ensure when officers respond to drug labs or other narcotics crime scenes the
environmental, medical, social and other conditions that may affect the child are
documented.

315.9.2 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.

(b) Contact Child Protection to see if placement is appropriate.

(c) Notify the Investigation Division supervisor so an interagency response can begin.

315.9.3 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).

315.10 STATE MANDATES AND OTHER RELEVANT LAWS
Minnesota requires or permits the following:

315.10.1 RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse shall be confidential and
may only be disclosed pursuant to state law and the Records Maintenance and Release Policy
(Minn. Stat. § 626.556, Subd. 11).
315.10.2 CHILD MORTALITY REVIEW PANELS
Child mortality review panels are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This department shall cooperate fully with any such team and investigation (Minn. Stat. § 256.01, Subd. 12).

315.10.3 COORDINATION WITH SOCIAL SERVICES
In every case of child abuse that would require notification to a local county social services agency, the investigating officer shall coordinate the planning and execution of the investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. The investigating officer shall prepare a report separate from the social services agency (Minn. Stat. § 626.556, Subd. 10).

Members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Minn. Stat. § 626.556 (Minn. Stat. § 243.166).

315.10.4 NOTIFICATION PROCESS
The 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. § 626.556).

315.10.5 COURT-ORDERED FIREARM SURRENDERS
Although not required, this department generally will accept firearms surrendered by a court order from an abusing party or defendant. A decision to refuse a surrendered firearm should be approved by a supervisor.

Firearms will normally be surrendered at the Hopkins 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 Evidence Room in accordance with the Evidence Room Policy.
Missing Persons

316.1 PURPOSE AND SCOPE
This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS
Definitions related to this policy include:

Endangered - A person the Department has confirmed is missing and there is sufficient evidence to indicate that the person is at risk of physical injury or death. Examples include (Minn. Stat. § 299C.52):

(a) The person is missing because of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary.
(b) The person is missing under known dangerous circumstances.
(c) The person is missing more than 30 days.
(d) The person is under the age of 21 and at least one other factor is applicable.
(e) There is evidence that the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication.
(f) The person does not have a pattern of running away or disappearing.
(g) The person is mentally impaired.
(h) There is evidence that a non-custodial parent may have abducted the person.
(i) The person has been the subject of past threats or acts of violence.
(j) There is evidence that the person is lost in the wilderness, backcountry or outdoors where survival is precarious and immediate and effective investigation and search-and-rescue efforts are critical.
(k) Any other factor the Department deems to indicate the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.
(l) There is sufficient evidence that a child is with a person who presents a threat of immediate physical injury to the child or physical or sexual abuse of the child.
(m) Qualify for a state AMBER Alert™ pursuant to Minn. Stat. § 299A.61, Subd. 1.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes any person under the age of 18 or who is certified or known to be mentally incompetent (Minn. Stat. § 299C.52).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Minnesota Justice Information
Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse and the Minnesota Crime Alert Network.

316.2 POLICY
The Hopkins Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS
The Investigation Unit supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

316.4 ACCEPTANCE OF REPORTS
Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction (Minn. Stat. § 299C.53, Subd.1(a)).

316.5 INITIAL INVESTIGATION
Officers or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

(a) Respond to a dispatched call as soon as practicable. Obtain a detailed description of the missing person, as well as a description of any related vehicle and/or abductor.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be endangered (Minn. Stat. § 299C.53, Subd. 1(b)). Interviews should be conducted separately, if practicable.

(c) Consult with the Bureau of Criminal Apprehension (BCA) if the person is determined to be an endangered missing person (Minn. Stat. § 299C.53, Subd. 1(b)).
(d) Canvass the last known area where the missing person was seen, if known. A search of the location where the incident took place, if known, should also be conducted and a search warrant obtained if necessary.

(e) Determine when, where and by whom the missing person was last seen. Interview the person who last had contact with the missing person.

(f) Notify a supervisor immediately if there is evidence that a missing person is either endangered or may qualify for a public alert, or both (see the Public Alerts Policy).

(g) Broadcast an “Attempt to Locate” (ATL) or similar alert if the person is under 18 years of age or there is evidence that the missing person is endangered. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be endangered.

(h) Relay known details to all on-duty personnel as well as other local or surrounding law enforcement agencies using local and state databases.

(i) Ensure that entries are made into the appropriate missing person networks:
   1. Immediately, when the missing person is endangered (Minn. Stat. § 299C.53, Subd. 1(b)).
   2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(j) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(k) Collect and/or review:
   1. A photograph and fingerprint card of the missing person, if available (Minn. Stat. § 299C.54, Subd. 2).
      (a) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
   2. Any documents that may assist in the investigation, such as court orders regarding custody.
   3. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(l) When circumstances permit and if appropriate, attempt to determine the missing person’s location through his/her telecommunications carrier.

(m) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an endangered missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(n) Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:
   1. The primary agency has limited resources.
2. The investigation crosses jurisdictional lines.

3. Jurisdictions have pre-established task forces or investigative teams.

316.5.1 CRIME SCENE INVESTIGATION AND MANAGEMENT

If a crime scene is identified, it should be secured and a command post or operation base located at a reasonable distance from the crime scene. Staff and assign the responsibilities for command post supervisor, media specialist, search coordinator, investigative coordinator, communication officer and support unit coordinator. Provide two liaison officers (one at the command post and one at the crime scene). The role of the liaison at the home will include facilitating support and advocacy for the family.

The investigation of the scene and the crime should consider various elements, including:

(a) Establishing the ability to “trap and trace” all incoming calls. Consider setting up a separate telephone line or cellular telephone for department use and follow-up on all leads.

(b) Compiling a list of known sex offenders in the region.

(c) In cases of infant abduction, investigating claims of home births made in the area.

(d) In cases involving children, obtaining child protective agency records for reports of child abuse.

(e) Reviewing records for previous incidents related to the missing person and prior law enforcement activity in the area, including prowlers, indecent exposure, attempted abductions, etc.

(f) Obtaining the missing person’s medical and dental records, fingerprints and a biological sample when practicable or within 30 days.

(g) Creating a missing person profile with detailed information obtained from records and interviews with family and friends, describing the missing person’s heath, relationships, personality, problems, life experiences, plans, equipment, etc.

(h) Interviewing delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.

(i) Determining if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:

1. Investigative resources (e.g., search and rescue).

2. Interpretive resources.

3. Telephone services, such as traps, traces and triangulation.

4. Media assistance from local and national sources.
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(j) Using secure electronic communication information, such as the missing person’s cellular telephone number, e-mail address and information from social networking sites.

(k) Appointing an officer to communicate with the family/reporting party or their designee. The officer will be the primary point of contact for the family/reporting party or their designee, and should provide contact information and the family information packet (if available) to the family/reporting party or their designee.

(l) Providing general information to the family/reporting party or their designee about the handling of the missing person case or about any intended efforts, only to the extent that disclosure would not adversely affect the department’s ability to locate or protect the missing person or to apprehend or criminally prosecute any person in connection to the case.

316.6 REPORT PROCEDURES AND ROUTING
Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.6.1 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 Bureau.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
   1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.6.2 RECORDS BUREAU RESPONSIBILITIES
The responsibilities of the Records Bureau receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person’s residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
Missing Persons

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigation Unit.

(e) Coordinating with the NCIC Terminal Contractor for Minnesota to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.7 MISSING PERSONS FROM SEX OFFENDER PROGRAM
The administrator of a Minnesota sex offender treatment program facility or his/her authorized designee is mandated by law to report patients who are absent without authorization. Officers receiving these reports are required to complete a missing person's report and ensure the information is entered into the missing persons' file of the National Crime Information Center (NCIC) database and other applicable missing persons' databases. Where there is probable cause of a violation of Minn. Stat. § 609.485 (escape from custody), the investigating officer shall also seek a felony arrest warrant and ensure the warrant is entered into the NCIC database (Minn. Stat. § 253B.185).

Upon notice of a patient missing from a sex offender program, the reporting officer should advise the Sergeant / OIC of the circumstances as soon as practicable.

After receiving either a missing person's report or a court-issued "apprehend and hold" order, officers shall detain a sex offender treatment patient who has been located, and return the patient to the custody of the program. A detained patient should not be held in a jail or lockup unless there is no other feasible place of detention for the patient, the detention is for less than 24 hours, and there are protections in place (including segregation) to ensure the safety of the patient. This is not applicable to a patient arrested for a criminal offense, such as a violation of Minn. Stat. § 609.485 (escape from custody) (Minn. Stat. § 253B.185).

316.8 INVESTIGATION UNIT 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 person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
(c) Shall review the case file to determine whether any additional information received on the missing person indicates that the person is endangered, and shall update applicable state or federal databases accordingly (Minn. Stat. § 299C.535(b); Minn. Stat. § 299C.535(c)).

(d) Shall attempt to obtain the following, if not previously obtained, if the person remains missing after 30 days (Minn. Stat. § 299C.535(a)):

1. Biological samples from family members and, if possible, from the missing person
2. Dental information and X-rays
3. Additional photographs and video that may aid the investigation or identification
4. Fingerprints
5. Any other specific identifying information

(e) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(f) Shall verify and update the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(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 time line and other visual exhibits.
7. Critiquing the results of the ongoing investigation with appropriate investigative resources.
8. Arranging for periodic media coverage.
9. Considering the use of rewards and crime-stoppers programs.
10. Maintaining contact with the family and/or the reporting party or designee, as appropriate.

(i) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (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) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(n) 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).

316.9 WHEN A MISSING PERSON IS FOUND
When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Administrative Services Director shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to BCA.

(b) A missing child’s school is notified.

(c) Entries are made in the applicable missing person networks (Minn. Stat. § 299C.53, Subd. 2).

(d) When a child is endangered, the fact that the child has been found shall be reported within 24 hours to BCA.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.9.1 PERSONS FOUND ALIVE
Additional responsibilities related to missing persons who are found alive include:

(a) Verifying that the located person is the reported missing person.

(b) If appropriate, arranging for a comprehensive physical examination of the victim.
(c) Conducting a careful interview of the person, documenting the results of the interview and involving all appropriate agencies.

(d) Notifying the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of his/her whereabouts and contact information, the family/reporting party may be given this information.

(e) Depending on the circumstances of the disappearance, considering the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.

(f) Performing a constructive post-case critique. Reassessing the procedures used and updating the Department policy and procedures as appropriate.

316.9.2 UNIDENTIFIED PERSONS
Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person’s description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

316.9.3 DECEASED PERSONS
If a deceased person has been identified as a missing person, the Investigation Unit 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).

Additional investigation responsibilities include the following:

(a) Secure the crime scene if this department has jurisdiction.

(b) Contact the coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.

(c) Collect and preserve any evidence at the scene.

(d) Depending on the circumstances, consider the need for intervention, counseling or other services for the family/reporting party.

(e) Cancel alerts and remove the case from NCIC and other information systems; remove posters and other publications from circulation.

(f) Perform a constructive post-case critique. Reassess the procedures used and update the department policy and procedures as appropriate.
316.10 CASE CLOSURE
The Investigation Unit supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Hopkins or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.11 TRAINING
Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:
   1. Assessments and interviews
   2. Use of current resources, such as Mobile Audio Video (MAV)
   3. Confirming missing status and custody status of minors
   4. Evaluating the need for a heightened response
   5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.
(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.
Public Alerts

317.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY
Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system’s individual criteria.

317.3 RESPONSIBILITIES

317.3.1 EMPLOYEE RESPONSIBILITIES
Employees of the Hopkins Police Department should notify their supervisor, Sergeant / OIC or Investigation Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES
A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Captain and the Press 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

317.4 AMBER ALERTS
America’s Missing: Broadcast Emergency Response (AMBER) Alert™ is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child’s abduction and how it can assist law enforcement in the child’s recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement through the Minnesota Crime Alert Network (Minn. Stat. § 299A.61 Subd. 1).
Public Alerts

317.4.1 CRITERIA
Any non-familial case in which an individual is abducted and the public can assist will trigger the activation of either the AMBER Alert and/or the Minnesota Crime Alert Network (MCAN) to inform the public and request its assistance in locating the individual.

The criteria for issuance of an Amber Alert are as follows:

(a) A child 17 years of age or younger was abducted and there is reason to believe the victim is in imminent danger of serious bodily injury or death.

(b) There is information available to disseminate to the general public that could assist with the safe recovery of the victim and/or the apprehension of the suspect.

An AMBER Alert should not be requested if there is no information to distribute.

317.4.2 PROCEDURE
The supervisor shall review the AMBER Alert checklist provided by the Bureau of Criminal Apprehension (BCA) to determine whether the abduction meets the AMBER Alert criteria.

As soon as possible, the child’s name and other critical data shall be entered into the National Crime Information Center (NCIC), with appropriate flags.

If the AMBER Alert criteria is met, the supervisor, Sergeant / OIC, Investigation Unit supervisor, or their designee will notify the Operations Center at the BCA. The BCA will determine whether an AMBER Alert will be issued and, if so, will activate the Minnesota Emergency Alert System (EAS) through the Minnesota Department of Public Safety (DPS) Division of Homeland Security and Emergency Management (HSEM).

BCA will manage press notifications through the EAS.

As additional information becomes available, the BCA shall be apprised and they will disseminate the information, as appropriate.

When the child is found, or the alert should be cancelled for other reasons, the Investigation Unit supervisor shall immediately notify BCA with the pertinent information.

317.5 MINNESOTA CRIME ALERT NETWORK
MCAN is a statewide communications network that enables law enforcement agencies to quickly alert the public (Minn. Stat. § 299A.61). In cases where the AMBER Alert criteria are not met, MCAN can be activated to notify the public and request information on the case. Law enforcement agencies, businesses, schools and community members participate in the network.

317.5.1 CRITERIA
MCAN is available for disseminating information regarding the commission of crimes, including information on missing and endangered children or vulnerable adults, or attempts to reduce theft and other crime.
317.5.2 PROCEDURE
If a supervisor determines that a MCAN alert should be requested, the supervisor should contact the BCA Operations Center and provide the requested information.

The Press 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 Press Information Officer or other authorized individual to handle media liaison.
(i) A telephone number for the public to call with leads or information.

As additional information pertinent to the case becomes available, it shall be forwarded to the BCA.

317.6 BLUE ALERTS
Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer.

317.6.1 CRITERIA
The following criteria should be utilized to determine if a request to activate a Blue Alert will be made:

(a) A law enforcement officer has been killed, seriously injured or is missing while in the line of duty under circumstances evidencing concern for the officer’s safety.
(b) The investigating law enforcement agency has determined that:
   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.
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(c) A description of the offender, the offender’s vehicle (including license plate or partial license plate) is available for broadcast.

317.6.2 PROCEDURE
The on-duty supervisor should ensure that contact is made with the Minnesota Bureau of Criminal Apprehension (BCA) to request activation of a Blue Alert. The on-duty supervisor should also ensure that any changes to information (e.g., vehicle information, broadcast area) are communicated to BCA in a timely manner.
Victim and Witness Assistance

318.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

318.2 POLICY
The Hopkins Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Hopkins Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIM LIAISON
The Chief of Police may 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 Hopkins Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.4 CRIME VICTIMS
Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim’s safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

318.5 VICTIM INFORMATION
The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.

(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.
Victim and Witness Assistance

(f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender’s custody status and to register for automatic notification when a person is released from jail.

(g) Notice regarding U Visa and T Visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the officer’s name, badge number, and any applicable case or incident number.

(j) Notices and information regarding the rights of crime victims, domestic abuse victims, and offender release as detailed in the following:
   1. Safe at Home address confidentiality program (Minn. Stat. § 5B.03)
   2. Offender release notification (Minn. Stat. § 244.052; Minn. Stat. § 244.053; Minn. Stat. § 611A.06; Minn. Stat. § 629.73)
   3. Tenancy issues (Minn. Stat. § 504B.205; Minn. Stat. § 504B.206)
   4. Victim and specific domestic violence victim information/Minnesota CHOICE (Minn. Stat. § 611A.02 et seq.; Minn. Stat. § 629.341; Minn. Stat. § 629.72)

(k) A notice that a decision to arrest is the officer’s and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution.

(l) Contact information for the Office of Justice Programs and the Emergency Fund and Crime Victims Reparations.

318.6 WITNESSES

Officers should never guarantee a witness’ safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.
Hate or Prejudice Crimes

319.1 PURPOSE AND SCOPE
The Hopkins Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 FEDERAL JURISDICTION
The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person’s actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

319.2 DEFINITIONS
Hate or Prejudice Crime - Conduct that would constitute a crime and was committed because of the victim’s or another’s actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (see generally Minn. Stat. § 611A.79, Subd. 1).

319.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES
While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

(a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups relating to hate crime laws.

319.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES
Whenever any member of this department receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

(a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.
Hate or Prejudice Crimes

(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.

(d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.

(e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned officers will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant report(s). 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 victim(s) 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 victim(s) by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.

(h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts, prosecuting attorney or City Attorney.

319.5 INVESTIGATION UNIT RESPONSIBILITIES

If a case is assigned to the Investigation Unit, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

(a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies, as appropriate.

(b) Maintaining contact with the victim(s) and other involved individuals as needed.

(c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

319.5.1 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 Support Services or assigned to the Investigation Unit (Minn. Stat. § 626.5531, Subd. 2).
Hate or Prejudice Crimes

Reports are required to include (Minn. Stat. 626.5531, Subd. 1):

(a) The date of the offense.
(b) The location of the offense.
(c) Whether the target of the incident was a person, private property or public property.
(d) The crime committed.
(e) The type of bias and information about the offender and the victim that is relevant to that bias.
(f) Any organized group involved in the incident.
(g) The disposition of the case.
(h) Whether the determination that the offense was motivated by bias was based on the officer's reasonable belief or on the victim's allegation.
(i) Any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

319.5.2 FEDERAL HATE CRIME REPORTING
The Support Services staff should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Bureau procedures and in compliance with (28 USC § 534 (a)).

319.6 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).
Standards of Conduct

320.1 PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of the Hopkins Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member’s supervisors.

320.1.1 STANDARDS OF CONDUCT FOR PEACE OFFICERS
The Hopkins Police Department adopts the Professional Conduct of Peace Officers model policy established and published by the Minnesota Board of Peace Officer Standards and Training Board (POST) (Minn. Stat. § 626.8457). This model policy applies to all peace officers of this department. See attachment: MN POST Professional Conduct of Peace Officers Model Policy.pdf
The provisions of this policy are in addition to collective bargaining agreements or any other applicable law (see generally Minn. R. 6700.1500).
The Department shall report annually to POST any data regarding the investigation and disposition of cases involving alleged misconduct of officers (Minn. Stat. § 626.8457, Subd. 3).

320.2 POLICY
The continued employment or appointment of every member of the Hopkins Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS
Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS
Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.
No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or
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shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

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

320.3.2 SUPERVISOR RESPONSIBILITIES
Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS
Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Minnesota Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE
The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action.
Standards of Conduct

for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

320.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Hopkins Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(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) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
Standards of Conduct

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

320.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member’s position with this department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Hopkins Police Department badge, uniform, identification card or 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.

320.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.
Standards of Conduct

(e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

(f) Failure to notify the Personnel Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department--related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. 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 City policy, the collective bargaining agreement, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.
Standards of Conduct

320.5.9  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 enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s 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.

320.5.10  SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver’s license, first aid).

(c) Failure to maintain 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.
Standards of Conduct

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member’s appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member’s ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
Information Technology Use

321.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

321.1.1 DEFINITIONS
Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Hopkins Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file** or **file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

321.2 INSPECTION OR REVIEW
A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member’s duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

321.3 PROTECTION OF AGENCY SYSTEMS AND FILES
All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.
Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

321.4 RESTRICTED USE
Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Sergeant / OICs.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE
Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded and utilized in accordance with this manual.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.
321.4.2 HARDWARE
Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

321.4.3 OFF-DUTY USE
Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

321.5 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

321.6 POLICY
It is the policy of the Hopkins Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.
Report Preparation

322.1 PURPOSE AND SCOPE
Report preparation is a major part of each employee’s job. The purpose of reports is to document sufficient information to refresh the employee’s memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

322.1.1 REPORT PREPARATION
Employees should ensure that their reports are sufficient for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to hold the report has been approved by a licensed member with the rank of Sergeant or above. In the absence of a licensed member with the rank of Sergeant or above, the assigned employee shall complete and submit all reports taken during the shift before going off-duty.

Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident nor shall any employee make a false report orally or in writing. Generally, the reporting employee’s opinions should not be included in reports unless specifically identified as such.

322.2 REQUIRED REPORTING
Written reports are required in all of the following situations on the appropriate Department-approved form unless otherwise approved by a supervisor.

322.2.1 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
(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).

322.2.2 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))
322.2.3 DEATH REPORTS
Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigations Policy.

322.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

322.2.5 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.

322.2.6 ALTERNATE REPORTING FOR VICTIMS
Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

322.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

322.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for Department consistency.

322.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.
322.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the officer stating the reasons for rejection. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

When necessary to facilitate a report correction in a timely manner, supervisors may make small corrections to reports if the correction does not change the factual content or understanding of the report.

322.5 REPORT CHANGES OR ALTERATIONS
Reports that have been approved by a supervisor and submitted to the Records Unit 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 Bureau may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

322.6 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 Bureau 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 Bureau shall ensure that the findings of the investigation are forwarded to the commissioner of the Department of Natural Resources using the form provided by the commissioner (Minn. Stat. § 626.553, Subd. 1).
Media Relations

323.1 PURPOSE AND SCOPE
This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

323.2 RESPONSIBILITIES
The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Captains, Sergeant / OICs and designated Press Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

323.2.1 MEDIA REQUEST
Any media request for information or access to a law enforcement situation shall be referred to the first available supervisor or if unavailable, a Press Information Officer (PIO). Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

323.3 MEDIA ACCESS
Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
Media Relations

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Press Information Officer or other designated spokesperson.

(c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Press Information Officer.

323.3.1 TEMPORARY FLIGHT RESTRICTIONS
Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Sergeant / OIC. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

323.3.2 PROVIDING ADVANCE INFORMATION
To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

323.4 SCOPE OF INFORMATION SUBJECT TO RELEASE
The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through Support Services. This
log will consist of data classified as public and should generally contain the following information (Minn. Stat. § 13.82):

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) 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 designated media representative, the custodian of records, or if unavailable, to the Sergeant / OIC. Such requests will generally be processed in accordance with the provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.03).

323.4.1 STATE RESTRICTED INFORMATION
It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release Policy and the Personnel Records Policy). When in doubt, authorized and available legal counsel should be obtained.
Court Appearance and Subpoenas

324.1 PURPOSE AND SCOPE
This policy establishes the guidelines for department members who must appear in court. It will allow the Hopkins Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

324.2 POLICY
Hopkins Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

324.3 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).

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS
Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Hopkins Police Department.
(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Hopkins Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.
Court Appearance and Subpoenas

324.3.2 CIVIL SUBPOENA
The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, in accordance with any collective bargaining agreement.

A private party in a civil action who seeks to subpoena an employee must deposit the statutory fee, if any, for each day's appearance before such subpoena will be accepted. Parties seeking to have the employee make multiple appearances must make an additional deposit in advance to include mileage reimbursement and per diem allowed by law.

324.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

324.4 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.

324.5 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.

324.6 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.

324.6.1 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.

324.7 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.
Outside Agency Assistance

325.1 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.

325.2 POLICY
It is the policy of the Hopkins 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.

325.3 ASSISTING OUTSIDE AGENCIES
Generally, requests for any type of assistance from another agency should be routed to the Sergeant / OIC’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 Sergeant / OIC 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 at 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.

325.3.1 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.
Outside Agency Assistance

325.3.2 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 Hopkins Police Department shall notify his/her supervisor or the Sergeant / OIC and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

325.4 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.

325.5 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 Sergeant / OIC.

325.6 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 Operations Captain, 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.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.
Registered Predatory Offender

326.1   PURPOSE AND SCOPE
This policy establishes guidelines by which the Hopkins Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

326.2   POLICY
It is the policy of the Hopkins Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

326.3   REGISTRATION
The Investigation Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minn. Stat. § 243.166 within three days of the registration. Registration and updated information from a person who lacks a primary residence shall be forwarded within two business days. Updated primary address information from any registered predatory offender shall also be forwarded within two business days (Minn. Stat. § 243.166).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

326.3.1   REGISTRATION PROCESS
When an offender arrives to register with this department, the assigned investigator should:

(a) Determine in what state the offense was committed.

(b) Confirm the individual is required to register by reviewing the list of Minnesota offenses on the BCA’s Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual that is available on the BCA's secure website.

(c) If a person is required to register, search the BCA's secure website to verify whether the offender is already registered and a DNA sample has been submitted.

(d) If the offender is already registered, complete a Change of Information Form (available on the BCA’s secure website).

(e) If the offender is not registered, complete a POR Form (available at BCA’s secure website).
(f) If the offender is from another state, contact the state (information for each state is listed on the BCA’s website) and request a copy of the offender’s original registration form, criminal complaint and sentencing documents.

1. Documents obtained should be submitted to the BCA with a registration form.
2. The BCA will determine if registration is required and inform the department and the offender.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit by phone or through the BCA secure website.

326.3.2 GUIDELINES AND FORMS
The registration process shall be in accordance with Minn. Stat. § 243.166 and follow the guidelines implemented by the BCA. Forms used in the registration process are available from the secure website operated by the BCA.

326.3.3 NOTIFICATION TO REGISTRANTS
The registration process established by the Investigation Unit supervisor should include procedures for determining whether an individual requires notification of his/her requirement to register because the individual was not otherwise notified of the requirement by the sentencing court or assigned a corrections agent (Minn. Stat. § 243.166).

326.4 MONITORING OF REGISTERED OFFENDERS
The Investigation Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on the BCA secure website or the Department of Corrections Offender Information (DOC) website.

(c) Contact with a registrant’s parole or probation officer, if any.

Any discrepancies should be reported to BCA in writing.

The Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Hopkins Police Department personnel who have a need to know, including timely updates regarding new or relocated registrants.

326.5 DISSEMINATION OF PUBLIC INFORMATION
Members will not make a public notification advising the community of a particular registrant’s presence in the community without permission from the Chief of Police. Members who believe notification is appropriate should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police based on statutory requirements, with the assistance of legal counsel as necessary, whether such a public alert should be made.
The Administrative Services Director shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 243.166, Subd. 7; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

326.5.1 MANDATORY DISSEMINATION
The Department shall provide and release predatory offender data, or updated data, obtained from the DOC based upon the offender’s status of a Level 1, 2, or 3.

The Department shall continue to disclose data on an offender as required by law for as long as the offender is required to register under Minn. Stat. § 243.166.

Disclosure to the health care facility of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving inpatient care shall be made by this department (Minn. Stat. § 244.052, Subd. 4c).

The Department shall provide an offender’s change of status to the entities and individuals who were initially notified if the Department becomes aware that the area where notification was made is no longer where the offender resides, is employed, or is regularly found (Minn. Stat. § 244.052, Subd. 4).

326.5.2 LEVEL 1 DISCLOSURE
Data maintained by law enforcement may be subject to limited disclosure (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document “Confidential Fact Sheet - For Law Enforcement Agency Use Only” or other DOC guidance):

(a) Mandatory disclosure:
   1. Victims who have requested disclosure
   2. Adult members of the offender’s immediate household

(b) Discretionary disclosure:
   1. Other witnesses or victims
   2. Other law enforcement agencies

326.5.3 LEVEL 2 DISCLOSURE
Data is subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution (Minn. Stat. § 244.052, Subd. 4) (refer to DOC document “Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota - Risk Level 2” or other DOC guidance):

(a) In addition to Level 1 disclosure, the Department may disclose data to:
   1. Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.
   2. Individuals likely to be victimized by the offender.
Registered Predatory Offender

(b) Discretionary notification must be based on the offender’s pattern of offending or victim preference as documented by the DOC or the Minnesota Department of Human Services (DHS).

326.5.4 LEVEL 3 DISCLOSURE
Data is subject to disclosure not only to safeguard facilities and protect the individuals they serve but also to protect the community as a whole (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document “Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota” or other DOC guidance):

(a) The Department shall disclose information to the persons and entities provided for Level 1 and 2 disclosures.

(b) The Department shall disclose data to other members of the community that the offender is likely to encounter unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.

(c) A good faith effort must be made to complete the disclosure within 14 days of receiving a confirmed address from the DOC.

(d) The process of notification is determined by this department. The DOC has recommended that the community be invited to a public meeting and disclose the necessary data. Assistance is available from the DOC Risk Assessment/Community Notification (RA/CN) Unit.

Data disclosed to the public of a Level 3 predatory offender shall be forwarded to the DOC within two days of the department’s determination to disclose (Minn. Stat. § 244.052, Subd. 4(g)).

326.5.5 HEALTH CARE FACILITY NOTIFICATION
Upon notice that a registered predatory offender is planning to be in this jurisdiction or has been admitted to a health care facility or home care provider in this jurisdiction, this department shall provide a fact sheet to the facility administrator with the following data (Minn. Stat. § 243.166, Subd. 4b) (refer to the DOC documents, “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender Not For Distribution to Facility Residents” and “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender For Distribution to Facility Residents” or other DOC guidance):

(a) Name and physical description of the offender

(b) Offender’s conviction history, including the dates of conviction

(c) Risk level assigned to the offender, if any

(d) Profile of likely victims

326.5.6 SPECIALIZED NOTIFICATION
Offenders from other states and offenders released from federal facilities are also subject to notification (Minn. Stat. § 244.052, Subd. 3a):

(a) If this department learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Department
must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this department whether to proceed with community notification in accordance with the level assigned by the other state.

(b) If the DOC determines that the governing law in the other state is not comparable, community notification by this department may be made consistent with that authorized for risk Level 2.

(c) If this department believes that a risk level assessment is needed, the Department may request an end-of-confinement review. The Department shall provide to the DOC the necessary documents required to assess a person for a risk level.

326.5.7 VICTIM NOTIFICATION
If a predatory offender resides, expects to reside, is employed or is regularly found in this jurisdiction, the Department shall provide victims who have requested notification with data that is relevant and necessary to protect the victim. Information disclosed should be obtained from the risk assessment report provided by DOC (Minn. § Stat. 244.052, Subd. 3).

The DOC will provide victim contact data to this department when there is a victim who has requested notification (refer to the DOC document “Victim Data Confidential for Law Enforcement Agency Use Only”).

It may be appropriate for members of the Department to directly contact the victim. Community victim advocacy or prosecutor resources may also be available to assist with locating and notifying a victim. Assistance is also available from the DOC victim services staff.

Members of the Department may contact other victims, witnesses and other individuals who are likely to be victimized by the offender.

326.5.8 HOMELESS NOTIFICATION PROCESS
If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should be as specific as possible. These offenders are required to check in weekly with local law enforcement, unless an alternative reporting procedure is approved by the Investigation Unit supervisor (Minn. Stat. § 243.166, Subd. 3a).

326.5.9 LIMITATIONS OF RELEASE OF DATA
Disclosures permitted or required for Level 2 or 3 offenders shall not be made if the offender is placed or resides in a DOC-licensed residential facility. Upon notification that the offender is released to a permanent address, the disclosures permitted or required by law shall be made (Minn. Stat. § 244.052, Subd. 4). Data regarding the victim or witnesses shall not be disclosed (Minn. Stat. § 244.052, Subd. 4(e)).

The broadest disclosures authorized under Minn. Stat. § 244.052, Subd. 4 may still be made for certain offenders (sexually dangerous persons or persons with a sexual psychopathic personality) even though still residing in a residential facility (Minn. Stat. § 253D.32, Subd. 1).
326.6 DISCLOSURE TO LOCAL WELFARE AGENCY
Upon request, members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Minn. Stat. § 626.556 (Minn. Stat. § 243.166).
Major Incident Notification

327.1 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.

327.2 POLICY
The Hopkins Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

327.3 MINIMUM CRITERIA FOR NOTIFICATION
Most situations where the media show a strong interest are also of interest to the Chief of Police and Captains. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides.
- Suspicious death not attributed to natural causes.
- Any kidnapping or hostage incident
- Traffic collisions with fatalities.
- Officer-involved shooting, whether on- or off-duty (See Officer-Involved Shooting Policy for special notifications).
- Significant injury or death to an employee, whether on- or off-duty.
- Any serious injury to an arrested person by an officer effecting an arrest that requires force
- Death of a prominent Hopkins official.
- Arrest of:
  ° Department employee or prominent Hopkins official.
  ° Any law enforcement officer of any criminal justice agency
  ° Any national, state, county, or local official of any government or political subdivision, including elected and appointed officials
  ° Any person of known national prominence
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.
- Any other incident, which has or is likely to attract significant media attention.
Any other incident or condition not already listed here that logically would justify notification.

327.4 SERGEANT / OIC RESPONSIBILITIES
The Sergeant / OIC is responsible for making the appropriate notifications. The Sergeant / OIC shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Sergeant / OIC shall attempt to make the notifications as soon as practicable.

327.4.1 STAFF NOTIFICATION
In the event an incident occurs as identified in the Minimum Criteria for Notification, the Chief of Police shall be notified along with the Operations Captain and the Investigation Unit Captain.

327.4.2 DETECTIVE NOTIFICATION
If the incident requires that an officer or investigator respond from home, the on call investigator should be contacted.

327.4.3 PRESS INFORMATION OFFICER (PIO)
The Press Information Officer shall be called after members of staff have been notified if it appears the media may have a significant interest in the incident.
Death Investigation

328.1 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.

328.2 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. A supervisor shall be notified in all death investigations.

328.2.1 MEDICAL EXAMINER REQUEST
The Medical Examiner, the Hennepin County Crime Lab, and the On Call Investigator 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.
(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.

328.2.2 SEARCHING DEAD BODIES

The Medical Examiner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle or search a dead body (Minn. Stat. § 390.221).

An officer shall make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for information identifying the individual as an organ donor or as an individual who made a refusal. If a donor document is located, the Medical Examiner shall be promptly notified (Minn. Stat. § 525A.12).

Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating officer shall first obtain verbal consent from the Medical Examiner.

The Medical Examiner is required to release property or articles to law enforcement that are necessary for conducting an investigation unless reasonable basis exists pursuant to Minn. Stat. § 390.225 Subd. 2 to not release the property or articles (Minn. Stat. § 390.221).

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer, pending the arrival of the Medical Examiner.
The name and address of this person shall be included in the narrative of the death report. 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.

328.2.3 DEATH NOTIFICATION
When practicable, and if not handled by the Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned investigators may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained (Minn. Stat. § 390.25 Subd. 2 (b)).

This department shall immediately notify the state fire marshal or Hopkins's chief officer (if that position exists) when a human death results from a fire, (Minn. Stat. § 299F.04 Subd. 5 (b)).

328.2.4 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 HPD 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)).

328.2.5 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented.

328.2.6 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 on call investigator shall be notified and respond to the scene for further immediate investigation.

If the on-scene 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).
328.2.7 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.
Identity Theft

329.1 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.

329.2 REPORTING
(a) A report shall be taken any time a person living within the jurisdiction of the Hopkins Police Department reports that he/she has been a victim of identity theft (Minn. Stat. § 609.527, Subd. 5). This includes:
   1. Taking a report even if the location of the crime is outside the jurisdiction of this department or has not been determined.
   2. Providing the victim with department information, as set forth in the Victim and Witness Assistance Policy. Officers should encourage the individual to review the material, and assist with any questions.

(b) A report should also be taken if a person living outside the department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Hopkins to facilitate the crime).

(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.

329.3 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.

329.4 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 Bureau 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.
329.5 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.
Citizen's Arrests

330.1  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).

330.2  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).

330.3  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).

330.4  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.
Citizen’s Arrests

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.

2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person’s arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual upon a misdemeanor citation or pending formal charges.

330.5 REPORTING REQUIREMENTS
In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Citizen's Arrest Form. If the person fails or refuses to do so the arrested 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.
Limited English Proficiency Services

331.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

331.1.1 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 Hopkins 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).

331.2 POLICY
It is the policy of the Hopkins 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.

331.3 RESPONSIBILITIES
The Chief of Police may delegate certain responsibilities related to LEP services.

The responsibilities may include:
Limited English Proficiency Services

(a) Coordinating and implementing all aspects of the Hopkins 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 Sergeant / OIC and Administrative Services Director. 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.

331.4 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.
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(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.

**331.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Hopkins 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.

**331.6 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.

**331.7 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.
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(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.

331.7.1 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.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City 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.

331.7.2 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.

331.8 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.
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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.

331.9 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE
The Hopkins Police Department will take reasonable steps and will work to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

331.10 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.

331.11 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:

- 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.

### 331.12 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.

#### 331.12.1 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

### 331.13 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.
331.14 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 Operations Captain.

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.

331.15 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.

331.16 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 Sergeant 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 Sergeant 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.

331.16.1 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 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 Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.
Communications with Persons with Disabilities

332.1 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.

332.1.1 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.

332.2 POLICY
It is the policy of the Hopkins 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.

332.3 AMERICANS WITH DISABILITIES (ADA) AGENCY RESPONSIBILITIES
The Chief of Police shall delegate certain responsibilities (28 CFR 35.107). The Operations Captain or authorized designee shall ensure the Agency responsibilities are met.

The responsibilities shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Hopkins Police Department's efforts to ensure equal access to services, programs and activities.
Communications with Persons with Disabilities

(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 Sergeant / OIC and Administrative Services Director. 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.

332.4 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).

(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.
332.5 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 Hopkins 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.

332.6 TYPES OF ASSISTANCE AVAILABLE
Hopkins Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.
332.7 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.

332.8 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.
(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 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).

332.9 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.

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.
Communications with Persons with Disabilities

332.10 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.

332.11 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.

332.12 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.

332.13 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.
Communications with Persons with Disabilities

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.

332.13.1 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.

332.14 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 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
Communications with Persons with Disabilities

recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

332.14.1 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

332.15 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 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.

332.16 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 Operations Captain.

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.
Communications with Persons with Disabilities

332.17 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.

332.18 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 Sergeant 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 Sergeant 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.
Pupil Arrest Reporting

333.1 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.

333.2 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 Support Services Division notifies the chief administrative officer of the school, or an appropriate designee, of the pupil's arrest, if the school wasn't notified at the time of arrest.

If there is probable cause to believe an incident involved alcohol or a controlled substance, the arresting officer shall request the Support Services Division notify the chemical abuse pre-assessment team of the school within two weeks of the occurrence (Minn. Stat. § 121A.28).

333.2.1 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.

333.2.2 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.

333.2.3 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.
Biological Samples

334.1 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.

334.2 POLICY
The Hopkins 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.

334.3 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).

334.4 PROCEDURE
When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

334.4.1 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 or Hennepin County Sheriff’s Office to perform the collection and take steps to avoid cross contamination.

334.5 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.
**Biological Samples**

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:

(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.
Chaplains

335.1 PURPOSE AND SCOPE
The Hopkins Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

335.2 POLICY
It is the policy of this department that the Chaplain Program shall be a nondenominational, ecumenical ministry provided by volunteer clergy without financial compensation.

335.3 GOALS
Members of the Chaplain Program shall fulfill the program’s purpose in the following manner:

(a) By serving as a resource for Department personnel and the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Department.

(c) By providing counseling, spiritual guidance and insight for Department personnel, their families and the public.

(d) By being alert to the spiritual and emotional needs of Department personnel, their families and the public.

(e) By familiarizing themselves with the role of law enforcement in the community.

335.4 REQUIREMENTS
Candidates for the Chaplain Program shall meet the following requirements before formally being designated as a Law Enforcement Chaplain:

(a) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.

(b) Must submit to and pass a criminal background check completed by the department or its designee.

335.5 SELECTION PROCESS
Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Appropriate written application.
Chaplains

(b) Recommendation from their faith's community elders, board or council.
(c) Interview with Chief of Police and Chaplain Supervisor
(d) Successfully complete an appropriate level background investigation.
(e) Complete an appropriate probationary period as designated by the Chief of Police.

335.6 DUTIES AND RESPONSIBILITIES
Chaplains are volunteer members of the Department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy in this manual and other applicable Department policies. The duties of a chaplain include, but are not limited to, the following:

(a) Assisting in making notification to families of Department members who have been seriously injured or killed.
(b) After notification, responding to the hospital or home of the Department member.
(c) Visiting sick or injured law enforcement personnel in the hospital or at home.
(d) Attending and participating, when requested, in funerals of active or retired members of the Department.
(e) Assisting other personnel in the diffusion of a conflict or incident when requested to by on-scene staff.
(f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that, in the judgment of the Sergeant / OIC or supervisor, aids in accomplishing the mission of the Department.
(g) Being on call, and if possible on-duty, during major demonstrations or any public function that requires the presence of a large number of Department personnel.
(h) Attending Department ceremonies and social events and offering invocations and benedictions, as requested.
(i) Responding to all major disasters, such as floods, bombings and similar critical incidents.
(j) Providing liaison with various religious leaders of the community.
(k) Assisting public safety personnel and the community in any other function of the clergy profession as requested.
(l) Participating in in-service training classes.
(m) Willing to train to enhance effectiveness.
(n) Promptly facilitating requests for representatives or leaders of other denominations.
(o) Making referrals in cases where specialized attention is needed, or in those cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or
teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions and follow-up provided while functioning as a chaplain for the Hopkins Police Department.

335.7 CLERGY-PENITENT CONFIDENTIALITY
No person who provides chaplain services to members of the department may work or volunteer for the Hopkins Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the department member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the department chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Hopkins Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

335.8 COMMAND STRUCTURE
(a) Under the general direction of the Chief of Police or designee chaplains shall report to the Chaplain Coordinator.
(b) The Chief of Police shall make all appointments to the Chaplain Program and will designate a Chaplain Coordinator.
(c) Chaplain Coordinator shall serve as the liaison between the Chaplain Unit and the Chief of Police. He/she will arrange for regular meetings, act as chairman of all chaplain meetings, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

335.9 OPERATIONAL GUIDELINES
(a) Chaplains shall be permitted to ride with officers during any shift and observe Hopkins Police Department operations, provided the Sergeant / OIC has been notified and has approved the activity.
(b) Chaplains shall not be evaluators of employees.
(c) In responding to incidents, a chaplain shall never function as an officer.
(d) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.
(e) Chaplains shall serve only within the jurisdiction of the Hopkins Police Department unless otherwise authorized by the Chief of Police or designee.
Chaplains

(f) Each chaplain may have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private; each chaplain will exercise appropriate security measures to prevent distribution of the data.

335.9.1 UNIFORMS AND BADGES
A police Identification card shall be issued to Chaplains and should be worn on the outermost layer of clothing when in the station or on a scene.
Child and Dependent Adult Safety

336.1 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.

336.2 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 Hopkins 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.

336.3 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.
336.4 DEPENDENT WELFARE SERVICES
Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service entity to determine whether protective custody is appropriate (Minn. Stat. § 260C.007; Minn. Stat. § 260C.175).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.
Service Animals

337.1 PURPOSE AND SCOPE
Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Hopkins Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

337.1.1 DEFINITIONS
Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler’s control, the facility can accommodate the horse’s type, size and weight, and the horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

337.2 POLICY
It is the policy of the Hopkins Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

337.3 MEMBER RESPONSIBILITIES
Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Hopkins Police Department affords to all members of the public (see generally Minn. Stat. § 256C.02; Minn. Stat. § 363A.19).

337.3.1 REMOVAL
If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.
**Service Animals**

337.3.2 INQUIRY
If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal’s status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

337.3.3 CONTACT
Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

337.3.4 COMPLAINTS
When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice or the Minnesota Department of Human Rights.

337.4 IDENTIFICATION AND USE OF SERVICE ANIMALS
Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Examples of the ways service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
Service Animals

- 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.
Reserve Unit

338.1 PURPOSE AND SCOPE
The organization shall be known at the Hopkins Police Reserve Unit and shall herein be referred to as the Reserve Unit.

(a) The official address of the Reserve Unit shall be 1010 - 1st Street South, Hopkins, Minnesota, 55343.

(b) The objectives of the Reserve Unit are:
   1. To assist the established police of the City of Hopkins as a unit by performing services usual to such a unit, and to perform such other functions as directed the police of the City of Hopkins.
   2. To assist any organized or volunteer police, fire, rescue units of other municipalities, which shall request the services of the Reserve Unit.

The Reserve Unit shall be nonpolitical, nonsectarian, educational in character and operation, and shall be authorized to receive gifts and contributions from individuals and organizations to achieve the Reserve Unit's foregoing purposes.

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

338.1.1 DEFINITION OF VOLUNTEER
An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

338.1.2 VOLUNTEER ELIGIBILITY
Requirements for participation as an Hopkins Police Department volunteer include:

(a) Eighteen (18) years of age or older.
(b) United States citizen.
(c) Reside within the seven county metro area.
(d) Possess a valid Minnesota driver's license or a valid driver's license with another state.
(e) Must be a High School or GED graduate or above.
(f) Good physical, mental, and emotional condition, proportional height and weight.
(g) The applicant must not have any mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.

(h) Not been convicted of any felony or gross-misdemeanor crime.

(i) Submit to a general background investigation.

(j) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty, theft or any crime related to impersonating a law enforcement officer.

(k) Sign affidavits required by the City of Hopkins and its police department.

(l) Must pass required examinations.

(m) Provide the minimum required hours set by the reserve coordinator or their designee.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

338.2 VOLUNTEER MANAGEMENT

338.2.1 VOLUNTEER SUPERVISION AND MANAGEMENT

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Reserve Command Staff Officers shall be (in order of top command level to lowest): Chief of Police, Operations Captain, Administrative Sergeant, Sworn Police Reserve Coordinator, Reserve Captain, Reserve Lieutenant, and up to three (3) Reserve Squad Sergeants.

The Volunteer Coordinator or designee shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Maintaining records for each volunteer.

(c) Tracking and evaluating the contribution of volunteers.

(d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(e) Maintaining a record of volunteer schedules and work hours.

(f) Completion and dissemination as appropriate of all necessary paperwork and information.

(g) Planning periodic recognition events.

(h) Administering discipline when warranted.

(i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

The Reserve Captain shall have the following duties: To call and preside at all meetings; to see that all subordinate officers execute their obligations to the best of their abilities; oversee all operations of the Reserve Unit; to enforce the policy guidelines and bylaws of the Reserve Unit.
as well as the police department's regulations; to assign reserve officers to their duties; to appoint
temporary Reserve Command Officers when necessary; and to maintain the unit's records.

The Reserve Lieutenant shall assist the Reserve Captain in the discharge of his / her duties and
shall in the absence of the Captain, assume the duties of the Captain. The Reserve Lieutenant's
primary function will be to provide instructional training formats for all reserve members at all
meetings and shall have immediate supervision of the performance, duties, and activities of the
Reserve Sergeants. The Reserve Lieutenant shall also be responsible for administrative record
keeping as assigned by the Reserve Captain.

The Reserve Sergeants shall have the following duties: Each Sergeant shall assist the Reserve
Captain and Lieutenant in the discharge of his / her duties. They shall observe, supervise, and
evaluate the performance and activities of the subordinate reserve officers and shall assist in the
training of those officers. Reserve Sergeants will assist in administrative tasks as assigned by the
Reserve Captain.

Reserve Training Officers (R.T.O.) will be directly supervised by the Reserve Command Staff
Officers and will assist in the training and evaluation of probationary reserve officers in their
performance in the field. The RTO may exercise supervisory discretion with such new officers
during training.

338.2.2 RECRUITMENT
Volunteers should be recruited on a continuous and ongoing basis in accordance with department
policy on equal opportunity nondiscriminatory employment. A primary qualification for participation
in the application process should be an interest in, and an ability to assist the Department in
serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer
Coordinator through the requester's immediate supervisor. A complete position description and
a requested time frame should be included in the request. All parties should understand that the
recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer
Coordinator may withhold assignment of any volunteer until such time as the requesting unit is
prepared to make effective use of volunteer resources.

338.2.3 SCREENING
All prospective volunteers should complete the volunteer application form. The Volunteer
Coordinator or designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall
include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check

(b) Employment

(c) References
A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals, shall require submission of prints and clearance through the Bureau of Criminal Apprehension (BCA).

338.2.4 SELECTION AND PLACEMENT

(a) **Selection of all Members** - Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Program Manager. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and paperwork. At the time of final acceptance, each volunteer should complete all necessary enrollment paperwork and will receive a copy of the job description and agreement of service with the Department.

(b) **Selection of Command Staff Members**

1. **Captain** - Shall be appointed by the Chief of Police upon recommendations of the Reserve Coordinator(s) and the Liaison Officer. To qualify for this position, a reserve candidate must have had served with the unit a minimum of two years with the unit. Must submit to any reviews or exams set forth by the Chief of Police or reserve coordinators.

2. **Lieutenant** - Any reserve officer that has been with the unit for a minimum of two years. Must submit to any exams or reviews set forth by the Reserve Captain and reserve coordinators.

3. **Sergeant** - Any reserve officer who has served a minimum of eighteen months with the unit and has successfully passed probation. Must submit to any exams or reviews set forth by the Reserve Captain and reserve coordinators.

Non-Qualification - In any case where none of the above qualifications for any of the positions can be met, it shall be the duty of the Chief of Police, or the Reserve Captain and coordinators to decide the eligibility and qualifications for the appointment to these positions.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

338.2.5 EMPLOYEES WORKING AS OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a or volunteer in such a way that it would violate employment laws or labor agreements (Example: a detention officer working as an officer for reduced or no pay). Therefore, the Coordinator should consult the Personnel Department prior to an employee serving in a volunteer capacity (29 CFR 553.30).

338.2.6 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the department, personnel, policies and procedures that have a direct impact on their work assignment. The training program shall be established by the reserve coordinator or their designee.
Probationary Training Period

(a) Newly appointed reserve officers shall serve a one-year probationary period.

(b) During training, all probationary reserve officers shall be required to donate a minimum of 15 hours per month dedicated to training, including, all classroom training assigned by the command staff.

(c) At the completion of classroom training, probationary reserve officers will begin full-field training. All probationary reserve officers will be required to meet the standard of donating a minimum of 10 hours per month to the reserve unit. During this time, the designated training officer should start documenting performance evaluations and accomplished tasks in the reserve RTO packet.

(d) During the probationary period, the designated training officer(s) shall complete continued documentation of training and evaluations. Evaluations will be conducted by the reserve command officers to determine the training progress of the probationary reserve officer.

(e) After one year of service, the reserve command officers shall make a final evaluation of the probationary reserve officer to determine if the officer has met the standards of training. The reserve command officers can extend the probation period for probationary reserve officers, depending on their progress.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Reserve Training Evaluation Program  The following guidelines have been adapted for the Hopkins Police Reserve Unit for the purposes of evaluating the performance probationary reserve officers during their one-year probationary training period. The guidelines are designed for continuity during the training period therefore, making sure that all recruits receive adequate and proper training. The categories will correspond to the numbers on the evaluation form that the training officer will fill out each time the recruit is in training during field operation situations. The Daily Observation Report (DOR) is a performance evaluation form that includes the ten (10) categories that the RTOs will use to formally record and report your on-the-job performance. The RTO will review your overall performance with you on a category-by-category basis at the end of each shift worked or immediately before the next shifts street assignment. The purpose of this debriefing is to assist you in correcting areas of deficient performance and further strengthen those areas in which you are performing acceptably. There are no secrets in the Field Training and Evaluation process; you always know exactly where you stand in terms of formal performance assessment. You will be required to sign and date each DOR after you are debriefed. Your signature indicates that you and your RTO discussed the performance assessment and actions during the assigned work shift, which measure against the Standard Evaluation Guidelines representing your current level of performance proficiency.
Not Responding to Training  When instruction and additional coaching has been provided but you are still unable to satisfactorily perform/demonstrate, or explain the knowledge/skill area(s), an NRT (Not Responding to Training) notation (x) will be made on the front-side of the DOR. Chronic NRTs, in spite of additional coaching and training effort is an indication that a performance deficiency exists that has the potential to place your continued employment in jeopardy. Chronic NRTs generally result in an extension of training to further assist you get back on track. Persistent NRTs may result in a recommendation for an Employment Status Hearing to reassess your continued employment status. All reserve unit member shall receive training in the following areas:

(a) Role of the volunteer.
(b) Department and reserve unit policies.
(c) Training specific to the procedure manual for the volunteer position.
(d) Discrimination and harassment training.
(e) Search and rescue techniques.
(f) Scenario-based searching methods.
(g) Evidence preservation.
(h) Basic traffic direction and control.
(i) Roadway incursion safety.
(j) Self-defense techniques.
(k) Vehicle operations, including specialized vehicles.
(l) Police report writing.
(m) Crime prevention techniques.
(n) Federal, State and local laws and ordinance.
(o) Radio and computer use.
(p) Transportation of prisoners

Reserve officer may also receive training in:

(a) CPR / Emergency medical responder.
(b) Emergency vehicle operation.
(c) Bicycle patrol

Pursuant to Minn. Stat. § 626.8466, the Department may establish training, licensing and continuing education requirements for its reserve officers. Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer that they are licensed officers or other full-time members of the Department. They shall always represent themselves as volunteers. All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or
guideline in this manual refers to a licensed officer, it shall also apply to a volunteer unless by its nature it is inapplicable.

338.2.7 FITNESS FOR DUTY
No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license  
(b) Medical condition  
(c) Arrests  
(d) Criminal investigations  
(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

338.2.8 UNIFORMS AND EQUIPMENT
As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties. Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed officers.

(a) New Reserve Officers will be issued required equipment as determined by the Reserve Command Staff.  
(b) Beyond the issued equipment Reserve Officers may purchase additional equipment at their expense. Any additional equipment must be approved for use by the Hopkins Police Reserve Command Staff.  
(c) No equipment issued to any member may be used or worn in any capacity other than the performance of official duties with the Hopkins Police Department.  
(d) No member shall wear or display any part of the uniform unless acting in an official capacity for the Hopkins Police Reserve Unit.  
(e) Reserve Officers will at no time carry, either open or concealed, any firearm or other weapon not authorized by department regulation. Reserve Officers in possession of a firearm or other weapons while reporting for duty shall immediately secure the weapon upon their arrival to the police department in their assigned locker or other location approved by command staff prior to reporting for duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.
**338.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Unit supervision will follow the command structure as outlined in 383.2.1 volunteer supervision and management section of this policy.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

**338.4 DATA PRACTICES**

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

Reserve officers shall leave all department forms whether completed or not, directories and other department information within the confines of the police department except when actively participating in department authorized activates. An area will be provided for storage of such items in the reserve office when reserves are not on duty.

The only exception to this rule is a reserve may keep a copy of the reserve personal roster at their residence for access to unit member contact information. This can be done only if the member can guarantee the confidentiality of this information in their residence. Reserve Officers are expected to keep all access codes, passwords and website logins confidential and are not to share this.
information with anyone outside of the department. Reserve officers shall not use these access
codes, passwords or logins when not within the confined of the department building or department
vehicle unless they have expressed permission to access such at another location for a specific
project or assignment.

338.5 VEHICLE USE
Reserve Officers shall be allowed to operate department vehicles upon authorization to do so
through the field training program. Reserve Officers must maintain an active license for the class
of vehicle they will be operating and will cease operation of said vehicle and notify their supervisor
or the reserve coordinator.

Emergency Vehicle Operation Only reserve officers who have the approval of the reserve
coordinator or their designee may operate a vehicle in emergency response mode.
(a) The reserve officer will review and acknowledge the applicable state statues.
(b) Complete an approved emergency-driving course
(c) Complete an approved emergency medial course - Emergency Responder or above
(d) A reserve officer that has not received training may operate a vehicle in emergency
mode if directly requested to by a police officer or supervisor. Such authorization is
to be considered unique to the situation the request is made under and does not
authorize the reserve officer to operate a vehicle in emergency mode beyond the
authorized situation.

Reserve Officers authorized to driver in emergency mode must:
(a) Adhere to the Hopkins Police Response Policy
(b) The reserve officer adheres to reserve response guidelines.

Should a reserve officer be dispatched to a call for service that requires an emergency response
and they are NOT certified, They are to advise dispatch that the call should be reassigned to a
qualified member of the department.

RESERVE RESPONSE GUIDELINES Reserve officers will adhere to the following guidelines as
they relate to responding to calls for service. The call types are broken into three categories and
are meant to dictate reserve self initiated response. Should a reserve officer be dispatched by a
dispatcher directly for a call of service that is not authorized by this policy they shall immediately
inform dispatch that the call for service should be re-dispatched to a qualified member of the
department. Nothing in this policy is meant to impend or prevent a reserve officer from responding
to any call for service if directed to do so by a police supervisor.
Category I- Public Service Oriented The Reserve Officer shall proceed directly to the call location
for the following calls:
• Animal Complaints
• Assist Invalid
Reserve Unit

- Assisting on Routine Traffic Stops
- Bicycle Safety Enforcement
- Community Events/Crime Prevention
- Council Agenda Delivery
- Found Property (If not of a hazardous or criminal nature)
- Impounds
- Lockouts
- Motorist Assists/Stalled Vehicles
- Parking Complaints (Fire Lane, Overtime Parking, Handicapped Parking, etc.)
- Public Assists - Transportation
- Traffic Control
- Funeral Escorts
- Pre-planned Groups Gathering

Category II - Unknown / Disturbance Calls
The Reserve officer can proceed to the call location but shall not be the primary responding unit and will proceed to the actual call location until the primary officers arrive on scene and advise that the reserve officer can proceed to the call location.

- Customer Disputes
- Domestics
- Groups Gathering and Disturbing
- Intoxicated Persons Disturbing
- Loud Parties
- Slumpers
- Suspicious Persons
- Suspicious Vehicles

Category III - High Risk Response
The reserve officer will not proceed to the area and will not arrive on the scene of the call without express permission. The reserve office shall monitor the call via radio and will only proceed to the area if requested to by the offices involved on the call.

- Burglaries in Progress/Residence has not been checked
- Intrusion Alarms
- Hold Up Alarms
- Bomb Threats/Bomb Calls
- Motor Vehicle Pursuits
Reserve Unit

- Domestic Assaults in Progress
- Fights/Assaults in Progress
- Hazmat Incidents
- Intoxicated Persons Down
- Prowlers/Window Peepers
- Shots Fired/Weapons Calls
- Trespassers
- Unknown Disturbances
- Unsecured Businesses/Open Doors
- Unsecured Crime Scenes
- Unwanted Persons

Should a Reserve Officer observe a category II or III situation in progress, the Reserve Officer shall call for police officer response and, if possible while maintaining safety, monitor the situation from a safe distance and await further instructions from a police officer, supervisor, or the officer in charge.

338.6 DISCIPLINARY PROCEDURES/TERMINATION

The Reserve Coordinator and Reserve Captain will investigate and address all disciplinary matters as it relates to the Hopkins Police Reserve Unit. Any member of the unit reported to have violated any Hopkins Police Reserve Unit bylaws, Hopkins Police General Orders or Minnesota State Statues will be subject to disciplinary actions.

Disciplinary action shall be handled in accordance with Hopkins Police Department policy. Any officer of the unit may be recommended to the command officers for disciplinary action for the abuse or misconduct of their appointed position. The charge against such an officer shall be made in writing and submitted to the Reserve Coordinator. The command officers of the unit shall handle disciplinary action. Disciplinary actions will be subject to review by the Reserve Coordinator, and the Chief of Police who has final authority.

A Reserve Officer may be removed from the Reserve Unit at the discretion of the Chief of Police or the Reserve Coordinator. Reserve Officers shall have no property interests in their continued appointment.

Reserve Officers may resign from volunteer service with this department at any time. It is requested that Reserve Officers who intend to resign provide advance notice of their departure and a reason for their decision.

338.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the
volunteer’s suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

338.7 EVALUATION
An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly and to ensure optimum job satisfaction on the part of volunteers.

The reserve coordinator or their designee will produce a yearly report of the activities of the reserve unit and present it to the Chief of Police for review. This report should contain at a minimum the hours donated by members of the unit and should also include unit accomplishments and notable personal changes that took place the previous year.

338.8 EMERGENCY CALL OUT FOR VOLUNTEER PERSONNEL
An emergency call out roster will be maintained for emergency call outs of reserve personal. It is the reserve officer's responsibility to maintain their contact information and contact the reserve coordinator or their designee with the updated information.
Volunteer Unit

339.1 POLICY
It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

339.1.1 DEFINITION OF VOLUNTEER
An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

339.1.2 VOLUNTEER ELIGIBILITY
Requirements for participation as a Hopkins Police Department volunteer include:

(a) Fifteen (15) years of age or older. Individuals under the age of eighteen (18) must have consent from a parent or guardian.
(b) Good mental and emotional condition.
(c) The applicant must not have any mental illness or chemical dependency condition that may adversely affects the person's ability to serve in the position.
(d) Not been convicted of any felony or gross-misdemeanor crime.
(e) Submit to a general background investigation.
(f) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty, theft or any crime related to impersonating a law enforcement officer.
(g) Sign affidavits required by the City of Hopkins and its police department.
(h) Must pass required examinations.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

339.2 VOLUNTEER MANAGEMENT
Volunteer Unit

339.2.1 VOLUNTEER SUPERVISION AND MANAGEMENT
The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services.

The Volunteer Coordinator or designee shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.
(b) Maintaining records for each volunteer.
(c) Tracking and evaluating the contribution of volunteers.
(d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
(e) Maintaining a record of volunteer schedules and work hours.
(f) Completion and dissemination as appropriate of all necessary paperwork and information.
(g) Planning periodic recognition events.
(h) Administering discipline when warranted.
(i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

339.2.2 RECRUITMENT
Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester’s immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

339.2.3 SCREENING
All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with the applicant. A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check
(b) Employment
(c) References
Volunteer Unit

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals, shall require submission of prints and clearance through the Bureau of Criminal Apprehension (BCA).

339.2.4 SELECTION AND PLACEMENT
Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Program Manager. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and paperwork.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

339.2.5 TRAINING
Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

339.2.6 FITNESS FOR DUTY
No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license
(b) Medical condition
(c) Arrests
(d) Criminal investigations
(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

339.2.7 APPEARANCE AND DRESS
As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties. Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed officers.

Volunteers shall be required to return any issued uniform or department property at the termination of service.
339.3 SUPERVISION OF VOLUNTEERS
Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.
(b) Ensure volunteers have work space and necessary office supplies.
(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

339.4 DATA PRACTICES
With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

339.5 VEHICLE USE
The Volunteer Coordinator will be responsible for ensuring volunteers are properly licensed and capable prior to driving any department vehicles. Volunteers may not drive any marked police department vehicles.

339.6 EVALUATION
An evaluation of the overall volunteer program will be conducted on an ongoing basis by the Volunteer Coordinator.
Native American Graves Protection and Repatriation

340.1 PURPOSE AND SCOPE
This policy is intended 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.).

340.1.1 DEFINITIONS
Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

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.

340.2 POLICY
It is the policy of the Hopkins Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, 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.

340.3 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, 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 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.
Native American Graves Protection and Repatriation

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior.
- State land - State archaeologist (Minn. Stat. § 307.08, Subd. 7)
- Tribal land - Responsible Indian tribal official.

340.4 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 10.6).

340.5 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).
Off-Duty Law Enforcement Actions

341.1 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 Hopkins Police Department with respect taking law enforcement action while off-duty.

341.2 POLICY
Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any licensed member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death or significant property damage may take reasonable action to minimize the threat.

341.3 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 or 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.

341.4 DECISION TO INTERVENE
There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
(b) The inability to communicate with responding units.
(c) The lack of equipment, such as handcuffs, Oleoresin Capsicum (OC) spray or a baton.
(d) The lack of cover.
(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
(f) Unfamiliarity with the surroundings.
(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

341.4.1 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 Hopkins Police Department officer until acknowledged. Official identification should also be displayed.

341.4.2 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.

341.4.3 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.

341.4.4 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.

341.5 REPORTING
Any officer, after taking any off-duty law enforcement action, shall notify a Hopkins Police Department supervisor, and other applicable enforcement authority if acting outside the jurisdiction of the Hopkins Police Department. The Sergeant / OIC shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.
Department Use of Social Media

342.1 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).

342.1.1 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.

342.2 POLICY
The Hopkins 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.

342.3 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.

342.4 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.
Department Use of Social Media

Examples of appropriate content include:

(a) Announcements.
(b) Tips and information related to crime prevention.
(c) Investigative requests for information.
(d) Requests that ask the community to engage in projects that are relevant to the department mission.
(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
(f) Traffic information.
(g) Press releases.
(h) Recruitment of personnel.

342.4.1 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 Press 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.

342.5 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 Hopkins 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.

342.5.1 PUBLIC POSTING PROHIBITED
Department social media sites shall be designed and maintained to prevent posting of content by the public.
Department Use of Social Media

The Department may provide a method for members of the public to contact department members directly.

342.6 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.

342.7 RETENTION OF RECORDS
The Investigations and Community Services Captain 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.

342.8 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.
Restorative Rest

344.1 PURPOSE
The purpose of this policy is to allow members of the Hopkins Police Department a restorative rest period with supervisor approval.

344.2 DEFINITIONS
Supervisor - For purposes of this policy supervisor is defined as a member with the rank of Sergeant or above.

Restorative Rest Period - A period of time a member may use to rest and or sleep during an assigned shift.

344.3 POLICY
There is no guarantee a member will be able to use a restorative rest period during an assigned shift. It is the responsibility of all members to report to duty in accordance with the Fitness for Duty policy. This policy does not supersede the Fitness for Duty policy.

Members requesting a restorative rest period will follow the following procedure:
A. Contact their immediate supervisor and request a restorative rest period.
B. If approved, change their dispatch status to "out of service."
C. Notify their supervisor of which approved location they will be conducting their restorative rest period.
D. Set an alarm to awake them at the end of their restorative rest period.
E. Change their dispatch status to "in service" at the completion of their restorative rest period.

Members will remain at a level of readiness, to include removing no more than their duty belt and external vest carrier.

Members will have their department issued cellular telephone on their person with the ringer volume set to a level loud enough to wake them should they be summoned.

Members may turn off their portable police radio during a restorative rest period.

Should a supervisor elect to call a member back to duty during a restorative rest period, it will be the responsibility of the supervisor to contact the member by telephone.

344.4 TIME PERIODS
Restorative rest periods may be up to 45 minutes in length during one working shift.

Supervisors may determine when a member takes a restorative rest period. Supervisors may also end a member's restorative rest period prior to the end of the approved time should the supervisor determine the member is needed for police services.
If a restorative rest period is shortened due to being called back to duty, the member must request an additional restorative rest period from their supervisor in accordance with this policy.

344.5 APPROVED LOCATIONS
Restorative rest periods may only be taken at:

A. The Hopkins Police Department
B. The Hopkins Fire Department
C. The Hopkins City Hall
Community Relations

389.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for community relationship-building.

389.2 POLICY
It is the policy of the Hopkins 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.

389.3 MEMBER RESPONSIBILITIES
Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships.
(b) Become reasonably familiar with the schools, businesses and community groups.
(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 to facilitate interaction with community members.

389.4 COMMUNITY RELATIONS COORDINATOR
The Investigations and Community Services Captain will serve as the community relations coordinator. Their responsibilities will include:

(a) Obtaining department-approved training related to his/her responsibilities.
(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
(c) Measuring 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 Operations Captain 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 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.

The Investigations and Community Services Captain may delegate some of the responsibilities to other staff within the Department.

389.5 SURVEYS
The community relations coordinator may arrange for a survey of community members and department members 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.

389.6 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:

(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
(e) Neighborhood Watch and crime prevention programs.

389.7 INFORMATION SHARING
The community relations coordinator should work with the Press 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)
Community Relations

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.

389.8 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-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.

389.9 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 may be subject to a criminal history check before approval for participation in certain activities.
389.10 COMMUNITY ADVISORY COMMITTEE
The Chief of Police may 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 Sergeant 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.

389.10.1 LEGAL CONSIDERATIONS
The Chief of Police and the community relations coordinator should work with the City 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.

389.11 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 advisory committee to identify information that may increase transparency regarding department operations.

389.12 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.
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.

389.12.1 STATE-MANDATED TRAINING
The Training Sergeant is responsible for ensuring that members receive community policing as required by Minn. Stat. § 626.8455.
Chapter 4 - Patrol Operations
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-organization cooperation and information sharing.

400.1.1 FUNCTION
Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Hopkins, 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 residential inspections, business inspections and community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol and other 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 Hopkins Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism-related reports are forwarded to the Investigation Unit Supervisor in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES
The following guidelines are intended to develop and maintain intra-organization cooperation and information flow between the various divisions of the Hopkins Police Department.
400.2.1 SIGNIFICANT INCIDENT REPORT
Sergeant's/OIC's will complete a significant incident report and forward it in an email to the members of the police department. Examples of incidents that would warrant a significant incident report:

- Death Investigation
- Serious Assaults
- Crime trends such as several vehicles being broken into in an area
- CSC
- Burglaries
- Pursuits
- Incidents involving felony level crimes
- Incidents where the assistance of other law enforcement agencies is sought to locate individuals or vehicles
- Media reported incidents
- Any other incident the Sergeant/OIC feels warrants reporting

400.2.2 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 Division for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS
Supervisors and specialized unit members are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

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.
Patrol Function

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.
Bias-Based Policing

401.1 PURPOSE AND SCOPE
This policy provides guidance to department members that affirms the Hopkins Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department’s relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.2 POLICY
The Hopkins Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group (Minn. Stat. § 626.8471, Subd. 3).

401.3 BIAS-BASED POLICING PROHIBITED
Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

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

401.5 SUPERVISOR RESPONSIBILITIES
Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource
used to document contact between officers and the public to ensure compliance with this policy.

1. Supervisors should document these periodic reviews.

2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.
Roll Call Training

402.1 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 General Orders or changes in General Orders.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

402.2 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.

402.3 RETENTION OF BRIEFING TRAINING RECORDS
Roll Call training materials and a curriculum or summary should be forwarded to the Training Sergeant for inclusion in training records as appropriate.
Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE
The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

403.2 CRIME SCENE RESPONSIBILITIES
The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, it shall be maintained until the officer is relieved by a supervisor.

403.3 SEARCHES AT CRIME OR DISASTER SCENES
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 pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.
Special Weapons and Tactics

404.1 PURPOSE AND SCOPE
The Special Weapons and Tactics (SWAT) has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY
The Policy Manual sections pertaining to the Special Weapons and Tactics are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINED
SWAT Team - A designated unit of law enforcement officers, including a multi-jurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 POLICY
It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and control
(b) Containment
(c) Entry/apprehension/rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.
404.2.1 POLICY CONSIDERATIONS
A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or designee.

404.2.2 ORGANIZATIONAL PROCEDURES
This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing.
(b) Team organization and function.
(c) Personnel selection and retention criteria.
(d) Training and required competencies.
(e) Procedures for activation and deployment.
(f) Command and control issues, including a clearly defined command structure.
(g) Multi-agency response.
(h) Out-of-jurisdiction response.
(i) Specialized functions and supporting resources.

404.2.3 OPERATIONAL PROCEDURES
This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
   1. All SWAT team members should have an understanding of operational planning.
   2. SWAT team training should consider planning for both spontaneous and planned events.
   3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.
   1. When reasonably possible, briefings should include the specialized units and supporting resources.
(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.
(d) A generic checklist to be worked through prior to initiating a tactical action, as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether a warrant should be regarded as high risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post-incident scene management including:
   1. Documentation of the incident.
   2. Transition to investigations and/or other units.
   3. Debriefing after every deployment of the SWAT team.
      (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs and reinforces sound risk management practices.
      (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.
      (c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
      (d) When appropriate, debriefing should include specialized units and resources.
   (i) Sound risk management analysis.
   (j) Standardization of equipment.

404.3 TRAINING NEEDS ASSESSMENT
The SWAT Team Leader shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

404.3.1 INITIAL TRAINING
SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved Basic SWAT Course or its equivalent.

To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

404.3.2 UPDATED TRAINING
Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.
SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training every 24 months.

404.3.3 SUPERVISION AND MANAGEMENT TRAINING
Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a department-approved SWAT commander or tactical commander course or its equivalent.

404.3.4 SWAT ONGOING TRAINING
Training shall be coordinated by the SWAT commander. The SWAT commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

   (a) Each SWAT member shall perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member.

   (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 90 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

   (c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 90 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 90-day period, shall be considered as having failed to attain a qualifying score for that test period.

   (d) SWAT team members will have to qualify with all weapons systems used.

404.3.5 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

404.3.6 SCENARIO-BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.3.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.
404.4 UNIFORMS, EQUIPMENT AND FIREARMS

404.4.1 UNIFORMS
SWAT teams from this department should wear uniforms that clearly identify team members as law
enforcement officers. It is recognized that certain tactical conditions may require covert movement.
Attire may be selected appropriate to the specific mission.

404.4.2 EQUIPMENT
SWAT teams from this department should be adequately equipped to meet the specific mission(s)
identified by the Department.

404.4.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units and the supporting resources
should be Department-issued or approved, including any modifications, additions or attachments.

404.4.4 OPERATIONAL READINESS INSPECTION
The commander of the SWAT shall appoint a SWAT Supervisor to perform an operational
readiness inspection of all unit equipment on as as needed basis. Discrepancies noted in the
inspection will be forwarded to the SWAT commander.

The inspections will include personal equipment issued to members of the unit as well as special
use equipment maintained for periodic or occasional use in the SWAT vehicle.

404.5 MANAGEMENT/SUPERVISION OF SPECIAL WEAPONS AND TACTICS
The commander of the SWAT shall be selected by the Chief of Police.

404.5.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through a Captain, the Special Weapons and Tactics
shall be managed by a Sergeant.

404.5.2 TEAM SUPERVISORS
Team supervisors shall be selected by the SWAT Commander.

The supervisor responsibilities for the Special Weapons and Tactics includes the primary
responsibility to supervise the operations of the team, to include deployment, training, first-line
participation and other duties as directed by the SWAT Commander.

404.6 SWAT TEAM ADMINISTRATIVE PROCEDURES
The SWAT team was established to provide a skilled and trained team that may be deployed
during events requiring specialized tactics, in situations where suspects have taken hostages and/
or barricaded themselves, as well as prolonged or predictable situations in which persons who
are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.
404.6.1 SELECTION OF PERSONNEL
Interested licensed personnel who are off probation shall submit a request to the SWAT Team Leader, a copy of which will be forwarded to other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT Commander. The testing process will consist of an oral board, physical agility test, and a SWAT basic handgun and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the SWAT Commander. Applicants will be evaluated by the following criteria:
   1. Recognized competence and ability as evidenced by performance.
   2. Demonstrated good judgment and understanding of the critical role of a SWAT member.
   3. Special skills, training or appropriate education as it pertains to this assignment.
   4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun.

(d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to staff by the SWAT Commander for final selection.

404.6.2 TEAM EVALUATION
Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.7 OPERATIONAL GUIDELINES FOR SPECIAL WEAPONS AND TACTICS
The following procedures serve as guidelines for the operational deployment of the Special Weapons and Tactics.

404.7.1 ON-SCENE DETERMINATION
The supervisor in charge at the scene of a particular event will assess whether the Special Weapons and Tactics should respond.
404.7.2 APPROPRIATE SITUATIONS FOR USE OF SPECIAL WEAPONS AND TACTICS
The following are examples of incidents that may result in the activation of the Special Weapons and Tactics:

(a) Barricaded suspects who refuse an order to surrender.
(b) Incidents where hostages have been taken.
(c) Cases of suicide threats.
(d) Arrests of dangerous persons.
(e) Any situation where a SWAT response could enhance the ability to preserve life, maintain social order and ensure the protection of property.

404.7.3 OUTSIDE AGENCY REQUESTS
Requests by field personnel for assistance from outside agency crisis units must be approved by the Sergeant / OIC. Deployment of the Hopkins Police Department Special Weapons and Tactics in response to requests by other agencies must be authorized by a Captain.

404.7.4 MULTI-JURISDICTIONAL SWAT OPERATIONS
The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.
(b) Members of the Hopkins Police Department SWAT team shall operate under the policies, procedures and command of the Hopkins Police Department when working in a multi-agency situation.

404.7.5 MOBILIZATION OF SPECIAL WEAPONS AND TACTICS
The on-scene supervisor shall make a request to the Sergeant / OIC for the Special Weapons and Tactics to respond. The Sergeant / OIC shall then notify the SWAT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained by the SWAT Commander. The Sergeant / OIC will then notify the Operations Captain as soon as practicable.

The Sergeant / OIC should advise the SWAT Commander with as much of the following information as is available at the time:

(a) The number of suspects, known weapons and resources.
(b) If the suspect is in control of hostages.
(c) If the suspect is barricaded.
(d) The type of crime involved.
(e) If the suspect has threatened or attempted suicide.
(f) The location and safe approach to the command post.
Special Weapons and Tactics

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.

The SWAT Commander or supervisor shall then call selected officers to respond.

404.7.6 FIELD UNIT RESPONSIBILITIES
While waiting for the Special Weapons and Tactics, field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team’s actions may include:

   1. Securing any subject or suspect who may surrender.

   2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the SWAT Commander on the situation.

(g) Plan for and stage anticipated resources.

404.7.7 ON-SCENE COMMAND RESPONSIBILITIES
Upon arrival of the Special Weapons and Tactics, the Incident Commander shall brief the SWAT Commander and team supervisors. The decision whether to deploy the Special Weapons and Tactics will generally be made by the Incident Commander, with input from the SWAT Commander. The SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the Special Weapons and Tactics. The Incident Commander and the SWAT Commander or designee shall maintain communications at all times.

404.7.8 COMMUNICATION WITH SPECIAL WEAPONS AND TACTICS PERSONNEL
All of those persons who are non-Special Weapons and Tactics personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with SWAT personnel directly. All non-emergency communications shall be channeled through the SWAT Commander or designee.
Ride-Along Policy

405.1 PURPOSE AND SCOPE
The Ride-Along Program provides an opportunity for persons to experience the law enforcement function first hand. This policy provides the requirements and approval process for the Ride-Along Program.

405.1.1 ELIGIBILITY
The Hopkins Police Department Ride-Along Program is offered to community members, students and those employed within the City. Every reasonable attempt will be made to accommodate interested persons. Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending or prior legal action against the City or the Department.
- Denial by any supervisor.

405.1.2 AVAILABILITY
Generally, the Ride-Along Program is available every day of the week. Ride-along times will generally be for a maximum of four hours. Exceptions to this may be made as approved by the Chief of Police, Captain or Sergeant / OIC.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG
Generally, ride-along requests will be scheduled by the Ride Along Coordinator. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number.

The Ride Along Coordinator will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ride-along waiver form will be forwarded to the respective Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, the Ride Along Coordinator will contact the applicant and advise him/her of the denial.

Nothing precludes officers from having persons known to them ride-along with the officer, as long as the officer seeks prior approval from their supervisor and a ride-along waiver form is completed.

405.2.1 PROGRAM REQUIREMENTS
Civilians will be allowed to ride no more than once every six months. Exceptions may be granted with prior approval of a Sergeant or higher ranking 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.

405.2.2 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 a Sergeant or higher ranking 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.

405.2.3 RIDE-ALONG CRIMINAL HISTORY CHECK
All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Minnesota Bureau of Criminal Apprehension Criminal History System check prior to approval (provided that the ride-along is not an employee of the Hopkins Police Department).

405.3 OFFICER'S RESPONSIBILITIES
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. As soon as practicable the officer should 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 Sergeant / OIC.

The Ride Along Coordinator is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along the officer should provide the Ride Along Coordinator with any pertinent comments regarding the participant to be referenced for future requests.

405.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include:

(a) The ride-along will follow the directions of the officer.
(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.
(c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home or to the station.
(d) The officer may terminate the ride-along at any time and return the observer to their home or to the station if the ride-along interferes with the performance of any officer's duties.
(e) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(f) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

(g) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.
Hazardous Material Response

406.1 PURPOSE AND SCOPE
Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Minnesota law, the following represents the policy of this department.

406.1.1 HAZARDOUS MATERIAL DEFINED
Hazardous material - Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid or contained gaseous form, which, because of its quantity, concentration, or chemical, physical or infectious characteristics may (Minn. Stat. § 116.06 Subd. 11):

(a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

406.2 HAZARDOUS MATERIAL RESPONSE
Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment absent proper training. A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous material. Identification can be determined by placard, driver’s manifest or statements from the person transporting the material

(b) Notify the appropriate fire department.

(c) Provide first aid to injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(e) Contact the Minnesota Duty Officer (800-422-0798).

(f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area are established.
406.3 REPORTING EXPOSURE(S)
Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an IOD form that shall be forwarded via chain of command to their Captain. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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.

406.3.1 SUPERVISOR RESPONSIBILITIES
When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.
Hostages and Barricaded Persons

407.1 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.

407.1.1 DEFINITIONS
Definitions related to this policy include:

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

407.2 POLICY
It is the policy of the Hopkins 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.

407.3 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.

407.3.1 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).
**407.4 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.

**407.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact 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.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.
Hostages and Barricaded Persons

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

407.4.2 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:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact 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.

(c) 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).

(d) 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.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) 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.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) 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.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.
(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITY

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT 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 City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
(i) Identify a media staging area outside the outer perimeter and have the department Press 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.

407.6 REPORTING

Unless otherwise relieved by a supervisor, the initial officer at the scene, officers with pertinent information and all others at the direction of a supervisor are responsible for completion of reports or coordination of reports for the hostage/barricade incident.
Response to Bomb Calls

408.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to assist members of the Hopkins 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.

408.2 POLICY
It is the policy of the Hopkins Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 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 Sergeant / OIC is immediately advised and informed of the details. This will enable the Sergeant / OIC to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

408.4 GOVERNMENT FACILITY OR PROPERTY
A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY
If the bomb threat is against a county or municipal facility within the jurisdiction of the Hopkins 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 Sergeant / OIC deems appropriate.

408.4.2 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.
Response to Bomb Calls

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.

408.5 PRIVATE FACILITY OR PROPERTY
When a member of this department receives notification of a bomb threat at a location in the City of Hopkins, 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 Sergeant / OIC is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE
The Sergeant / OIC should be notified when police assistance is requested. The Sergeant / OIC 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 Sergeant / OIC determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.
(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.
Response to Bomb Calls

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.

408.6 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 Sergeant / OIC including:
   1. The time of discovery.
   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.

408.7 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.

408.7.1 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.

408.7.2 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
- Sergeant / OIC
- 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

408.7.3 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.
Response to Bomb Calls

408.7.4 PRESERVATION OF EVIDENCE
As in any other crime scene, steps should immediately be taken to preserve the scene. The Sergeant / OIC should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.
Civil Commitments

409.1 PURPOSE AND SCOPE
This policy provides guidelines for when officers may place an individual in protective custody and request a 72-hour hold under the Minnesota Commitment and Treatment Act (Minn. Stat. § 253B.05).

409.2 POLICY
It is the policy of the Hopkins Police Department to protect the public and individuals through legal and appropriate use of the 72-hour hold process.

409.3 AUTHORITY
An officer, having probable cause to believe that any individual because of mental illness, chemical dependency, or public intoxication is in danger of injuring him/herself or others if not immediately detained, may take, or cause to be taken, the individual to a treatment facility for a 72-hour evaluation (Minn. Stat. § 253B.05, Subd. 2).

The officer shall make written application for admission of the individual to a treatment facility. The application shall contain the officer’s reasons for and circumstances under which the individual was taken into custody. If danger to specific individuals is a basis for the requested emergency hold, the statement must include identifying information for those individuals to the extent reasonably practicable. The officer shall also provide the department contact information for purposes of receiving notice if the individual is released prior to the 72-hour admission or leaves the facility without consent. The facility shall make a copy of the statement available to the individual taken into custody (Minn. Stat. § 253B.05, Subd. 2).

409.3.1 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.

409.4 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:
Civil Commitments

(a) Available information that might assist in determining the cause and nature of the individual’s action or stated intentions.
(b) Community or neighborhood mediation services.
(c) Conflict resolution and de-escalation techniques.
(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.

409.5 TRANSPORTATION
When transporting any individual for a 72-hour hold, the transporting officer should notify the receiving facility of 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, officers should assist in the transport.

409.5.1 TYPE OF TRANSPORTATION
When transporting any individual on a Minn. Stat. § 253B.05 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.05, Subd. 2(b)).

409.6 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.

409.7 CRIMINAL OFFENSES
Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for purposes of a 72-hour hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a 72-hour hold has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.
(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 72-hour hold.
(c) Facilitate the individual’s transfer to jail.
(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 72-hour hold.

In the supervisor’s judgment, the individual may 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.

409.8 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.

409.9 TRAINING
This department will endeavor to provide department-approved training on interaction with mentally disabled persons, 72-hour holds and crisis intervention.
Citation Releases

410.1 PURPOSE AND SCOPE
The purpose of this policy is to provide members of the Hopkins 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.

410.2 POLICY
The Hopkins 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.

410.3 RELEASE
A suspected offender shall be released on issuance of a citation:

- 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.

- When the offender is charged with a petty or fine-only misdemeanor (Minn. R. Crim. P. 6.01).

- 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.

410.4 CONSIDERATIONS
In determining whether to cite and release a person when discretion is permitted, officers should consider:

- The type of offense committed.
- The known criminal history of the suspected offender.
- The ability to identify the suspected offender with reasonable certainty.
- 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.
Citation Releases

(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.

410.5 FISH AND GAME AND ENVIRONMENT-RELATED OFFENSES
In the case of game and fish laws or other environment-related offenses, as specified in Minn. Stat. § 97A.211, officers should release the offender unless there is reason to believe that criminal conduct will continue or that the offender will not respond as required by the citation (Minn. Stat. § 97A.211).
Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that members of the Hopkins Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY
The Hopkins 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.

411.3 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.
411.4 ENFORCEMENT ACTION
If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. 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.

411.5 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.

411.6 DIPLOMATIC IMMUNITY TABLE
Reference table on diplomatic immunity:
## Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Category</th>
<th>Arrested or Detained</th>
<th>Enter Residence Subject to Ordinary Procedures</th>
<th>Issued Traffic Citation</th>
<th>Subpoenaed as Witness</th>
<th>Prosecuted</th>
<th>Recognized Family Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diplomatic Agent</td>
<td>No (note b)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Member of Admin and Tech Staff</td>
<td>No (note b)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Service Staff</td>
<td>Yes (note a)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise (note a)</td>
<td>No immunity or inviolability (note a)</td>
</tr>
<tr>
<td>Career Consul Officer</td>
<td>Yes if for a felony and pursuant to a warrant (note a)</td>
<td>Yes (note d)</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise (note a)</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Honorable Consul Officer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise</td>
<td>No for official acts Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Consulate Employees</td>
<td>Yes (note a)</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise</td>
<td>No for official acts Yes otherwise</td>
<td>No immunity or inviolability (note a)</td>
</tr>
<tr>
<td>Int'l Org Staff (note b)</td>
<td>Yes (note c)</td>
<td>Yes (note c)</td>
<td>Yes</td>
<td>Yes (note c)</td>
<td>No for official acts Yes otherwise (note c)</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Diplomatic-Level Staff of Missions to Int'l Org</td>
<td>No (note b)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
</tbody>
</table>
### Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Support Staff of Missions to Int’l Orgs</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>No for official acts</th>
<th>No immunity or inviolability</th>
</tr>
</thead>
</table>

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.
Rapid Response / Active Shooter

412.1 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.

412.2 POLICY
The Hopkins 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.

412.3 FIRST RESPONSE
If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably possible, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.
Rapid Response / Active Shooter

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.4 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.

412.5 PLANNING
The Operations Captain 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.
412.6 TRAINING
The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
(b) Communications interoperability with other law enforcement and emergency service agencies.
(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
(d) First aid, including gunshot trauma.
(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).
Reporting Law Enforcement Activity Outside of Jurisdiction

413.1 PURPOSE AND SCOPE
This policy provides general guidelines for reporting law enforcement activity, while on- or off-duty, that is occurring outside the jurisdiction of the Hopkins Police Department.

413.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY
When an officer is on-duty and is requested by an outside agency to participate in law enforcement activity in another jurisdiction, the officer shall obtain prior approval from the Sergeant / OIC.

If the request is of an emergency nature, the officer should make reasonable efforts to notify the Sergeant / OIC before responding, or if unable to notify the Sergeant / OIC notify a supervisor as soon as practicable.

413.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY
Any on-duty officer who engages in law enforcement activities of any type outside the immediate jurisdiction of the Hopkins shall notify his/her supervisor or the Sergeant / OIC at the earliest possible opportunity.

Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Sergeant / OIC as soon as reasonably practicable.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Sergeant.
Immigration Violations

414.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to members of the Hopkins Police Department relating to immigration and interacting with federal immigration officials.

414.2 POLICY
It is the policy of the Hopkins 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.

414.3 VICTIMS AND WITNESSES
To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or Minnesota constitutions.

414.4 DETENTIONS
An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual’s status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.
Immigration Violations

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

414.4.1 SUPERVISOR RESPONSIBILITIES
When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.
(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT
Generally, an officer should not notify federal immigration officials when booking arrestees at a county jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

414.6 FEDERAL REQUESTS FOR ASSISTANCE
Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

414.7 INFORMATION SHARING
No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials
(b) Maintaining such information in department records
(c) Exchanging such information with any other federal, state, or local government entity

414.7.1 IMMIGRATION DETAINERS
No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

414.8 U VISA AND T VISA NONIMMIGRANT 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)).
Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Unit supervisor assigned to oversee the handling of any related case. The Investigation Unit supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(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.

414.9 TRAINING

The Training Sergeant should ensure officers receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.
Emergency Utility Service

415.1 PURPOSE AND SCOPE
The City Public Works Department has 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.

415.1.1 BROKEN WATER LINES
The City’s responsibility ends at the street shut off. Any break or malfunction in the water system from the street shut off to the citizen’s residence or business is the customer’s responsibility. Public works can only turn off the valve at the street. The citizen can normally accomplish shutting off the water at the meter in the residence or business.

If a break occurs on the City side, emergency personnel should be called as soon as practicable by a Sergeant / OIC.

415.1.2 ELECTRICAL LINES
City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, The Hopkins Fire Department and an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company should be promptly notified, as appropriate.

415.1.3 RESERVOIRS, PUMPS AND WELLS
Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

415.1.4 EMERGENCY NUMBERS
The Department will maintain an emergency call list for municipal utility emergencies.

415.2 TRAFFIC SIGNAL MAINTENANCE
Upon observing a damaged or malfunctioning signal, the officer will advise the appropriate maintenance agency of the location and problem with the signal. The notification may be made through Dispatch for County or State maintained signals.
Patrol Rifles

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

416.2 PATROL RIFLE

416.2.1 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 they have prior approval from the Operations Captain, the officer has qualified on that weapons system and the Rifle has been examined and approved by Training Sergeant or designee.

416.3 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 AR-15.

416.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Training Sergeant or armorer, who shall inspect and service each patrol rifle on a regular basis.

(b) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor, the Training Sergeant or an armorer.

(c) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable.

(d) Each patrol rifle shall be subject to inspection by a supervisor, the Training Sergeant or an armorer at any time.

(e) No modification shall be made to any patrol rifle without prior written authorization from the Training Sergeant.
416.5 TRAINING
Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training. This training shall consist of an initial patrol rifle user's course and qualification score with a certified firearms instructor.

Officers shall thereafter be required to successfully complete a yearly firearms proficiency qualification conducted by a firearms instructor.

Any officer who fails to qualify or who fails to successfully complete two or more Department-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

416.6 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.

416.7 DISCHARGE OF THE PATROL RIFLE
The discharge of the patrol rifle shall be governed by the Use of Force Policy and Animal Control policy.

416.8 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, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

416.9 RIFLE STORAGE
When not in use, patrol rifles will be locked in their designated squad car mounting systems.

Rifles that are out of service shall be stored in the armory.
Field Training Officer Program

417.1 PURPOSE AND SCOPE
The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Hopkins Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

417.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING
The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry-level and lateral police officers in the application of their previously acquired knowledge and skills.

417.2.1 SELECTION PROCESS
Field Training Officers will be selected based on the following requirements:

(a) Desire to be an FTO.
(b) Minimum of three years of patrol experience with this department.
(c) Demonstrated ability as a positive role model.
(d) Participate and pass an internal selection process.
(e) Evaluation by supervisors and current FTOs.
(f) Possess an FTO certificate of completion from a Minnesota POST Board-approved course.

417.2.2 CONTINUED TRAINING
All FTOs must complete POST-approved training that will enhance their skills, while assigned to the position of FTO.

417.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR
The Field Training Officer Program Supervisor will be selected by the Operations Captain or designee.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.
(b) Conduct FTO meetings.
(c) Maintain and ensure FTO/trainee performance evaluations are completed.
(d) Maintain, update and issue the Field Training Manual to each trainee.
(e) Monitor individual FTO performance.
Field Training Officer Program

(f) Monitor overall FTO Program.
(g) Maintain communication with FTO coordinators of other agencies.
(h) Maintain communication with FTO's on recruit performance during each training phase.
(i) Develop ongoing training for FTOs.

417.4 TRAINEE DEFINED
Trainee - Any entry level or lateral police officer newly appointed to the Hopkins Police Department who possesses a Minnesota POST license or is eligible to be licensed.

417.5 REQUIRED TRAINING
Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

417.5.1 FIELD TRAINING MANUAL
Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Hopkins Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Hopkins Police Department.

417.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.

417.6.1 FIELD TRAINING OFFICER
The FTO will be responsible for the following:

(a) Completing and submitting a Daily Observation Report (DOR) on the performance of the assigned trainee to the FTO's immediate supervisor on a daily basis.
(b) Reviewing the DOR's with the trainee each day.
(c) Completing a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.
(d) Signing off all completed topics contained in the Field Training Manual including task sheets noting the method of learning and evaluating the performance of the assigned trainee.
417.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the DOR’s and completed task sheets forward them to the Field Training Supervisor.

417.6.3 FIELD TRAINING SUPERVISOR
The Field Training Supervisor will review and approve the written documentation submitted by the FTO through his/her immediate supervisor.

The Field Training Supervisor will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Supervisor will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forward to the Chief of Police for review and approval.

417.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Observation Reports DOR’s.
(b) Task Sheets.
(c) A final report indicating the trainee has completed all requirements and a recommendation for solo patrol officer functions.
Obtaining Air Support

418.1 PURPOSE AND SCOPE
The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

418.2 REQUEST FOR AIR SUPPORT ASSISTANCE
If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

418.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY
After consideration and approval of the request for air support, the Sergeant / OIC or designee will make the request through Dispatch.

418.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED
Law enforcement air support may be requested under any of the following conditions:

(a) When the aircraft is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.

(c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When an aircraft is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits (Minn. Stat. § 626.8458).

(f) When the Sergeant / OIC 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.
Contacts and Temporary Detentions

419.1 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.

419.1.1 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.

419.2 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 Hopkins Police Department to strengthen community involvement, community awareness, and problem identification.
419.2.1 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.

419.3 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.

419.4 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.
Contacts and Temporary Detentions

419.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT
Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. Consent should be given by the subject verbally or in writing.

419.4.2 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.

419.4.3 DISPOSITION OF PHOTOGRAPHS
All detainee photographs must be adequately labeled and uploaded to the records management system explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be uploaded in the original case.

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.

419.4.4 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, 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.

419.5 PHOTO REVIEW POLICY
Any person who has been the subject of a field photograph or an FI by this department during any contact other than an arrest and requests to view non-confidential data shall be shown the data immediately if possible, or within 10 days of the date of the oral or written request, excluding Saturdays, Sundays and legal holidays. No charge may be assessed for display of the data, and if desired the person shall be informed of the content and meaning of that data (Minn. Stat. 13.04 Subd. 3). The request to view the photograph/FI data shall be directed to the Operations Captain or their designee who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below.
419.5.1 REVIEW PROCESS
Upon receipt of such a written request, the Operations Captain or designee will permit the individual to appear in person. Any minor should be accompanied by a parent or legal guardian for a review of the status of the photograph/Fl unless the minor has made a request that the photograph/Fl not be reviewed by the parent or guardian pursuant to Minn. R. 1205.0500.

Such a meeting will be scheduled during regular business hours no longer than 10 days of the receipt of the request.

A meeting for the review of the status of any non-arrest photograph/Fl is simply an informal opportunity for the individual to meet to review the data.

419.6 POLICY
The Hopkins 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 Fl, 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.

419.7 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.
Criminal Organizations

420.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that the Hopkins Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

420.1.1 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.

420.2 POLICY
The Hopkins 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.

Criminal intelligence information will be documented and maintained in the Department approved records management system.

420.3 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 criminal activity. Information pertaining to criminal activity shall be transferred to a report within the records management system. Temporary information files shall not be retained longer than one year.

420.4 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.
420.5 RELEASE OF INFORMATION
Department members shall comply with the policies 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.
Sergeant / OICs

421.1 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 Sergeant heads each team.

421.2 DESIGNATION AS ACTING SERGEANT / OIC
The primary objective of an Officer In Charge (OIC) position is to delegate the responsibility of supervision to an officer when a sergeant is absent from a shift. This is a temporary classification and may vary in length depending on the needs of staffing, supervision, etc. The OIC shall perform all duties as outlined in the police officer job duty classification and sergeant job classification.

In performing the OIC designation, officers shall be delegated the authority and responsibility to supervise and direct the activities of police officers according to department regulations and procedures absent a sergeant. The OIC will receive additional compensation as outlined in the collective bargaining agreement and will be the most senior officer on any given shift, unless they are serving in an FTO capacity during the shift. The OIC may not take any disciplinary action against any employee but will immediately inform the Operations Captain of any misconduct or policy violations.

Duties and Responsibilities:

• Shall perform all duties as outlined in the Police Officer Job duty classification.
• Shall perform all duties in the Sergeant Job duty classification absent a Sergeant, except the ability to discipline an employee.
• May order off-duty personnel to duty, or retain personnel from preceding shifts to accommodate shift requirements or emergencies until additional personnel can respond.
• May request mutual aid assistance from other agencies as needed.
• All SWAT team recommended call-outs require approval by a Captain.

Position Requirements:

• Three years’ experience as a patrol officer and completion of OIC training.
• Supervisor recommendation.
• Performance Evaluation must have an overall rating of “meets expectations.”

Training:

• Must complete the Hopkins Police Department OIC course of instruction.
Mobile Video Recorders

422.1 PURPOSE AND SCOPE
The Hopkins Police Department has equipped 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.

422.1.1 DEFINITIONS
Definitions related to this policy include:

Activate - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Video Recorder (MVR) - Synonymous terms - that refer to any system that captures audio and video signals that is capable of installation in a vehicle and that includes at minimum, a camera, microphone, recorder and monitor. The system is designed to work in tandem with the Department Portable Audio / Video Recorders (See Portable Audio / Video Recorders policy).

Law Enforcement Operator (LEO) - Primarily a licensed peace officer but on occasion may be a non-licensed representative of the Department who is authorized and assigned to operate MVR-equipped vehicles to the extent consistent with Minn. Stat. § 169.98.


MVR technician - Personnel certified or trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

422.2 POLICY
It is the goal of the Hopkins Police Department to use mobile video recorder (MVR) technology to more effectively fulfill the department’s mission and to ensure these systems are used securely and efficiently.

422.3 OFFICER RESPONSIBILITIES
Prior to going into service each officer will properly equip him/herself 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. Only Hopkins Police Department identified and labeled media 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.
Mobile Video Recorders

If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

422.3.1 REQUIRED ACTIVATION OF THE MVR
This policy is not intended to describe every possible situation where the system may be used, although there are many situations where the use of the MVR system is appropriate. In addition to the required situations, an officer may activate the system any time the an officer believes its use would be appropriate and/or valuable to document an incident. Officers are encouraged to activate the MVR system during all calls for service.

In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera. The MVR system should be activated, if possible, in the following situations:

(a) All field contacts involving actual or potential criminal conduct, within video or audio range, which include:
   1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops).
   2. Priority responses
   3. Vehicular pursuits
   4. Suspicious vehicles
   5. Arrests
   6. Vehicle searches
   7. Physical or verbal confrontations or use of force
   8. Prisoner transports
   9. Non-custody transports
   10. Pedestrian checks
   11. DWI investigations including field sobriety tests
   12. Consensual encounters
   13. Crimes in progress
   14. Responding to an in-progress call
   15. Medical incidents attended to by members of the Department

(b) All self-initiated activity in which an officer would normally notify Dispatch.

(c) Any call for service involving a crime, to include, but not limited to:
   1. Family violence calls
   2. Disturbance of peace calls
   3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
Mobile Video Recorders

(e) Any other circumstances where the officer believes that a recording of an incident would be appropriate.

422.3.2 CESSATION OF RECORDING
Once the MVR system is activated it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if:

(a) The LEO is simply waiting for a tow truck or a family member to arrive or other similar situations.
(b) The incident or event is of such duration that the MVR may be deactivated to conserve recording times.
(c) The LEO does not reasonably believe that deactivation will result in the loss of critical documentary information.

422.3.3 WHEN ACTIVATION NOT REQUIRED
Activation of the MVR system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

422.3.4 SUPERVISOR RESPONSIBILITIES
Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate repair notifications should be made.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, Department-involved collisions), a supervisor shall respond to the scene and ensure that the security of the recorded media. The supervisor should ensure the media is retained appropriately, often as evidence. Supervisors may distribute copies to investigators as appropriate to the investigation.

422.4 ACTIVATION OF THE MVR
The MVR system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is captured by the portable audio / video recorder.

Operators are encouraged to narrate events using the audio recording so as to provide the best documentation for pretrial and courtroom presentation.

422.5 REVIEW OF MVR RECORDINGS
All recording media, recorded images and audio recordings are the property of the agency and subject to the provisions of the MGDPA. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required under the MGDPA, Peace Officer Disciplinary Procedures Act or other applicable law.
Mobile Video Recorders

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) For use when preparing reports or statements
(b) By a supervisor investigating a specific act of officer conduct
(c) By a supervisor to assess officer performance
(d) To assess proper functioning of MVR systems
(e) By department investigators, after approval of a supervisor, 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 the data for any purpose relating to his/her employment
(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
(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, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

422.6 DOCUMENTING MVR USE
If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in a manner to identify the existence of the recording. Documentation of the existence of the video or audio is met when the video is uploaded to the system's electronic storage software.

422.7 RECORDING MEDIA STORAGE AND INTEGRITY
All recordings, except system test recordings, not retained as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.
Mobile Video Recorders

422.8 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 may be configured to record prior to an event.

(c) LEOs using MVR systems shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.

(d) With the exception of law enforcement radios or other emergency equipment other electronic devices should not be used within the law enforcement vehicle in order to intentionally interfere with the capability of the MVR system to record audio data.

(e) LEOs shall not erase, alter, reuse, modify or tamper with MVR recordings.

(f) To prevent damage original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician.

422.9 MVR TECHNICIAN RESPONSIBILITIES

The MVR technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and 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.

(d) Ensuring that an adequate supply of recording media is available.

(e) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.
Mobile Digital Computer Use

423.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

423.2 POLICY
Hopkins Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

423.3 USE
Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty.

423.4 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

423.5 RESTRICTED ACCESS AND USE
MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Sergeant / OICs.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor.

Routine messages, file queries, or other use as needed while completing calls for service or other similar activities is not a violation of this policy.
Mobile Digital Computer Use

Members are required to log off the MDC or secure the MDC when it is unattended. Locking the squad car meets the need to secure the MDC. This added security measure will minimize the potential for unauthorized access or misuse.

423.6 EQUIPMENT CONSIDERATIONS

423.6.1 MALFUNCTIONING MDC
Whenever possible, members will not use vehicles with malfunctioning MDCs.

423.6.2 BOMB CALLS
When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.
Portable Audio/Video Recorders

424.1 PURPOSE AND SCOPE
This policy provides guidelines for the use of portable audio/video recording devices (commonly known as body worn cameras or BWCS) by members of this department while in the performance of their duties (Minn. Stat. § 626.8473). Portable audio/video recording devices include all recording systems whether body-worn, handheld or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Hopkins Police Department facility, undercover operations, wiretaps or eavesdropping (concealed listening devices) unless captured by a portable recording system.

This policy does not apply to digital audio recorders used to capture audio during interviews or interrogations, except for where expressly indicated within this policy.

424.1.1 DEFINITIONS
Definitions related to this policy include:

**Portable recording system** - A device worn by a member that is capable of both video and audio recording of the member’s activities and interactions with others or collecting digital multimedia evidence as part of an investigation and as provided in Minn. Stat. § 13.825.

424.2 POLICY
The Hopkins Police Department may provide members with access to portable recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

424.3 MEMBER PRIVACY EXPECTATION
All recordings made by members on any department-issued device at any time or while acting in an official capacity of this department, regardless of ownership of the device, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

This further applies to digital audio recorders used to capture audio during interviews or interrogations.

424.4 MEMBER RESPONSIBILITIES
Prior to going into service, each uniformed member performing duties consisting of patrol, traffic, or School Resource Officer duties will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order (Minn. Stat. § 13.825). If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear
Portable Audio/Video Recorders

the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473).

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording (Minn. Stat. § 626.8473). Members should include the reason for deactivation. The documentation of the existence of a recording is presumed when the recording is uploaded to the recording system storage software.

Members may remove the recording device from their person when utilizing the restroom, or when having a private conversation with another member when not engaged in official business or in a public setting.

424.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify Dispatch

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.
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424.5.1 CESSATION OF RECORDING
Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

424.5.2 SURREPTITIOUS RECORDINGS
Minnesota law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Minn. Stat. § 626A.02).

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

424.5.3 EXPLOSIVE DEVICE
Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

424.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS
To assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, traffic citations, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone’s privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an under-cover officer or confidential informant.

(g) The recording or portions of the recording may be protected under the Minnesota Data Practices Act.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.
424.7 REVIEW OF RECORDED MEDIA FILES
When preparing written reports, members should review their recordings as a resource (See the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, including pursuant to Minn. Stat. § 13.82, Subd. 15, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (See the Records Maintenance and Release Policy). Recordings that are clearly offensive to common sensibilities should not be publicly released unless disclosure is required by law or order of the court (Minn. Stat. § 13.82, Subd. 7; Minn. Stat. § 13.825, Subd. 2).

424.8 COORDINATOR
The Chief of Police or the authorized designee should designate a coordinator responsible for (Minn. Stat. § 626.8473; Minn. Stat. § 13.825):

(a) Establishing procedures for the security, storage and maintenance of data and recordings.

1. The coordinator should work with the Custodian of Records and the member assigned to coordinate the use, access and release of protected information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) and other applicable laws (Minn. Stat. § 13.01 et seq.) (See the Protected Information and the Records Maintenance and Release policies).

(b) Establishing procedures for accessing data and recordings.

1. These procedures should include the process to obtain written authorization for access to non-public data by HPD members and members of other governmental entities and agencies.

(c) Establishing procedures for logging or auditing access.

(d) Establishing procedures for transferring, downloading, tagging or marking events.
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(e) Establishing an inventory of portable recorders including:
   (a) Total number of devices owned or maintained by the Hopkins Police Department.
   (b) Daily record of the total number deployed and used by members.
   (c) Total amount of recorded audio and video data collected by the devices and maintained by the Hopkins Police Department.

(f) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.

(g) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Hopkins Police Department that expands the type or scope of surveillance capabilities of the department’s portable recorders.

424.9 PROHIBITED USE OF AUDIO/VIDEO RECORDERS
Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Sergeant / OIC. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

424.10 RETENTION OF RECORDINGS
All recordings shall be retained for a period consistent with the requirements of the organization’s records retention schedule but in no event for a period less than 180 days.

If an individual captured in a recording submits a written request, the recording may be retained for additional time period. The coordinator should be responsible for notifying the individual prior to destruction of the recording (Minn. Stat. § 13.825).

424.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS
Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.
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424.10.2 ACCESS TO RECORDINGS
Except as provided by Minn. Stat. § 13.825, Subd. 2, audio/video recordings are considered private or nonpublic data.

Any person captured in a recording may have access to the recording. If the individual requests a copy of the recording and does not have the consent of other non-law enforcement individuals captured on the recording, the identity of those individuals must be blurred or obscured sufficiently to render the subject unidentifiable prior to release. The identity of on-duty peace officers may not be obscured unless their identity is protected under Minn. Stat. § 13.82, Subd. 17.

424.11 ACCOUNTABILITY
Any member who accesses or releases recordings without authorization may be subject to discipline (See the Standards of Conduct and the Protected Information policies) (Minn. Stat. § 626.8473).
Bicycle Patrol Unit

425.1 PURPOSE AND SCOPE
The Hopkins Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

425.2 POLICY
Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize its mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the BPU supervisor or the Sergeant / OIC.

425.3 SELECTION OF PERSONNEL
Interested sworn and non-sworn personnel, who are off probation, may be eligible to be on the bicycle patrol unit. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.
(b) Special skills or training as it pertains to the assignment.
(c) Good physical condition.
(d) Willingness to perform duties using the bicycle as a mode of transportation.

425.3.1 BICYCLE PATROL UNIT SUPERVISOR
The BPU supervisor will be selected by the Operations 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) Evaluating the performance of bicycle officers.
(e) Coordinating activities with the Operations Division.
(f) Inspection and documentation no less than every three months that bicycles not in active service are in a serviceable condition.
(g) Other activities as required to maintain the efficient operation of the unit.
425.4 TRAINING
Participants in the program must complete an initial Department-approved bicycle-training course after acceptance into the program. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

425.5 UNIFORMS AND EQUIPMENT
Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone and jackets in colder weather. Turtleneck shirts are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

425.6 CARE AND USE OF PATROL BICYCLES
Specially marked and equipped patrol bicycles, attached gear bag, a headlight and a flashing rear light will be provided for use by officers.

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.

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.

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 Department bicycles (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, an email should be sent to the BPU supervisor.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor.
Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

425.7 OFFICER RESPONSIBILITIES
Officers are exempt from operating the bicycle in compliance with Minnesota law while performing their duties (Minn. Stat. § 169.222 Subd. 11). Officers may operate the bicycle without lighting equipment during hours of darkness, when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.
Foot Pursuit Policy

426.1 PURPOSE AND SCOPE
This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

426.1.1 POLICY
It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

426.2 DECISION TO PURSUE
The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an 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.
Foot Pursuit Policy

(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.
(e) Air support.
(f) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

426.3 GENERAL GUIDELINES
When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
(b) The officer is acting alone.
(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
(d) The officer is unsure of his/her location and direction of travel.
(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
(f) The physical condition of the officers renders him/her incapable of controlling the suspect if apprehended.
(g) The officer loses radio contact with Dispatch or with assisting or backup officers.
(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
(k) The officer loses possession of his/her firearm or other essential equipment.
Foot Pursuit Policy

(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.

(o) The officer’s ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

426.4 RESPONSIBILITIES IN FOOT PURSUITS

426.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel
(b) Call sign identifier
(c) Reason for the foot pursuit, such as the crime classification
(d) Number of suspects and description, to include name if known
(e) Whether the suspect is known or believed to be armed with a dangerous weapon

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

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Dispatch of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.
Foot Pursuit Policy

426.4.2 ASSISTING OFFICER RESPONSIBILITIES
Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with Department policy, based upon available information and his/her own observations.

426.4.3 SUPERVISOR RESPONSIBILITIES
Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

426.5 REPORTING
The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.
(b) Initial reason and circumstances surrounding the foot pursuit.
(c) Course and approximate distance of the foot pursuit.
(d) Alleged offenses.
(e) Involved vehicles and officers.
(f) Whether a suspect was apprehended as well as the means and methods used.
   1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
(g) Arrestee information, if applicable.
(h) Any injuries and/or medical treatment.
(i) Any property or equipment damage.
(j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.
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.

**426.6 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.
427.1 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 Hopkins Police Department recognizes that members of the homeless community are often in need of special protection and services. The Hopkins 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.

427.2 POLICY
It is the policy of the Hopkins 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.

427.3 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 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.

427.3.1 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.
427.4 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.

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 supervisor 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 supervisor to address the matter in a timely fashion.

427.5 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.

427.6 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.
Criminal Conduct on School Buses

428.1 PURPOSE AND SCOPE
Criminal conduct on school buses has been identified by the legislature as a critical component for the safety and security of the community. The primary purpose of this policy is to provide officers guidance in responding to reports of alleged criminal conduct on school buses. This department, in cooperation with any other law enforcement agency that may have concurrent jurisdiction over the alleged offense, 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).

428.2 COMMUNITY COOPERATION
The Hopkins 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.

428.3 PROCEDURE
This department shall respond to all criminal misconduct on school buses within the jurisdiction of this department regardless of the source of the report. Officers should take reasonable actions to complete the following:

(a) Provide for the safety of any person involved in the incident or present at the incident.

(b) Coordinate any appropriate care.

(c) Investigate reports of crimes committed on school buses using the same procedures as followed in other criminal investigations as appropriate for juveniles and/or adults.

(d) Issue citations, release pending further investigation, or apprehend and transport individuals committing crimes on school buses to the extent authorized by law.

(e) 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.
Medical Aid and Response

429.1 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.

429.2 POLICY
It is the policy of the Hopkins Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

429.3 FIRST RESPONDING MEMBER RESPONSIBILITIES
Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.
(b) The nature of the incident.
(c) Any known scene hazards.
(d) Information on the person in need of EMS, such as:
   1. Signs and symptoms as observed by the member.
   2. Changes in apparent condition.
   3. Number of patients, sex, and age, if known.
   4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
   5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.
429.4 TRANSPORTING ILL AND INJURED PERSONS
Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

429.5 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.

429.6 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.

429.7 AIR AMBULANCE
Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.
Medical Aid and Response

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.

429.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

429.8.1 AED USER RESPONSIBILITY
Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service.

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 Dispatch as soon as possible and request response by EMS if they have not been previously notified.

429.8.2 AED REPORTING
Any member using an AED will complete an incident report detailing its use.

429.8.3 AED TRAINING AND MAINTENANCE
The Training Sergeant should ensure appropriate training is provided to members authorized to use an AED.

429.9 NALOXONE DEPLOYMENT AND ADMINISTRATION

429.9.1 PURPOSE
To provide direction regarding the management, storage and use of naloxone; by Hopkins Police Department Officers and Employees in accordance with physician protocol, and within the scope of statutory and regulatory requirements. The purpose of naloxone administration by law enforcement and basic emergency response personnel is to reduce the mortality and morbidity associated with opiate overdose.
Medical Aid and Response

429.9.2 DEFINITIONS

Naloxone: Naloxone is an opioid antagonist. It binds to chemical receptors in the body; slowing or stopping the effects of opioids (such as heroin, morphine, dilaudid, fentanyl, and other narcotics).

Narcotic Overdose: A narcotic overdose is said to occur when the amount of an opioid used causes unconsciousness and slowed or absent respirations and cardiac function. For the purpose of this policy, the mere use or influence of a narcotic does not constitute overdose.

Intranasal: A method of medication administration where the medication is sprayed into the nose and is absorbed by the mucous membranes in the nose.

429.9.3 STANDARD OPERATING PROCEDURE

(a) Education: Those authorized to administer naloxone will complete initial education. This education includes both didactic and practical formats.

(b) Shift Check Out: The officers will ensure that they have the Naloxone kit at the start of each patrol shift.
   1. Ensure that the medications are not expired.

(c) Narcotic Overdose Response: In the event of a response to a possible narcotic overdose, the officer will use it in accordance with training.

(d) Documentation: The Naloxone/Narcan administration will be documented in an incident report.

429.10 FIRST AID TRAINING

Subject to available resources, the Training Sergeant should ensure officers receive periodic first aid training appropriate for their position.

429.11 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.
Public Recording of Law Enforcement Activity

430.1 PURPOSE AND SCOPE
This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

430.2 POLICY
The Hopkins Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

430.3 RECORDING LAW ENFORCEMENT ACTIVITY
Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
   1. Tampering with a witness or suspect.
   2. Inciting others to violate the law.
   3. Being so close to the activity as to present a clear safety hazard to the officers.
   4. Being so close to the activity as to interfere with an officer’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

430.4 OFFICER RESPONSE
Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or
behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

**430.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

**430.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the
Public Recording of Law Enforcement Activity

Evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Evidence Room Policy.
Medical Cannabis

431.1 PURPOSE AND SCOPE
The purpose of this policy is to provide members of this department with guidelines for investigating the possession or use of medical cannabis under Minnesota's medical cannabis laws.

431.1.1 DEFINITIONS
Definitions related to this policy include (Minn. Stat. § 152.22):

Medical cannabis - Any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins in the form of a liquid, oil or pill, that is properly packaged and labeled with:

(a) The name and address of the authorized manufacturer.
(b) The patient’s registry identification number, name, date of birth and address.
(c) The chemical composition of medical cannabis.
(d) Recommended dosage.
(e) Directions for use.
(f) Batch number.
(g) Date of manufacture.

Raw leaves, flowers and edibles are not included.

Patient - A Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met any other requirements for patients under Minn. Stat. § 152.22 et seq.

Caregiver - A person who has been approved by the Minnesota Commissioner of Health to assist a patient who is unable to self-administer medication or acquire medical cannabis from a distribution facility due to a disability, and who is authorized to assist the patient with the use of medical cannabis.

431.2 POLICY
It is the policy of the Hopkins 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 Hopkins 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.

431.3 INVESTIGATION
Investigations involving the possession or use of cannabis generally fall into one of two categories:
Medical Cannabis

(a) Investigations when no person makes a medicinal claim.
(b) Investigations when a person claims to be a patient or caregiver.

431.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM
In any investigation involving the possession, delivery, production or use of a cannabis product or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

431.3.2 INVESTIGATIONS INVOLVING A PATIENT OR CAREGIVER
Arrest shall not be made for the possession of medical cannabis by a patient, a caregiver or the parent or legal guardian of a patient (Minn. Stat. § 152.32).

Possession of medical cannabis properly packaged and labeled by an authorized manufacturer should suffice for verification of a person’s status as a patient. The possession of medical cannabis registry verification from the Minnesota Department of Health should also suffice for verification a person’s status as a patient or caregiver (Minn. Stat. § 152.22; Minn. Stat. § 152.27).

431.3.3 EXCEPTIONS
This policy does not apply to the following offenses. Officers may take enforcement action if the person (Minn. Stat. § 152.23):

(a) Possesses or engages in the use of medical cannabis on a school bus or van, on the grounds of any preschool or primary or secondary school, in any correctional facility, or on the grounds of any child care facility or home daycare.

(b) Vaporizes medical cannabis on any form of public transportation, where the vapor would be inhaled by a non-patient minor child, or in any public place or a place of employment.

(c) Operates any motor vehicle, aircraft, train or motorboat, or works on transportation property, equipment or facilities while under the influence of medical cannabis.

431.4 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.

431.5 EVIDENCE ROOM SUPERVISOR RESPONSIBILITIES
The Evidence Room supervisor shall ensure that medical cannabis, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed. Upon the prosecutor’s decision to forgo prosecution, or the dismissal of charges or an acquittal, the Evidence Room supervisor shall as soon as practicable return to the person from whom it was seized any medical cannabis, drug paraphernalia or other related property.
Medical Cannabis

The Evidence Room supervisor may not destroy medical cannabis except upon receipt of a court order.

The Evidence Room 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 Unit supervisor.

431.6 REPORTING
Officers aware of a person experiencing a negative medical condition or a death related to a cannabis overdose, including as a result of an unauthorized access to medical cannabis, must contact the Minnesota Department of Health’s Office of Medical Cannabis within five business days. If discovered as part of an ongoing investigation, the report must be made within 72 hours of the conclusion of the investigation (Minn. R. 4770.4002; Minn. R. 4770.4004).

Officers having reasonable suspicion of unauthorized possession of medical cannabis or of violations of cannabis laws by individuals authorized to possess medical cannabis, must report to the Office of Medical Cannabis using the designated online form. Reports related to unauthorized possession must be submitted within 72 hours, unless discovered as part of an ongoing investigation, in which case reporting must be made within 72 hours of the conclusion of the investigation. Reports of violations by persons authorized to possess medical cannabis must be submitted within 15 days (Minn. R. 4770.4010).
First Amendment Assemblies

432.1 PURPOSE AND SCOPE
This policy provides guidance for responding to public assemblies or demonstrations.

432.2 POLICY
The Hopkins 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.

432.3 GENERAL CONSIDERATIONS
Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.
(b) Harass, confront or intimidate participants.
(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members’ interaction with participants and their response to crowd dynamics is appropriate.
First Amendment Assemblies

432.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS
Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

432.4 UNPLANNED EVENTS
When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

432.5 PLANNED EVENT PREPARATION
For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

432.5.1 INFORMATION GATHERING AND ASSESSMENT
In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
First Amendment Assemblies

- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

432.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities
(b) Staffing and resource allocation
(c) Management of criminal investigations
(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)
(e) Deployment of specialized resources
(f) Event communications and interoperability in a multijurisdictional event
(g) Liaison with demonstration leaders and external agencies
(h) Liaison with City government and legal staff
(i) Media relations
(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
(k) Traffic management plans
(l) First aid and emergency medical service provider availability
(m) Prisoner transport and detention
(n) Review of policies regarding public assemblies and use of force in crowd control
(o) Parameters for declaring an unlawful assembly
(p) Arrest protocol, including management of mass arrests
(q) Protocol for recording information flow and decisions
(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
(s) Protocol for handling complaints during the event
(t) Parameters for the use of body-worn cameras and other portable recording devices.
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432.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

432.6 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, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

432.7 USE OF FORCE
Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Electro-Muscular Disruption Technology (EMDT) 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 capsicum (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.

432.8 ARRESTS
The Hopkins 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.
(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

432.9 MEDIA RELATIONS
The Press 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).

432.10 DEMOBILIZATION
When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

432.11 POST EVENT
The Incident Commander should designate a member to assemble full documentation of the event, to include the following:
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(a) Operational plan
(b) Any incident logs
(c) Any assignment logs
(d) Vehicle, fuel, equipment and supply records
(e) Incident, arrest, use of force, injury and property damage reports
(f) Photographs, audio/video recordings, Dispatch records/tapes
(g) Media accounts (print and broadcast media)

432.11.1 AFTER-ACTION REPORTING
The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event
(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
(c) Problems identified
(d) Significant events
(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

432.12 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.
Aircraft Accidents

433.1 PURPOSE AND SCOPE
The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

433.1.1 DEFINITIONS
Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

433.2 POLICY
It is the policy of the Hopkins Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

433.3 ARRIVAL AT SCENE
Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.
(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
(c) Preserve ground scars and marks made by the aircraft.
(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
(e) Maintain a record of persons who enter the accident site.
(f) Consider implementation of an Incident Command System (ICS).

433.4 INJURIES AND CASUALTIES
Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.
433.5 NOTIFICATIONS
When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department
(b) Appropriate airport tower
(c) Emergency medical services (EMS)

433.6 CONTROLLING ACCESS AND SCENE AUTHORITY
Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.
(b) Fire department, EMS or other assisting law enforcement agencies.
(c) Medical Examiner.
(d) Air Carrier/Operators investigative teams with NTSB approval.
(e) Appropriate branch of the military, when applicable.
(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

433.7 DANGEROUS MATERIALS
Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
(b) Pressure vessels, compressed gas bottles, accumulators and tires.
Aircraft Accidents

(c) Fluids, batteries, flares and igniters.
(d) Evacuation chutes, ballistic parachute systems and composite materials.

433.8 DOCUMENTATION
All aircraft accidents occurring within the City of Hopkins shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of HPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

433.8.1 WRECKAGE
When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.
(b) Attempt to ascertain the number of casualties.
(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
   1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
(e) Acquire copies of any recordings from security cameras that may have captured the incident.

433.8.2 WITNESSES
Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.
(b) A detailed description of what was observed or heard.
(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
(d) The names of all persons reporting the accident, even if not yet interviewed.
(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

433.9 MEDIA RELATIONS
The Press Information Officer ([PIO]) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should
Aircraft Accidents

be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The [PIO] should coordinate with other involved entities before the release of information.
Suspicious Activity Reporting

434.1 PURPOSE AND SCOPE
This policy provides guidelines for reporting and investigating suspicious and criminal activity.

434.1.1 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. Race, ethnicity, national origin or religious affiliation 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.

434.2 POLICY
The Hopkins 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.

434.3 RESPONSIBILITIES
The Investigations and Community Services Captain 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 Investigations and Community Services Captain include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.
Suspicious Activity Reporting

(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).

434.4 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.
Crisis Intervention Incidents

435.1 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.

435.1.1 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.

435.2 POLICY
The Hopkins 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.

435.3 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
Crisis Intervention Incidents

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.

435.4  COORDINATION WITH MENTAL HEALTH PROFESSIONALS
The Chief of Police should designate an appropriate Captain 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.

435.5  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.

(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.
435.6 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.

435.7 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.

435.8 SUPERVISOR RESPONSIBILITIES
A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:
Crisis Intervention Incidents

(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
(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

435.9 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.

435.9.1 DIVERSION
Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

435.10 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.
435.11 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 Sergeant will provide officers, with in-service training in crisis intervention and mental illness crises as required by Minn. Stat. § 626.8469.
Civil Disputes

436.1 PURPOSE AND SCOPE
This policy provides members of the Hopkins 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.

436.2 POLICY
The Hopkins 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.

436.3 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.
436.4 COURT ORDERS
Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person’s knowledge of the court order or whether proof of service exists.
(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

436.4.1 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.

436.5 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.

436.6 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.
Chapter 5 - Traffic Operations
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 Hopkins 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.
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.

500.4 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 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.
Traffic Function and Responsibility

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 by each officer. Each vest should be stored in a manner to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure they have a serviceable high-visibility vest readily available during patrol functions.
Traffic Collision Response And Reporting

501.1 PURPOSE AND SCOPE
This policy provides guidelines for responding to and investigating traffic collisions.

501.2 POLICY
It is the policy of the Hopkins Police Department to respond to traffic collisions and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of collisions by attempting to identify the cause of the collision and through enforcing applicable laws. Unless restricted by law, traffic collision reports will be made available to the public upon request.

501.3 RESPONSE
Officers should respond without delay when dispatched to a traffic collision. A traffic collision with injuries reported may include an emergency response if the officer reasonably believes such a response is appropriate.

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this department and there is:
   2. A fatality.
   3. A City vehicle involved.
   4. A City official or employee involved.
   5. Involvement of an on- or off-duty member of this department.

(b) Is within another jurisdiction and there is:
   1. A City of Hopkins vehicle involved.
   2. A City of Hopkins official involved.
   3. Involvement of an on-duty member of this department.

501.3.1 MEMBER RESPONSIBILITIES
Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control
(b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.

(c) First aid for any injured parties if it can be done safely.

(d) The potential for involvement of hazardous materials.

(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).

(f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION
If a traffic collision involves a life-threatening injury or fatality, the responding officer shall the Sergeant / OIC. The Sergeant / OIC will ensure notifications are made in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY
In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim’s immediate family or coordinate such notification with the Medical Examiner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic collision should not be released until notification is made to the victim’s immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS
A collision 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 City of Hopkins is involved.

(c) The collision results in any damage to any City-owned or leased vehicle.

(d) The collision involves any other public agency driver or vehicle.

(e) There is damage to public property.

(f) There is damage to any vehicle to the extent that towing is required.

(g) Prosecution or follow-up investigation is contemplated.

(h) When one of the persons involved in the accident requests a report be made.

(i) State statute requires a report be made.

(j) Directed by a supervisor.

501.5.1 PRIVATE PROPERTY
Generally, reports should not be taken when a traffic collision occurs on private property unless there is an injury or fatality, a hit-and-run violation or other traffic law violation involved. Members
Traffic Collision Response And Reporting

may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

If a resident/citizen specifically requests an accident report be filed for a collision on private property, the officer assigned will complete one as a courtesy, even though not required by state law.

501.5.2 INJURED ANIMALS
Department members should refer to the Animal Control Policy when a traffic collision involves the disposition of an injured animal.

501.5.3 CITY VEHICLE INVOLVED
A traffic collision report shall be taken when a City vehicle is involved in a traffic collision that results in property damage or injury.

A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the Operations Captain. The supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

501.6 INVESTIGATION
When a traffic collision meets minimum reporting requirements the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.
(b) Identification and interview of any witnesses.
(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
(d) Identification and protection of items of apparent evidentiary value.
(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY
The Sergeant / OIC should request that the Minnesota Department of Public Safety or other outside law enforcement agency investigate and complete a traffic collision investigation when a life-threatening injury or fatal traffic collision occurs within the jurisdiction of the Hopkins Police Department and involves:

(a) An on- or off-duty member of the Department.
   (a) The involved member shall complete a department incident report. If the member is unable to complete the report, the supervisor shall complete it.

(b) An on-or off-duty official or employee of the City of Hopkins.
Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic collision. The collision investigation and report shall be completed by the agency having jurisdiction.

501.6.2 COMMERCIAL VEHICLE COLLISIONS
Commercial vehicle collisions additionally require notification to the Minnesota State Patrol if the collision results in (Minn. Stat. § 169.783):

(a) A fatality.
(b) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the collision.
(c) One or more vehicles incurring disabling damage as a result of the collision, requiring the vehicle to be transported away from the scene by tow truck or other motor vehicle.

A waiver or inspection by a state trooper or other authorized person is required before a person may drive a commercial motor vehicle that was involved in such a collision (Minn. Stat. § 169.783).

501.7 ENFORCEMENT ACTION
After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the collision, authorized members should issue a citation, request charges by complaint, or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS
Department members shall utilize forms approved by the Minnesota Department of Public Safety as required for the reporting of traffic collisions (Minn. Stat. § 169.09, Subd. 9).

501.8.1 REPORT MODIFICATION
A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.
Accident Review Board

502.1 PURPOSE
To evaluate employee accidents involving police vehicles to determine preventability, with the goal of improving the situation, equipment or driver behavior that contributed to the accident. The Hopkins Police Department will establish an Accident Review Board. The Operations Captain will request a Review Board be formed after a police vehicle is involved in a crash. The Review Board will consist of a sergeant assigned to report the findings of the board, one patrol officer, and one additional sergeant. The patrol officer position should be rotated each time the board is formed. Probationary officers will not serve on the panel.

502.2 FUNCTION
The function of the Accident Review Board is:

- To study motor vehicle accidents in which police vehicles are involved
- To make conclusions as to whether the accident was preventable, the extent of contributory negligence, if any, and ways in which the accident could have been prevented.
- To make specific suggestions for driver or equipment improvement, if practical and applicable.

502.3 DUTIES
The board will review the accident to determine any and all contributing factors. The board will interview the employee and witness(s) involved, review reports and photographs and visit the accident scene where appropriate.

When the board has concluded its investigation of the specific accident and made a determination, it will then review all past accidents in which the employee has been involved. This review will assist the board in identifying a pattern and assist with any recommendations.

The board will then forward a written report to the Operations Captain stating the findings and recommendations.

Accidents will receive the designation of either preventable, or unpreventable.

The Operations Captain will review the report and take appropriate actions based upon the recommendations, to include:

- Assigning additional or remedial training to the involved member.
- Purchasing or implementing safety equipment.
- Making policy or procedural changes to help reduce crashes involving department vehicles.
502.4 PURSUITS / PURSUIT INTERVENTION TECHNIQUE

The use of a pursuit intervention technique in an attempt to end a pursuit, and in accordance with the Vehicle Pursuits Policy, is not an accident, and thus will not be reviewed under this policy.

Crashes or accidents during a pursuit may be reviewed under this policy at the direction of the Operations Captain.
Vehicle Towing

503.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the Hopkins Police Department and under the authority of Minn. Stat. § 168B.035.

503.2 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:

503.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT
Department members requesting towing of a vehicle shall complete an Impound Report, including a description of property within the vehicle. A copy should be given to the tow truck operator.

503.2.2 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, the company contracted by the city will be contacted.

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 impound the vehicle.

503.2.3 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.

An exception would be moving seized vehicles to the department's storage area.

503.2.4 STOLEN VEHICLE TOWING
Once it is determined that a vehicle is stolen, the reporting agency should be contacted to determine if the vehicle should be processed for evidence.

If the Hopkins Police Department is the original reporting agency, Officers should make every effort to contact the victim/registered owner and advise them of the location of their vehicle (Minn. Stat. § 169.042 Subd. 1). If another agency is the reporting agency, officers may assist in notifying the victim / registered owner if requested by the reporting agency.
503.3 TOWING SERVICES
The City of Hopkins periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
(b) When a vehicle is being held as evidence in connection with an investigation.
(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

503.4 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.

503.5 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.
Vehicle Towing

503.6 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.

503.7 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.

503.7.1 POLICE HOLD ON A TOWED VEHICLE
Whenever an officer has a vehicle towed for evidentiary purposes or for DUI forfeiture, the officer will authorize a "hold" be put on the vehicle so that it will not be released by the towing service before an appropriate investigation has been done. There may be other circumstances under which it would be appropriate to place a hold on a vehicle. Non-evidentiary holds should be approved by a supervisor, and the reason for the hold should be noted on the tow sheet.

A hold on a vehicle may be released by a supervisor, forfeiture coordinator, the original officer, or by an investigator familiar with the case upon the determination that there is no further reason to retain the vehicle.
Impaired Driving

504.1 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).

504.2 POLICY
The Hopkins 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.

Officers shall follow state statute, evolving case law, guidance from prosecutors and supervisors during the detection, arrest and processing of impaired drivers.
Traffic Citations

505.1 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.

505.2 RESPONSIBILITIES
Citations will be electronically issued.

505.2.1 DATA COLLECTION
The Department 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 management system will be used to track race or ethnicity information. Officers will follow the Search and Seizure policy regarding documentation of searches.

505.3 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 officer's supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the officer's supervisor may recommend dismissal of the traffic citation. If approved, the citation dismissal request will be forwarded to the courts 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 Operations Captain for review.

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).

505.4 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. Support Services staff should be tasked with voiding citations.
505.5 CORRECTION OF TRAFFIC CITATIONS
When a traffic citation is issued and in need of correction, the officer issuing the citation shall complete a supplemental report explaining the corrections. The report should then be forwarded to the City prosecutor.

505.6 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)).

505.6.1 APPEAL STAGES
Appeals may be pursued sequentially at two different levels:

(a) Administrative reviews are conducted by the Sergeant, which will review written/documentary data. These requests are informal 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 delivered to the processing agency. The Sergeant has the authority to dismiss the citation.

(b) If the appellant wishes to pursue the matter beyond administrative review, they will be referred to Hennepin County court.

505.6.2 TIME REQUIREMENTS
Administrative review by a Sergeant will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for a review by a Sergeant must be made within 30 days of issuance of the notice of parking violation.

(b) Requests for appeal to the District Court must be made within 30 days of the citation being issued.

(c) 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.

505.7 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).
Disabled Vehicles

506.1 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.

506.2 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 officer should advise Dispatch of the location of the disabled vehicle and the need for assistance.

506.3 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.

506.3.1 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.

506.3.2 RELOCATION OF DISABLED VEHICLES
The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.
Abandoned Vehicle Violations

507.1 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.

507.1.1 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)).

Illegally parked vehicles on private property will be towed by the property owner or representative.

507.2 MARKING VEHICLES
Vehicles on public roadways suspected of being abandoned in violation of Minnesota abandoned vehicle laws shall be marked and noted in the Department records management system. A visible chalk, crayon or paint mark should be placed on the rear window or on a tire.

507.2.1 MARKED VEHICLE FILE
The Parking Enforcement Officer and PSO's shall be primary members responsible for maintaining the location of marked vehicles. In the absence of the Parking Enforcement Officer or a PSO, Patrol Officers will handle parking complaints and abandoned vehicles.

507.2.2 VEHICLE TOWING/STORAGE
Any vehicle in violation shall be towed and stored by the authorized towing service and a vehicle impound report shall be completed by the member authorizing the towing of the vehicle.
Chapter 6 - Investigation Operations
Investigation and Prosecution

600.1 PURPOSE AND SCOPE
The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY
It is the policy of the Hopkins 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:

   (a) An initial statement from any witnesses or complainants.
   (b) A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:

   (a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
   (b) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
   (c) If assistance is warranted, or if the incident is not routine, notify a supervisor or the OIC.
   (d) Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses, and suspects. Recorded statements should be taken from individuals involved in an incident when a report will be forwarded to a prosecutor, or at any time an officer believes a recording is necessary to document an individual’s statement.
   (e) Preserve and collect any evidence.
   (f) Take any appropriate law enforcement action.
   (g) 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 CIVILIAN 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.
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 should be electronically recorded (audio/video or both as available) in its entirety, including any information or discussion about the person's rights and any waiver of those rights. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a non-custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews.

600.5 DISCONTINUATION OF INVESTIGATIONS
The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
   1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
   2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

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 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS
Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer must notify the prosecutor as soon as practical.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

A copy of an entire case file should be sent to the appropriate prosecutor's office. However, supervisors uncertain about the materiality of evidence or facts should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

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 within 30 days of the arrest. The report shall include all of the following (Minn. Stat. § 626.5533):

(a) The name, address and driver’s license or state identification card number of the suspect
(b) The number on each EBT card and name, if any
(c) The date and location of any alleged offense
(d) Any other information the Minnesota Department of Human Services may require on related state forms

600.9 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 Captain or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.
Sexual Assault Investigations

601.1 PURPOSE AND SCOPE
The Hopkins Police Department adopts the Investigations of Sexual Assault model policy established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8442).

See attachment: Model Sexual Assault Investigation Policy.pdf

601.2 COPY OF SUMMARY
The Investigation Unit supervisor shall ensure that the victim of a sexual assault who reports an incident to this department is provided with a copy of the written summary of the allegation. If the incident occurred outside the jurisdiction of the Hopkins Police Department, a copy of the written summary shall also be provided to the law enforcement agency where the incident occurred (Minn. Stat. § 609.3459).
Asset Forfeiture

602.1 PURPOSE AND SCOPE
This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses and controlled substance offenses (Minn. Stat. § 609.531 to Minn. Stat. § 609.5318).

602.2 POLICY
The Hopkins 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 Hopkins Police Department that all employees of the agency, all employees assigned to another law enforcement agency’s task force and all employees assigned to a task force from an outside law enforcement agency, in which this agency serves as the Fiscal Agent, follow all state and federal laws pertaining to forfeiture.

602.3 DEFINITIONS
Definitions related to this policy include:

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

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

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

Fiscal Agent - The person designated by the Hopkins 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 Hopkins Police Department seizes property for forfeiture or when the Hopkins Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.
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Forfeiture Reviewer - The Hopkins Police Department employee assigned by the Hopkins Police Department responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the prosecutor’s office.

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

Property subject to administrative forfeiture - The following property is presumed to be subject to administrative forfeiture under Minnesota Law (Minn. Stat. § 609.5314):

   (a) All cash, precious metals and precious stones found in proximity to controlled substances, forfeitable drug manufacturing or distributing equipment or devices, or forfeitable records of manufacture or the distribution of controlled substances.

   (b) All conveyance devices containing controlled substances with a retail value of $100 or more if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152.

   (c) All firearms, ammunition and firearm accessories found:

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

       2. On or in proximity to a person from whom a felony amount of controlled substance is seized.

       3. On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152.

Seizure - The act of law enforcement officials taking property, including cash and conveyance devices that have been used in connection with or acquired by illegal activities.

602.4 ASSET SEIZURE
Property may be seized for forfeiture as provided in this policy.

602.4.1 PROPERTY SUBJECT TO SEIZURE
The following property is subject to seizure.

   (a) The following property may be seized upon review and approval of a supervisor and in coordination with the Forfeiture Reviewer:

       1. Controlled substances and associated property as described in Minn. Stat. § 609.5311.
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2. Property intended for use to commit or facilitate the commission of a designated offense, as listed in Minn. Stat. § 169A.63, Subd. 6 and limited by Minn. Stat. § 169A.63, Subd. 7, and as listed in Minn. Stat. § 609.531, Subd. 1(f) and limited by Minn. Stat. § 609.5312.

(b) Property subject to administrative forfeiture may be seized without prior supervisor approval if the item has a retail value of $50,000 or less (Minn. Stat. § 609.5314).

602.4.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the prosecuting agency’s current minimum forfeiture thresholds should not be seized.

(b) Cash totaling less than $300, unless prerecorded buy funds are included in the cash seized.

602.4.3 SEIZURE OF PROPERTY TO BE FORFEITED
An officer may seize property subject to forfeiture based on a court order. An officer may also seize property without a court order under any of the following conditions (Minn. Stat. § 609.531, Subd. 4; Minn. Stat. § 169A.63, Subd. 2):

(a) The seizure is incident to a lawful arrest or a lawful search.

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding.

(c) The officer has probable cause to believe that a delay to obtain a warrant or other process would result in the removal or destruction of the property and that either of the following apply:
   1. The property was used or is intended to be used in commission of a felony.
   2. The property is dangerous to health or safety.

602.5 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS
When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) If the retail value of the asset to be seized is $50,000 or less, completely and accurately prepare the Notice of Seizure and Intent to Forfeit Property Form (seizure form) and present it to the person from whom the property is to be seized for that person’s signature. If the person refuses to sign, the officer shall indicate on the seizure form that the person refused. The seizure form is not used when the value of the seized property exceeds $50,000.

(b) Prepare and provide a receipt for the items seized to the person from whom the property is being seized.
1. If cash or property is seized from more than one person, a separate property inventory receipt must be completed for each person specifying the amount of cash seized. The receipt shall include a detailed description of all property, checks, money orders, traveler’s checks or other financial instruments.

(c) Complete and submit a report within 24 hours of the seizure if practicable. The report must include, at minimum, the following:

1. A description of the items seized
2. The location where the property was turned in or stored
3. The name of the individual who was served with the seizure form
4. The date that the seizure form was served
5. The name of the officer making the seizure
6. Whether the individual signed the seizure form

(d) If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the receipt and seizure form must be given to the individual from whom the property was seized.

(e) When property is seized and no one claims possession of the property, the officer must leave a receipt in the place where the property was found if it is reasonably possible to do so.

(f) The officer will enter seized property into the Evidence Room as evidence.

(g) Make notification of the seizure to the Forfeiture Reviewer.

(h) Inform the Forfeiture Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

602.5.1 CASH HANDLING

It is the responsibility of the seizing officer to secure and count cash consistent with this policy and the Cash Handling, Security and Management Policy. All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.

All forfeitable cash seized will be turned over to the Forfeiture Reviewer or property/evidence room as soon as practicable.

Prior to deposit with the Forfeiture Reviewer, officers shall examine all cash seized to determine whether it contains any prerecorded buy funds. Officers shall document the recovery of all buy funds and deposit those funds with the Forfeiture Reviewer to be returned to the appropriate buy fund account.
602.5.2 JEWELRY/PRECIOUS METALS/PRECIOUS STONES
Officers seizing jewelry, precious metals and/or precious stones will write a detailed description of each item on the property inventory receipt. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Forfeiture Reviewer.

Officers seizing jewelry, precious metals and/or precious stones shall book those items according to current property and evidence procedures as soon as practicable.

602.5.3 VEHICLES
Any conveyance device seized for forfeiture shall be taken to a secure designated area or to a department-approved impound facility as soon as practicable.

Officers shall inventory the conveyance device and its contents in accordance with the Vehicle Towing and Release Policy. Officers shall also complete applicable report forms and distribute them appropriately.

602.5.4 FIREARMS/AMMUNITION/FIREARM ACCESSORIES
When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the Evidence Room in accordance with the current booking procedures and the Evidence Room Policy.

602.6 MAINTAINING SEIZED PROPERTY
The 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.

602.7 FORFEITURE REVIEWER
The Chief of Police will appoint an officer as the Forfeiture Reviewer. Prior to assuming duties, or as soon as practicable thereafter, the Forfeiture Reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of Forfeiture Reviewer include the following:

(a) Confer regularly with the prosecuting attorney’s office to remain familiar with forfeiture laws, particularly Minn. Stat. § 609.531 through Minn. Stat. § 609.5318, Minn. Stat. § 169A.63, and the forfeiture policies of the prosecuting agency.
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(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 and a property inventory receipt are available and appropriate for department use. The seizure form will minimally include the following (Minn. Stat. § 609.5314):

1. Space for an itemized list of items seized
2. The location and date of the seizure
3. A place for the name of the individual served with the seizure form
4. The date and signature of the officer conducting the seizure
5. The agency case number
6. A space for the signature of the person from whom property is seized or an appropriate space or check box for the officer to indicate that the person refused to sign
7. At least an original and the pink copy
8. Information in English, Hmong, Somali and Spanish explaining the right to obtain judicial review and the procedure provided by Minn. Stat. § 609.5314.

(e) Ensure that officers who may be involved in asset forfeiture receive training in the proper use of the seizure form and the forfeiture process. The training should be developed in consultation with the prosecuting attorney and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins or department directives. The training should be based on this policy and address any relevant statutory changes and court decisions.

(f) Review each asset forfeiture case to ensure the following:

1. Written documentation of the seizure and items seized is present in the case file.
2. Independent prosecutorial review of the circumstances and propriety of the seizure is made in a timely manner.
3. A timely notice of seizure has been given to interest holders of seized property.
4. Property is promptly released to those entitled to its return.

(g) Forward all changes to forfeiture status to any supervisor who initiates a forfeiture case.

(h) Deposit any cash received with the Fiscal Agent.

(i) Ensure the current minimum forfeiture thresholds are communicated appropriately to officers.

(j) Annually review and update this policy and any related policies to reflect current federal and state statutes and case law.
(k) Prepare a written plan for the Chief of Police to address any extended absence of the Forfeiture Reviewer to ensure that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(l) Ensure the Department disposes of property as provided by law following any forfeiture (Minn. Stat. § 609.5315).

(m) Ensure that any forfeited property used in an undercover capacity, or that is sold or added to the department inventory is done so according to Minnesota law.

(n) Ensure that all forfeited property is used or disposed of in a manner consistent with the use and disposition of similar property by this department.

(o) Upon completion of any forfeiture process, ensure that no property is retained by the Hopkins Police Department unless the Hopkins Police Department authorizes in writing the retention of the property for official use.

(p) Ensure that forfeiture proceeds are maintained in a separate fund or account subject to appropriate accounting control with regular reviews or audits of all deposits and expenditures (Minn. Stat. § 609.5315).

(q) Ensure that records of forfeiture are retained for a minimum of six years.

(r) Ensure monthly forfeiture reporting is made to the state auditor in the manner prescribed by the auditor (Minn. Stat. § 609.5315, Subd. 6).

602.8 DISPOSITION OF FORFEITED PROPERTY
Legal disposition may include (Minn. Stat. § 609.5315; Minn. Stat. § 169A.63, Subd. 10):

(a) Retention by the Department and/or prosecuting agency.

1. If a forfeited motor vehicle is kept for Department use, the Department will make a reasonable effort to ensure the vehicle is available for use and adaptation by 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 Hopkins 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)).
602.9 PROPERTY FORFEITED BY SOUTH WEST HENNEPIN DRUG TASK FORCE
Any items seized and forfeited by members of the South West Hennepin Drug Task Force shall be handled in accordance with policy/procedure of that entity.
Informants

603.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS
Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Hopkins Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Hopkins Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY
The Hopkins Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL
Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS
The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians
(b) The juvenile’s attorney, if any
(c) The court in which the juvenile’s case is being handled, if applicable
(d) The Chief of Police or the authorized designee
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603.3.3 INFORMANT AGREEMENTS
All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY
To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, a Captain, Drug Task Force supervisor or their authorized designees.
   1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Hopkins 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 Chief, a Captain, or the Drug Task Force 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 Drug Task Force supervisor.
   1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS
The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a
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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 his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.
(b) The informant behaves in a way that may endanger the safety of an officer.
(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES
Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Drug Task Force Informant files shall be maintained in a secure area within the Drug Task Force. The Drug Task Force supervisor or the authorized designee shall be responsible for maintaining informant files.

Informant files maintained by the Investigations Division shall be maintained by the Investigations Captain. Access to the informant files shall be restricted to the Chief of Police, a Captain, or the Drug Task Force supervisor or their authorized designees.

The Investigation Captain 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. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy.
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603.5.1 FILE SYSTEM PROCEDURE
A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases
(b) Date of birth
(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
(d) Photograph
(e) Current home address and telephone numbers
(f) Current employers, positions, addresses and telephone numbers
(g) Vehicles owned and registration information
(h) Places frequented
(i) Briefs of information provided by the informant and his/her subsequent reliability
   1. If an informant is determined to be unsuitable, the informant's file is to be marked “unsuitable” and notations included detailing the issues that caused this classification.
(j) Name of the officer initiating use of the informant
(k) Signed informant agreement
(l) Update on active or inactive status of informant

603.5.2 PAYMENTS MADE BY SWDTF AND OFFICERS ASSIGNED
Payments made by members of the South West Drug Task Force (SWDTF), using funds from that office are bound by the policies and procedures of the SWDTF.

603.6 INFORMANT PAYMENTS
No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Drug Task Force supervisor will discuss the above factors with the Operations Captain and recommend the type and level of payment subject to approval by the Chief of Police.
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603.6.1 PAYMENT PROCESS
Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a buy/expense fund.
   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 informant.
   1. The check shall list the case numbers related to and supporting the payment.
   2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
   3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
   4. An authorization signature from the Chief of Police is 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) Hopkins Police Department case number
      (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
   2. The cash transfer form shall be signed by the informant.
   3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS
Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.
Informants

603.6.3 AUDIT OF PAYMENTS
The Drug Task Force supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

The Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds in accordance with the agreements of the Drug Task Force. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.
Eyewitness Identification

604.1 PURPOSE AND SCOPE
This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

604.1.1 DEFINITIONS
Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY
The Hopkins 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.

604.3 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.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM
The Investigation Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.
Eyewitness Identification

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION
Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS
When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. Further, the member presenting a lineup to a witness should not know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.
Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

604.5.2 FIELD IDENTIFICATION CONSIDERATIONS
Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.
(b) Assess whether a witness should be included in a field identification process by considering:
   1. The length of time the witness observed the suspect.
   2. The distance between the witness and the suspect.
   3. Whether the witness could view the suspect’s face.
   4. The quality of the lighting when the suspect was observed by the witness.
   5. Whether there were distracting noises or activity during the observation.
   6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
   7. The length of time that has elapsed since the witness observed the suspect.
(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
(e) The person who is the subject of the show-up should not be shown to the same witness more than once.
Eyewitness Identification

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the 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.

604.6 DOCUMENTATION
A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report. The original photographic lineup shall be placed into evidence.
Warrant Service

605.1 PURPOSE AND SCOPE
This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

605.2 POLICY
It is the policy of the Hopkins 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.

605.3 OPERATIONS DIRECTOR
The operations director (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 operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

605.4 SEARCH WARRANTS
Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

605.5 ARREST WARRANTS
If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. 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.

605.6 WARRANT PREPARATION
An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.

(b) A clear explanation of the affiant’s training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, 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).

605.7 HIGH-RISK WARRANT SERVICE
The operations director or the 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:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the
Warrant Service

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.

605.8 DETENTIONS DURING WARRANT SERVICE
Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

605.9 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.

605.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS
The operations director 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
Warrant Service

- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Hopkins Police Department are utilized appropriately. Any concerns regarding the requested use of Hopkins 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 operations director is unavailable, the Sergeant / OIC should assume this role.

If officers intend to serve a warrant outside Hopkins Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Hopkins Police Department when assisting outside agencies or serving a warrant outside Hopkins Police Department jurisdiction.

605.11 MEDIA ACCESS
No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

605.12 TRAINING
The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.
Operations Planning and Deconfliction

606.1 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.

606.1.1 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.

606.2 POLICY
It is the policy of the Hopkins 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.

606.3 OPERATIONS DIRECTOR
The Chief of Police will designate a member of this department to be the operations director.

The operations director 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 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.

606.4 RISK ASSESSMENT

606.4.1 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.

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).

606.4.2 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. The supervisor and operations director 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.

606.4.3 HIGH-RISK OPERATIONS
If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director 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. Special Weapons and Tactics (SWAT)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance
Operations Planning and Deconfliction

8. Canines

9. Evidence Room 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.

606.5 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. 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.

606.6 OPERATIONS PLAN

The operations director 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, 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.

606.6.1 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.

606.7 OPERATIONS BRIEFING
A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants’ understanding of the operations plan.
(b) 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 shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

2. If the radio channel needs to be monitored by Dispatch, 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.

606.8 SWAT PARTICIPATION
If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT 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 SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

606.9 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.

606.10 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 SWAT debriefing.

606.11 TRAINING
The Training Sergeant should ensure officers and SWAT team members 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.
Scrap Metal Theft Investigation

607.1 PURPOSE AND SCOPE
This policy provides guidance regarding scrap metal theft investigations.

607.1.1 DEFINITIONS
Definitions related to this policy include:

Scrap vehicle operator or operator - A person described in Minn. Stat. § 168A.1501 who engages in a transaction involving the purchase or acquisition of a scrap vehicle.

Scrap metal dealer or dealer - A person engaged in the business of buying or selling scrap metal, or both, as defined in Minn. Stat. § 325E.21.

607.2 POLICY
The Hopkins Police Department recognizes the difficulty in preventing scrap metal theft and may investigate, place holds on or confiscate items as provided in this policy.

607.3 INSPECTIONS
An officer engaged in scrap metal theft investigations may (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21):

(a) Conduct inspections of any purchase and acquisition records maintained by scrap vehicle operators or scrap metal dealers.

(b) Inspect scrap vehicle or scrap metal received by an operator or dealer at any reasonable time.

(c) Inspect any video or still camera and any recordings or images required to be maintained by an operator or dealer.

Any refusal to allow such inspections should be referred to the City attorney for criminal prosecution.

607.4 INVESTIGATIVE HOLDS
An officer who has probable cause to believe that a scrap vehicle or motor vehicle parts in the possession of a scrap vehicle operator, or that scrap metal in the possession of a scrap metal dealer, is stolen or is evidence of a crime may verbally order the operator or dealer not to process, sell, remove or allow the removal of the item for 30 days (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

The officer issuing the order is responsible for ensuring that the order to hold the item is confirmed in writing within 72 hours. If the item is identified as evidence in an active criminal case, the officer may extend the hold in writing. This extension must occur within 30 days of the original order and may remain in effect for as long as the investigation or prosecution is active.


**Scrap Metal Theft Investigation**

607.5 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 Evidence Room.

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).

607.6 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).

607.7 AUTOMATED PROPERTY SYSTEM
The Investigation Unit supervisor is responsible for ensuring that the Department complies with the implementation and use of the Automated Property System (APS) (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).
Chapter 7 - Equipment
Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE
Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 ISSUED PROPERTY
Upon an employee's separation from the Department all issued equipment shall be returned.

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 the appropriate Captain 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.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 USE OF PERSONAL PROPERTY
The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police or appropriate Captain. The employee should submit for
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approval the description of personal property the employee has requested to carry, the reason for its use and the term of its use. Personal property of the type routinely carried by persons not performing law enforcement duties nor comprising a weapon are excluded from this requirement. The Chief of Police or appropriate Captain should review the request and approved or deny the request as appropriate.

700.3.1 DEFINITIONS
Personal Property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY
Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee’s immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Captain 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.

(a) A verbal report shall be made to the employee’s immediate supervisor as reasonably soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.
700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to personal property or property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Captain.
Personal Communication Devices

701.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices whether issued 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 (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.1.1 PRIVACY POLICY
Any employee utilizing any computer, Internet service, telephone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service at any time.

701.2 POLICY
The Hopkins Police Department allows employees 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-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee’s PCD records to civil or criminal discovery or disclosure under applicable data practices laws and rules of civil or criminal procedures.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.2.1 INDIVIDUALLY OWNED PCD
Employees may carry their own PCD while on-duty subject to the following conditions:

(a) Carrying an individually owned PCD is optional.

(b) The device shall be purchased, used and maintained solely at the employee's expense.
Personal Communication Devices

701.2.2 USE OF PERSONAL COMMUNICATION DEVICES
The use of any PCD, whether personal, Department or a hybrid shared-use funded by both the employee and the Department, shall occur only with the understanding that any and all messages transmitted or received from the start through the conclusion of any work assignment are subject to disclosure to, and review by, the Department, without cause.

PCDs, whether provided by the Department or personally owned, should only be used by on-duty employees for legitimate department business except as provided by the factors listed below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impracticable or not feasible. PCDs should not be used to replace regular radio communications.

(a) A PCD shall not be carried in a manner that allows it to be generally visible while in uniform, unless it is contained within a Department-approved carrier.

(b) A PCD may not be used to conduct personal business while on-duty, except when brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practicable to areas where the communication will not be seen or heard by the public.

(c) The on-duty use of PCDs, including personally owned PCDs, for purposes other than what is specifically permitted within this policy is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

701.2.3 USE WHILE DRIVING
The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to complete the call.

701.2.4 OFFICIAL USE
The use of PCDs may be appropriate in the following situations:

(a) Barricaded suspects.
(b) Hostage situations.
(c) Mobile Command Post.
(d) Catastrophic disasters, such as plane crashes, earthquakes and floods.
(e) Major political/community events.
(f) Investigative stakeouts where regular telephone usage is not practicable.
(g) Emergency contact with outside agency or an outside agency field unit equipped with PCDs.
(h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.
Vehicle Maintenance

702.1 PURPOSE AND SCOPE
Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES
When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper notification to the Operations Captain and vehicle maintenance personnel shall be promptly forwarded by the employee who becomes aware of the defective condition.

702.2.1 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.

702.2.2 SEVERE USE
Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, 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.

702.2.3 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 outside of City personnel.

702.3 VEHICLE EQUIPMENT
Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES
Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- 1 roll crime scene barricade tape
- 1 first aid kit, CPR mask
- 1 blanket
- 1 fire extinguisher
Vehicle Maintenance

- 1 hazardous materials emergency response handbook
- 1 evidence collection supplies

702.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

702.5 WASHING OF VEHICLES
All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Non-public data should be placed in a designated receptacle provided for the shredding of this matter.
Vehicle Use

703.1 PURPOSE AND SCOPE
The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Hopkins to provide assigned take-home vehicles.

703.2 POLICY
The Hopkins Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFt ASSIGNED VEHICLES
The Sergeant / OIC is responsible for the use and assignment of patrol vehicles during his/her shift.

703.3.2 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 Sergeant / OIC.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance or the car wash.

703.3.3 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.

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.
Vehicle Use

703.3.4 SECURITY AND UNATTENDED VEHICLES
Officers are authorized to leave vehicles running during their shift.

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers should use the secure idle / stay run function if feasible. Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 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 Captain approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.6 KEYS
Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member’s chain of command.

703.3.7 AUTHORIZED PASSENGERS
Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.8 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) or authorized by the Chief of Police. Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.
703.3.9  PARKING
Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.10  ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Operations Captain.

703.3.11  CIVILIAN MEMBER USE
Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4  INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1  ON-DUTY USE
Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2  UNSCHEDULED TAKE-HOME USE
Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department.
(b) Other reasonable transportation options are not available.
(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Hopkins City limits.
(d) Off-street parking will be available at the member’s residence.
(e) Vehicles will be locked when not attended.
Vehicle Use

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member’s residence; the nature of the member’s duties, job description and essential functions; and the member’s employment or appointment status. Residence in the City of Hopkins is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Hopkins may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member’s tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless the Chief of Police or a Captain gives authorization.

(b) Vehicles may be used to transport the member to and from the member’s residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by the Chief of Police or Captains and there is a high probability that the member will be called back to duty.

2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.

3. When the member has received permission from the Chief of Police or Captains.

4. When the vehicle is being used by the Chief of Police, Captains or members who are in on-call administrative positions.

5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on 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).
Vehicle Use

2. All weapons shall be secured while the vehicle is unattended.

3. All department identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the member’s residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member’s residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.

2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS
When driving a take-home vehicle to and from work outside of the jurisdiction of the Hopkins 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).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE
Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.

(b) It is the member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
(e) All weapons shall be removed from any vehicle left for maintenance.

(f) Supervisors shall make inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 DAMAGE, ABUSE AND MISUSE
When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any collision report shall be filed with the agency having jurisdiction (see the Traffic Collisions Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented and forwarded to the Operations Captain. An administrative investigation may be initiated to determine if there has been any vehicle abuse or misuse.

703.6 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 from the City 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 Captain within five working days explaining the circumstances.

703.7 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.
Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Evidence Room and Informants policies.

704.2 PETTY CASH FUNDS
The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.3 POLICY
It is the policy of the Hopkins Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.
Personal Protective Equipment

705.1 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.

705.1.1 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.

705.2 POLICY
The Hopkins Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 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.

705.4 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).

705.5 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.

The Training Sergeant shall ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133; Minn. R. 5205.0010).

705.6 HEAD AND BODY PROTECTION
Members who make arrests or control crowds may be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection may be provided.

705.7 RESPIRATORY PROTECTION
The Operations Captain or their designee 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.

705.7.1 RESPIRATORY PROTECTION USE
Designated members may be issued respiratory PPE based on the member’s assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member’s degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the
respirator use area when the scene commander reasonably believes (29 CFR 1910.134; Minn. R. 5205.0010):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge, or canister.

705.7.2 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.

705.7.3 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.

705.7.4 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.

705.7.5 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.

705.7.6 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.

705.8 RECORDS
The Training Sergeant is responsible for maintaining records of all:

(a) PPE training.
(b) Initial fit testing for respiratory protection equipment.
Personal Protective Equipment

(c) Annual fit testing.
(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
   1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule, 29 CFR 1910.1020, and Minn. R. 5205.0010.

705.9 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).
Chapter 8 - Support Services
Dispatch / Radio Communications

800.1 PURPOSE AND SCOPE
This policy addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

800.2 POLICY
It is the policy of the Hopkins Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The 24-hour telephone service may be accomplished through forwarding incoming calls to the Hennepin County Communications Center.

The Department provides two-way radio capability for continuous communication between Dispatch and department members in the field.

800.3 RADIO COMMUNICATIONS
The radio system is for official use only, to be used by members to communicate with Dispatch or other members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

a. Members acknowledging Dispatch with their radio identification call signs.
b. Members keeping Dispatch advised of their status and location.
c. Member acknowledgements shall be concise and without further comment unless additional information is needed.

800.3.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
Hopkins Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

800.3.2 RADIO IDENTIFICATION
Radio call signs are assigned to members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Members should use their call signs when initiating communication with Dispatch. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the Department name (Hopkins 36xx).
Evidence Room

801.1 PURPOSE AND SCOPE
This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property. Property belonging to persons in custody should be handled pursuant to policies guiding Juvenile Temporary Custody, Temporary Holding Facility, Jail Operations, and the operations procedures for each facility or operation.

801.1.1 EVIDENCE ROOM SECURITY
The Evidence Room shall maintain secure storage and control of all property necessitating custody by the Department. The public service officer/evidence technician reports to the Investigation Division supervisor and is responsible for the security of the Evidence Room. A key to the Evidence Room may be kept in the Chief of Police’s office.

Any individual entering the Evidence Room other than the public service officer/evidence technician must be accompanied by the public service officer/evidence technician, the Investigation Division supervisor, or the Chief of Police and must sign in and out on the logbook giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

801.2 DEFINITIONS
Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:
- Property obtained by the Department for safekeeping, such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

801.3 PROPERTY HANDLING
Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly packaged and secured in a property locker or storage room, or the property is turned over to another Department member for processing. Care shall be taken to maintain the chain of custody for all evidence.

Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence (Minn. Stat. § 626.04 (a)). Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention.
or ordered destroyed or otherwise disposed of by the court (Minn. Stat. § 626.04 (b) and Minn. Stat. § 629.361).

An officer arresting a person for burglary, robbery or a theft offense shall use reasonable diligence to secure the property that was alleged to have been stolen and shall be answerable for it while it remains in his/her custody (Minn. Stat. § 629.361).

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the documentation acknowledging receipt of the item(s).

801.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

(a) Complete the property section of the records management system describing each item of property separately, listing all serial numbers, owner’s name, and other identifying information or markings.

(b) Items should be individually packaged, labeled and the package marked with initials.

(c) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department location that can be secured from unauthorized entry. The location shall be secured to prevent entry or monitored by recorded video surveillance.

801.3.2 CONTROLLED SUBSTANCES

All controlled substances and drug paraphernalia shall be entered into the Evidence Room.

801.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify the immediate supervisor or the Sergeant / OIC. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

**Explosives will not be retained in the police facility.**

Only devices used by the SWAT Team, fireworks that are considered stable and safe, and road flares or similar signaling devices may be stored within the police facility. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The public service officer/evidence technician is responsible for properly destroying any fireworks or signaling devices that are not retained as evidence.

801.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:
Evidence Room

(a) **Bodily fluids** such as blood or semen stains shall be air-dried prior to booking. Once they are dry, they should be packaged in a paper bag to discourage the growth of mold/bacteria.

(b) **Bicycles** and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The bicycle should be taken to Well 4. If the bicycle is severely damaged and non-functioning, it may be transported to public works and disposed of in the metal recycling dumpster.

(c) **Cash** shall be counted in the presence of at least two Officers and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.

(d) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on a notice attached to the property.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.3.5 COURT-ORDERED FIREARM SURRENDERS

(a) Although not required, this department generally will accept firearms surrendered by an abusing party or defendant pursuant to a court order. A decision to refuse a surrendered firearm should be approved by a supervisor (Minn. Stat. § 260C.201, Subd. 3; Minn. Stat. § 518B.01, Subd. 6; Minn. Stat. § 609.2242, Subd. 3; Minn. Stat. § 609.749, Subd. 8).

(b) Members accepting surrendered firearms should complete a standardized Firearms Proof of Transfer form, if available. If a standard form is not available, complete a report to include the following information:
   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. HPD may serve the court order either by assignment or when an officer comes into contact with an abusing party or defendant for which a court order has been issued but has not been served, or for which they are in violation. In such cases, if there are firearms that may be lawfully seized, they should be seized and submitted to the Evidence Room 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 Evidence Room shall develop and maintain a process to store, transfer or release firearms ordered surrendered by a court. The procedures shall:

1. Provide for adequate storage and protection so as to preserve the condition of the firearms.
2. Require a valid court order or written notice from the abusing party or defendant to be presented before any transfer of the firearms.
3. Ensure that recipients of transferred firearms are not legally prohibited from possession of firearms under state or federal law.
4. Ensure that proper affidavits or proof of transfer are obtained from any designated firearms dealer or third party.
5. Ensure that prior to disposition of unclaimed firearms, abusing parties or defendants are notified via certified mail.

801.4 PACKAGING OF PROPERTY
Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be booked separately as follows:

(a) Controlled substances
(b) Firearms (ensure they are unloaded and booked separately from ammunition)
(c) Property with more than one known owner
(d) Drug paraphernalia
(e) Fireworks
(f) Contraband

801.4.1 PACKAGING CONTAINER
Employees shall package all property in a suitable container available for its size. Items such as knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items.

801.4.2 PACKAGING CONTROLLED SUBSTANCES
The officer seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, and labeled. Prior to packaging and if the quantity allows, a presumptive test may be made on all suspected controlled substances in accordance with current training recommendations. If conducted, the results of the test shall be included in the officer's report.

Controlled substances shall be packaged in a container of appropriate size. The booking officer shall initial the sealed packaging. Controlled substances shall not be packaged with other property.
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The booking officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized.

The weight will be verified every time the package is checked in or out of the Evidence Room and any discrepancies noted on the outside of the package. Any change in weight should be immediately reported to the Investigation supervisor.

801.4.3 RIGHT OF REFUSAL
The public service officer/evidence technician has the right to refuse any piece of property that is not properly documented or packaged. Should the public service officer/evidence technician refuse an item, he/she shall maintain secure custody of the item in a temporary property locker and inform the supervisor of the submitting officer.

801.5 PROPERTY CONTROL
Each time the public service officer/evidence technician receives property or releases property to another person, or moves property within the property room, he/she shall enter this information in the records management system.

Officers desiring property for court shall contact the public service officer/evidence technician at least one day prior to the court day.

801.5.1 RESPONSIBILITIES OF OTHER PERSONNEL
Every time property is released or received, an appropriate entry on the property report shall be completed to maintain the chain of possession. No property or evidence is to be released (other than found property) without first receiving authorization from a supervisor or investigator.

Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the public service officer/evidence technician. This request may be filled out any time after booking of the property or evidence.

801.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY
The transporting employee will check the evidence out of property.

The public service officer/evidence technician releasing the evidence must complete the required information on the property report. The lab forms will be transported with the property to the examining laboratory.

801.5.3 STATUS OF PROPERTY
Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property report, stating the date, time and to whom it was released.

The public service officer/evidence technician may obtain the signature of the person to whom property was released, and the reason for release. If the signature is not obtained, the evidence technician will document the transfer of the evidence. Any employee receiving property shall be
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responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be documented in a report, indicating date, time and the person who returned the property.

801.5.4 AUTHORITY TO RELEASE PROPERTY

The public service officer/evidence technician shall not release any property without authorization from an appropriate authorized member of the Department. The Investigation Division Captain shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

Property held as evidence for a pending criminal investigation or proceeding shall be retained for a period of time no less than that required pursuant to Minn. Stat. § 628.26.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a public service officer/evidence technician shall, upon the request of the owner:

(a) Provide a list describing the property unless such release would seriously impede an investigation.

(b) Return the property expeditiously unless the property is required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner of the property in accordance with the requirements of Minn. Stat. 609.523.

801.5.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 60 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction, which may be conducted as an Internet-based auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Unless the auction is Internet based, property with an estimated value of $500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.

A public service officer/evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. The owner shall
also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

801.5.6 STOLEN OR EMBEZZLED PROPERTY
Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the owner (Minn. Stat. § 609.523 Subd. 3). Such property may be released from law enforcement custody when the following are satisfied:

(a) Photographs of the property are filed and retained by the Evidence Room.
(b) Satisfactory proof of ownership of the property is shown by the owner.
(c) The owner shows appropriate picture ID.
(d) The owner signs the property report acknowledging receipt.

801.5.7 DISPUTED CLAIMS TO PROPERTY
Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

801.5.8 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 shall be destroyed. Evidence/Property firearms are never to be auctioned off to the public or otherwise sold.

Firearms may be converted to law enforcement use. This conversion should be documented on the property sheet with the original case file. Once the firearm's usefulness to the department has passed, it should also be destroyed in compliance with this policy and documented in the original case file.

801.6 DISPOSITION OF PROPERTY
The public service officer/evidence technician may request a disposition or status on all property that has been held in excess of 120 days and for which no disposition has been received from a supervisor or investigator.
801.6.1 EVIDENCE RETENTION FOR ALL CRIMINAL CASES (FELONY/GROSS MISD)
Where the rules allow for prosecutor or law enforcement discretion, the decision whether to dispose of evidence should be guided by the potential future need for the evidence. This may include a need for the evidence in the case of a court-mandated retrial, to exonerate a convicted defendant, or to solve an unsolved crime through technology not currently available. The prosecuting authority should be contacted regarding requests for early destruction. All transfers or destruction of evidence should be clearly documented, such that the precise disposition of a given item may be readily discovered when needed in the future. Methods of disposing of the evidence should conform to state law and local rules.

Disposition of evidence in cases, which remain uncharged or unsolved
This category also includes cases in which one defendant was acquitted, but another person might be charged, and cases in which an arrest warrant has been issued but the defendant remains at large.

(a) General rule for homicides, criminal sexual conduct and kidnapping: Retain all evidence indefinitely.
   1. In the case of a suspicious death, undetermined cause of death, or missing person suspected dead, retain evidence for at least six years, and do not destroy without the consent of the prosecutor.
   2. If the perpetrator is deceased and there is no expectation another person will be charged with the crime, law enforcement may dispose of evidence at its discretion.

(b) General rule for all other criminal cases will be based upon the statute of limitations for the alleged crime committed.

(c) Early destruction: Law enforcement may request an earlier disposition of a given item of evidence.
   1. The prosecutor’s consent is required.
   2. Early disposition may be particularly appropriate in the case of bulky items

(d) Exception: No early destruction of fingerprint or biological evidence of the perpetrator’s identity is permitted.
   1. With respect to evidence containing biological material, this exception applies only to the portion of such evidence necessary to obtain a biological sample sufficient for DNA testing.
   2. Law enforcement must document when and how the portion was removed from the item of physical evidence.

(e) Special rule: Stolen property (non-contraband).
   1. At any time, if the owner requests the return of property, law enforcement may photograph the property and return it to the owner with the prosecutor’s consent. See Minn. Stat. 609.523.
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2. If the investigation is complete and no one is charged, photograph the property and return it to the owner with or without the owner's request.

(f) **Special rule:** Other personal property (non-contraband).

1. If the owner requests the return of the property, photograph and return it to the owner with the prosecutor's consent.

**Disposition of evidence in cases in which the defendant was convicted/pled guilty**

This category includes cases in which the defendant was found guilty by a judge or jury or entered a guilty plea.

(a) **General rule:** Retain all evidence until the expiration of sentence.

(a) "Expiration" includes the entire pronounced sentence, including conditional release periods.

(b) Evidence may be destroyed upon the defendant's death if it occurs before expiration and there is no expectation another person will be charged with the crime.

(b) **Early destruction:** The law enforcement department may request an earlier disposition for a given item of evidence.

(a) For items that have been admitted in court, the consent of the prosecutor and the district court is required. See Minn. Stat. 590.10 (regarding biological evidence).

(b) For items never admitted in court, only the prosecutor's consent is required.

(c) Early disposition may be particularly appropriate in the case of bulky items.

(c) **Exception:** No early destruction of fingerprint or biological evidence of the perpetrator's identity is permitted if the identity of the perpetrator was an issue in the case.

(a) Law enforcement may consult with the prosecutor to determine whether identity was an issue.

(b) With respect to evidence containing biological material, this exception applies only to the portion of such evidence necessary to obtain a biological sample sufficient for DNA testing.

(c) Law enforcement must document when and how the portion was removed from the item of physical evidence.

(d) **Special rule:** Stolen property (non-contraband).

(a) At any time, if the owner requests the return of property, law enforcement may photograph the property and return it to the owner with the prosecutor's consent. See Minn. Stat. 609.523

(b) 120 days after sentencing and all appeals, law enforcement should photograph the property and return it to the owner, with or without a request.

(e) **Special rule:** Other personal property (non-contraband).
Evidence Room

(a) At any time, if the owner requests the return of the property, law enforcement may photograph the property and return it to the owner with the prosecutor's consent.

Disposition of evidence in cases in which the defendant was acquitted

1. General rule: If there is no expectation another person will be charged with the crime, law enforcement may dispose of the evidence at its discretion with the consent of the prosecutor.

2. Special rule " Stolen property (non-contraband)
   (a) If the defendant is acquitted and there is no expectation another person will be charged, return stolen property to its owner.

3. Special rule " Other person property (non-contraband).
   (a) If the defendant is acquitted and there is no expectation another person will be charged, return other personal property to its owner upon the owner’s request.

Disposition of evidence in cases, in which the status of the offense or disposition cannot be determined

1. General rule: If the offense is a misdemeanor or petty misdemeanor marijuana offense, and the period of one year has elapsed since the initial time of offense, the evidence seized may be disposed of in accordance with standard policies of this agency for drug disposal.

2. Exceptions:
   • The evidence is linked to a gross misdemeanor or felony level crime
   • The county attorney or city prosecutor requires it to be retained.
   • It is determined that the retention is necessary for any other reason.

Disposition of evidence in misdemeanor or petty misdemeanor cases in which the status of the offense or disposition can or cannot be determined

1. If the offense is a misdemeanor or petty misdemeanor and the disposition can be determined, retain the evidence until expiration of sentence.
   (a) "Expiration" includes the entire pronounced sentence, including conditional release periods.

2. If the offense is a misdemeanor or petty misdemeanor and the disposition cannot be determined, dispose of evidence after three years from the date of incident in accordance with MN Statute of Limitations 628.26.

3. Exceptions:
   (a) The evidence is linked to a gross misdemeanor or felony level crime.
   (b) The county attorney or city prosecutor requires it to be retained.
   (c) It is determined that the retention is necessary for any other reason.
801.6.2 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 § 804.8, Minn. Stat. § 345.38 and Minn. Stat. § 345.75.

801.6.3 PROPERTY SEIZURES AND SALES
An Officer may seize and retain any personal property abandoned upon any public way, sidewalk or other public place, or any property entered as evidence in a judicial proceeding following its release by the court (Minn. Stat. § 471.195). After holding the property for a period of at least 60 days, it may be sold at a public auction. The net proceeds of the sale shall be transferred to the general revenue fund of the city, minus the cost of handling, storage or sale.

801.6.4 RETENTION OF BIOLOGICAL EVIDENCE
The Evidence Room 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 Investigation Division Supervisor

Biological evidence shall be retained for a minimum period established by law, the Evidence Room Supervisor or the expiration of any sentence imposed related to the evidence (Minn. Stat. § 590.10), whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor’s office.

Bulk evidence may be destroyed prior to these minimum retention periods only pursuant to a court order or if the Evidence Room Supervisor determines that such destruction is consistent with Minn. Stat. § 590.10 and the above notices have been made.

801.7 REPORT OF ABANDONED PROPERTY (MONEY)
The Investigation Unit 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 July 1 each year and is to be filed before October 31 each year (Minn. Stat. § 345.41).
801.8 INSPECTIONS OF THE EVIDENCE ROOM

On a monthly basis, the Investigation Unit supervisor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(a) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(b) An annual audit of evidence held by the Department shall be conducted by a Captain who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.

(c) Whenever a change is made in personnel who have access to the Evidence Room, an inventory of all evidence/property shall be made by an individual not associated with the Evidence Room or function to ensure that records are correct and all evidence property is accounted for.
Records Bureau Procedures

802.1 PURPOSE AND SCOPE
The Support Services Manager shall maintain the Department Records Bureau Procedures on a current basis to reflect the procedures being followed within the Records Bureau. Policies and procedures that apply to all employees of this department are contained in this chapter.

802.1.1 NUMERICAL FILING SYSTEM
Case reports are filed numerically within the Records Bureau by Records Bureau personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 18000001 would be the first new case beginning January 1, 2018.

802.2 FILE ACCESS AND SECURITY
All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in the records management system.

All paper reports shall be maintained in a secure area within the Records Bureau, accessible only to authorized Records Bureau personnel and Command Staff. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Sergeant / OIC.

802.2.1 REQUESTING ORIGINAL REPORTS
Generally, original reports shall not be removed from the Records Bureau. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Support Services Manager. All original reports removed from the Records Bureau shall be recorded.

802.3 SUPPORT SERVICES MANAGER TRAINING
The Support Services Manager 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).
Records Maintenance and Release

803.1 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.

803.1.1 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).

803.2 POLICY
The Hopkins 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).

803.3 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).

(b) Maintaining and updating the department records retention schedule including:
   1. Identifying the minimum length of time the Department must keep data.
2. Identifying the department division responsible for the original data.

(c) Establishing rules regarding the inspection and copying of department data as reasonably necessary for the protection of such data.

(d) Identifying data or portions of data that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of data.

(f) Ensuring a current schedule of fees for public data as allowed by law is available.

(g) Ensuring the posting or availability to the public a document that contains the basic rights of a person who requests government data, the responsibilities of the Department and any associated fees (Minn. Stat. § 13.025).

(h) Ensuring data created by the Department is inventoried and subject to inspection and release pursuant to lawful requests consistent with the MGDPA requirements (Minn. Stat. § 13.03, Subd. 1).

803.4 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.

803.4.1 REQUESTS FOR RECORDS

The processing of requests for data is subject to the following:

(a) A person shall be permitted to inspect and copy public government data upon request at reasonable times and places and shall be informed of the data's meaning if requested (Minn. Stat. § 13.03, Subd. 3).

1. The Department may not charge or require the requesting person to pay a fee to inspect data. Inspection includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies, unless printing a copy is the only method to provide for inspection of the data (Minn. Stat. § 13.03, Subd. 3(b)).

2. For data stored and made available in electronic form via remote access, public inspection includes allowing remote access by the public to the data and the ability to print copies or download the data. A fee may be charged for remote access to data where either the data or the access is enhanced at the request of the person seeking access (Minn. Stat. § 13.03, Subd. 3(b)).

(b) Government data maintained by this department using a computer storage medium shall be provided in that medium in electronic form, if a copy can be reasonably made. The Department is not required to provide the data in an electronic format or program that is different from the format or program in which the data is maintained (Minn. Stat. § 13.03, Subd. 3(e)).

(c) The Department is not required to create records that do not exist.

(d) The Custodian of Records or designee processing the request shall determine if the requested data is available and, if so, whether the data is restricted from release or
Records Maintenance and Release

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.

1. A copy of the redacted release should be maintained in the case file for proof
of what was actually released and as a place to document the reasons for
the redactions. If the record is audio or video, a copy of the redacted audio/
video release should be maintained in the department-approved media storage
system and a notation should be made in the case file to document the release
and the reasons for the redacted portions.

803.5 RELEASE RESTRICTIONS

Example of release restrictions include:

(a) Personal identifying information, including an individual’s photograph; Social Security
and driver identification numbers; name, address and telephone number; and medical
or disability information that is contained in any driver’s license record, motor vehicle
record or any department record, including traffic collision reports, is restricted except
as authorized by the Department, and only when such use or disclosure is permitted
or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721;
18 USC § 2722).

(b) Private data on the following individuals (Minn. Stat. § 13.82, Subd. 17):

1. An undercover law enforcement officer.

2. A victim or alleged victim of criminal sexual conduct, or sex trafficking, or of a
violation of Minn. Stat. § 617.246, Subd. 2.

3. A paid or unpaid informant if the Department reasonably believes revealing the
identity would threaten the personal safety of the informant.

4. A victim of or witness to a crime if the victim or witness specifically requests
not to be identified publicly, unless the Department reasonably determines that
revealing the identity of the victim or witness would not threaten the personal
safety or property of the individual.

5. A person who placed a call to a 9-1-1 system or the identity of the person whose
phone was used to place a call to the 9-1-1 system when revealing the identity
may threaten the personal safety or property of any person or the purpose of
the call was to receive help in a mental health emergency. A voice recording of
a call placed to the 9-1-1 system is deemed to reveal the identity of the caller.

6. A juvenile witness when the subject matter of the investigation justifies protecting
the identity of the witness.
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7. A mandated reporter.

(c) Audio recordings of calls placed to the 9-1-1 system requesting law enforcement, fire or medical agency response, except that a written transcript of the call is public unless it reveals the identity of protected individuals. (Minn. Stat. § 13.82, Subd. 4).

(d) Criminal investigative data involving active cases and inactive investigative data (Minn. Stat. § 13.82, Subd. 7):

1. If the release of the data would jeopardize another ongoing investigation or would reveal the identity of protected individuals or is otherwise restricted.

2. Images and recordings, including photographs, video and audio records that are clearly offensive to common sensibilities. However, the existence of any such image or recording shall be disclosed.

3. As otherwise restricted by law.

(e) Juvenile records and data (Minn. Stat. § 260B.171).

(f) State criminal history data held in the Bureau of Criminal Apprehension (BCA) database including, but not limited to, fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data (Minn. Stat. § 13.87).

(g) Traffic collision reports and related supplemental information (Minn. Stat. § 169.09, Subd. 13).

(h) Corrections and detention data (Minn. Stat. § 13.85).

(i) Personnel data except, unless otherwise restricted, (Minn. Stat. § 13.43, Subd. 2):

1. Name, employee identification number and some aspects of compensation.

2. Job title, bargaining unit, job description, education and training background and previous work experience.

3. Date of first and last employment.

4. Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action.

5. Final disposition of any disciplinary action together with the specific reasons for the action, and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of this department.

6. Terms of any agreement settling any dispute arising out of an employment relationship.

7. Work location, work telephone number, badge number and honors and awards received.

8. Time sheets or other comparable data only used to account for an employee’s work time for payroll purposes, excluding the use of sick or other medical leave or other nonpublic data.
9. All other personnel data regarding employees of this department are private data and may only be released as authorized by that classification.

(j) Any data that was created under the direction or authority of the City Attorney exclusively in anticipation of potential litigation involving this department shall be classified as protected nonpublic or confidential data while such action is pending (Minn. Stat. § 13.39).

(k) All data collected by an Automated License Plate Reader (ALPR) on individuals or nonpublic data absent an exception (Minn. Stat. § 13.82; Minn. Stat. § 13.824).

(l) Response or incident data, so long as the Custodian of Records determines that public access would likely endanger the physical safety of an individual or cause a perpetrator to flee, evade detection or destroy evidence (Minn. Stat. § 13.82, Subd. 14).

Any other record not addressed in this policy shall not be subject to release where such record is classified as other than public data. All public data shall be released as required by the MGDPA (Minn. Stat. § 13.03, Subd. 1).

803.6 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 City Attorney/County Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

803.7 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 to whom the record was released.

Each audio/video recording released shall include the department name and to whom the record was released.

803.8 EXPUNGEMENT
A petition for expungement and expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records.
803.8.1 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).

803.8.2 ORDERS OF EXPUNGEMENT
The Custodian of Records shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

Upon request by the individual whose records are to be expunged, the Custodian of Records must send a letter at an address provided by the individual confirming the receipt of the expungement order and that the record has been expunged (Minn. Stat. § 609A.03, Subd. 8).

Expunged records may be opened only by court order (Minn. Stat. § 609A.03, Subd. 7).

Expunged records of conviction may be opened for purposes of evaluating a prospective employee of the Department without a court order.

The Custodian of Records shall inform any law enforcement, prosecution or corrections authority, upon request, of the existence of a sealed record and of the right to obtain access to it.

803.9 MAINTENANCE OF CLOSED RECORDS
Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure. Closed records shall be kept separate from public records and shall remain confidential.
Protected Information

804.1 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 Hopkins 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.

804.1.1 DEFINITIONS
Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Hopkins Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

CHRI - Criminal History Record Information

804.2 POLICY
Members of the Hopkins 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.

804.3 RESPONSIBILITIES
The Chief of Police shall select a member of the Department to coordinate the use of protected information (Minn. Stat. § 13.05, Subd. 13).

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, the National Law Enforcement Telecommunications System (NLETS), Minnesota Division of Driver and Vehicle Services (DVS) records, Minnesota Bureau of Criminal Apprehension (BCA) and the Minnesota Comprehensive Incident-Based Reporting System (CIBRS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.
(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

(g) Ensuring a comprehensive security assessment of any personal information maintained by the Hopkins 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).

804.4 ACCESS TO PROTECTED INFORMATION
Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Hopkins 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.

804.4.1 DATA PRACTICES COMPLIANCE OFFICIAL
The Support Services Manager is the designated Data Practices Compliance Official Designee for the Hopkins Police Department. They are responsible for ensuring compliance with this procedure and with applicable records, security regulations and requirements imposed by federal and state law (Min. Stat. § 13.05 Subd. 13). The Data Practices Compliance Official Designee will resolve specific questions that arise regarding authorized recipients of CHRI.

804.4.2 RELEASE OF CHRI
Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Full-time employees of the Records Bureau.

(b) Personnel specifically designated in writing by Captain with the concurrence of the Data Practices Compliance Official Designee

804.4.3 RELEASE OF CHRI TO FIELD PERSONNEL
Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not generally be transmitted by radio, cellular telephone or through computer terminals to field personnel or to vehicles except for official purposes.
804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Support Services Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.5.1 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)).

804.5.2 REVIEW OF 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 Support Services Manager. 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 Support Services Manager 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 Support Services Manager 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.
804.6 SECURITY OF PROTECTED INFORMATION
The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

804.6.1 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).

804.7 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.

804.7.1 COMPUTER TERMINAL SECURITY
Computer terminal equipment capable of providing access to automated criminal offender record information is located within the Department. No employee shall be authorized to access to CHRI until the operator has completed the appropriate training.

804.7.2 DESTRUCTION OF CHRI
When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding at such time its destruction is permitted by the organization’s records retention schedule.

Each employee shall be responsible for destroying the CHRI documents he/she receives.

804.8 TRAINING PROGRAM
All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the Data Practices Compliance Official and consistent with BCA
requirements. The Training Unit shall coordinate the course to provide training in the proper use, control and dissemination of CHRI.

804.9 PENALTIES FOR MISUSE OF RECORDS
It is a crime to obtain CHRI criminal history data in an unauthorized manner, to use the data for an unauthorized purpose, or to disclose the data to a person who is not entitled to the data (Minn. Stat. § 13.09).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Conduct Policy.

Employees who obtain, or attempt to obtain, information from the Department files, other than that to which they are entitled in accordance with their official duties, is a violation of the Conduct Policy.

804.10 SECURITY BREACHES
In the event of an actual or potential breach of the security or other unauthorized acquisition of private or confidential information, the Chief of Police or designee shall ensure an investigation into the breach is made. Upon completion of the investigation and final disposition of any disciplinary action, a report containing the facts and result of the investigation shall be prepared. If the breach was conducted by an employee, contractor or agent of Hopkins, 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).
Animal Control

805.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

805.2 POLICY
It is the policy of the Hopkins Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

805.3 RESPONSIBILITIES
Animal control services are primarily the responsibility of Public Service Officers; however, all patrol staff may handle such calls for service. Animal control services may include the following:

(a) Animal-related matters.
(b) Ongoing or persistent animal nuisance complaints.
(c) Follow-up on animal-related calls, such as locating owners of injured animals.

805.4 MEMBER RESPONSIBILITIES
Members who respond to or assist with animal-related calls for service should evaluate the situation and determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.
(b) An animal has bitten someone; members should take measures to confine the animal and prevent further injury.
(c) An animal is creating a traffic hazard.
(d) An animal is seriously injured.
(e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

805.5 DECEASED ANIMALS
When a member becomes aware of a deceased animal all reasonably attempts should be made to preliminarily determine if the death of the animal is related to criminal activity. If the cause of death of the animal is believed to be criminal in nature, a licensed officer shall document the incident in a report.

(a) Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

(b) Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

805.6 INJURED ANIMALS
When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler.

If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

805.7 DESTRUCTION OF ANIMALS
When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

805.8 ANIMAL CRUELTY COMPLAINTS
Laws relating to the cruelty to animals should be enforced, including but not limited to (Minn. Stat. § 343.21 et seq.):

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty (Minn. Stat. § 343.29).

1. An officer may remove, shelter and care for any animal that is not properly sheltered from cold, heat or inclement weather, or any animal not properly fed and watered or provided with suitable food and drink, in circumstances that threaten the life of the animal.

2. An animal taken into care during an animal cruelty investigation may be euthanized following a determination by a doctor of veterinary medicine that the animal is suffering and is beyond cure through reasonable care and treatment.
805.9 ANIMAL BITE REPORTS
Licensed officers will investigate and document all animal bites. Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

805.9.1 ANIMAL BITES TO HUMANS
Members should coordinate with appropriate animal authorities to ensure that animals who have bitten a human are quarantined for rabies observation as required by Minn. R. 1721.0580.

805.10 STRAY DOGS
If the dog has a license or can otherwise be identified, the owner should be contacted (Minn. Stat. § 343.29), if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

805.11 DANGEROUS ANIMALS
In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Sergeant / OIC will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

805.12 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality of life issues.
Chapter 9 - Custody
Temporary Custody of Adults

900.1 PURPOSE AND SCOPE
This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Hopkins 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.

900.1.1 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 Hopkins Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY
The Hopkins Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION
No adult should be in temporary custody for longer than 16 hours (Minn. R. 2945.0100; Minn. R. 2945.0120).

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY
Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Hopkins 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.

900.3.2 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 Sergeant or OIC should make a
determination if 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.

900.3.3 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.
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(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Sergeant / OIC.

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.

900.4 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 Hennepin County Jail or the appropriate mental health facility.

The officer should promptly notify the Sergeant / OIC of any conditions that may warrant immediate medical attention or other appropriate action. The Sergeant / OIC shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

(a) Advise the Sergeant / OIC 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.
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5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(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.

900.4.2 CONSULAR NOTIFICATION
Consular notification may be mandatory when certain foreign nationals are arrested. Department members should consult with the U.S. Department of State - Bureau of Consular Affairs for a current list of countries requiring mandatory notifications.

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.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS
Any time an individual is in temporary custody at the Hopkins Police Department, the custody shall be promptly and properly documented in a custody log, including:
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(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 Hopkins Police Department.

The officer handling the booking process should initial the log and should also initial the log when the individual is released from custody or transferred to another facility.

The Sergeant / OIC should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPERARY 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.
(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.
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900.5.3 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 Hopkins Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 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 Sergeant / OIC shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears any risk no longer exists.

900.5.5 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.

900.5.6 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
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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.

900.5.7 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.

900.5.8 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 Sergeant / OIC 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).

900.6 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.

The use of restraints other than handcuffs or leg irons generally should not be used for individuals in temporary custody at the Hopkins Police Department unless the person presents a heightened risk and then only in compliance with the Handcuffing and Restraints Policy.
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Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS
Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 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 Sergeant / OIC shall be notified whenever an individual alleges there is a shortage or discrepancy regarding his/her property. The Sergeant / OIC 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).

900.8 HOLDING CELLS
A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented. The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual’s initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 30 minutes.

1. Safety checks should be at varying times.
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2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY
The Operations Captain will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Hopkins 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 Sergeant / OIC, Chief of Police and Captains
(c) Notification of the spouse, next of kin or other appropriate person.
(d) Notification of the appropriate prosecutor.
(e) Notification of the City Attorney.
(f) Notification of the Medical Examiner.
(g) Evidence preservation.

900.10 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 Hopkins 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.
Temporary Custody of Adults

(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 (Minn. Stat. § 631.412).

900.11 ASSIGNED ADMINISTRATOR
The Operations Captain 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

900.12 TRAINING
Department members should be trained and familiar with this policy and any supplemental procedures.
Custodial Searches

901.1 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 Hopkins 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.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 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.

901.2 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.

901.3 FIELD AND TRANSPORTATION SEARCHES
An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.
Custodial Searches

901.4 SEARCHES AT POLICE FACILITIES
Custody searches shall be conducted on all individuals in custody, upon entry to the Hopkins 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.

901.4.1 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 individual from whom it was taken shall sign the booking sheet for receipt of their property upon release. If the individual's signature cannot be obtained, the booking officer shall indicate the refusal or inability of the individual to sign the booking sheet.

901.4.2 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. Negotiable checks or other instruments and foreign currency should also be inventoried.

901.5 STRIP SEARCHES
No individual in temporary custody at any Hopkins 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).
Custodial Searches

(d) The individual’s actions or demeanor.
(e) Criminal history (i.e., level of experience in a custody setting).

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).

901.5.1 STRIP SEARCH PROCEDURES
Strip searches at Hopkins Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Sergeant / OIC 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 Sergeant / OIC.
   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 his/her 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 he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual
Custodial Searches

with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES
A strip search may be conducted in the field only with Sergeant / OIC 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 Sergeant / OIC authorization does not need to be in writing.

901.6 TRAINING
The Training Sergeant 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.
Temporary Holding Facility

902.1 PURPOSE AND SCOPE
PURPOSE:
To establish procedures relative to the operation of the holding facility, consistent with department rules and those promulgated by the Minnesota Department of Corrections. (Minnesota Rules, Chapter 2945)
The Department shall maintain custody of inmates in accordance with this policy and in accordance with applicable law.

902.1.1 ORGANIZATION AND RESPONSIBILITIES
The following responsibilities for the Temporary Holding Facility operations have been established:

(a) Facility Administrator: The Chief of Police shall be the facility administrator officially charged, by law, with the administration of the Temporary Holding Facility.

(b) Temporary Holding Facility Manager: The Chief of Police may assign a designee who will be responsible for planning, managing, administrative functions, review of the facility manual and the operations of the Temporary Holding Facility.

(c) Temporary Holding Facility Supervisor: The employee with 24-hour-per-day functional responsibility for the Temporary Holding Facility will be the Sergeant / OIC. Any other supervisor may provide assistance as needed.

(d) Custodial personnel: Custodial personnel shall be those on-duty sergeants, officers, investigators, PSO or other designated employees.

902.1.2 DEFINITIONS
Approved capacity. "Approved capacity" means the maximum number of detainees that any cell, room, unit, building, facility, or combination of them is approved for in compliance with the standards.

Average daily population. "Average daily population" means the average number of detainees residing daily during the last calendar year. Detainees on furlough or hospitalized are excluded.

Class III municipal lockup facility. "Class III municipal lockup facility" means an adult detention facility operated by a municipal government used to confine detainees for up to 16 hours.

Communicable disease. "Communicable disease" means a disease or condition that causes serious illness, serious disability, or death, the infectious agent of which may pass or be carried, directly or indirectly, from the body of one person to the body of another.

Contraband. "Contraband" means those items designated by the municipal lockup facility as prohibited on the physical premises of the facility.
Temporary Holding Facility

Controlled substance. "Controlled substance" means a drug, substance, or immediate precursor in Schedules I to V of Minnesota Statutes, section 152.02. The term does not include distilled spirits, wine, malt beverages, intoxicating liquor, or tobacco.

Custody personnel. "Custody personnel" means those staff members or employees who are responsible for the custody and supervision of detainees.

Detainee. "Detainee" means an individual, adult or juvenile, detained or confined in a local facility.

Emergency. "Emergency" means a significant incident or disruption of normal facility procedures, policies, routines, or activities arising from events such as: fire, riot, natural disaster, suicide, assault, or medical emergency.

Facility administrator. "Facility administrator" means the individual who has been delegated the responsibility and authority for the administration and operation of a local facility.

Holding cell. "Holding cell" means a cell or room in a lockup facility used to hold one or more persons temporarily while awaiting release, booking, court appearance, transportation, or interrogation.

Medication. "Medication" means a remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the purpose of this chapter, medication includes prescription and nonprescription medications.

Prescription medication. "Prescription medication" means a medication required by federal law to bear the following statement: "Caution: Federal law prohibits dispensing without prescription."

Special management detainee. "Special management detainee" means a detainee who presents a serious threat to safety or security of the facility, staff, general detainee population, or self.

Special needs detainee. "Special needs detainee" means a detainee whose mental or physical condition requires special handling and treatment by staff.

Variance. "Variance" means an exception to a specific rule or rules for a specified period of time.

902.2 PROCEDURE

902.2.1 LENGTH OF DETAINEE HOLDING
The Hopkins Police Holding Facility is classified by the Minnesota Department of Corrections as a Class III municipal lockup facility and is allowed by classification to detain detainees up to **16 hours**. Under no circumstance can a juvenile be held within the holding area of the Hopkins holding facility more than **six (6) hours**.

902.2.2 BOOKING PROCESS
(a) Prior to entering the holding facility, officers shall deposit all firearms and knives into the weapons locker.

(b) Vehicles parked in the sally port should be locked and removed from the sally port as soon as possible. Detainees should exit the vehicle on the side of the nearest the booking area.
Temporary Holding Facility

(c) Detainees will be thoroughly searched while in the Booking area to include scanning with a metal detector.

(d) Purses, wallets, belts, jewelry, necklaces, contents of all pockets, and any other property which could be used to mark, mar or injure persons or property, shall be taken from the detainee. The property shall be inventoried on the booking form. Detainee property shall be bagged and placed in a Booking locker/basket.

Detainees with disabilities requiring the use of a body functioning device such as a seeing cane, should be permitted to retain such device while in the cell unless circumstances indicate that doing so would place the detainee or others in danger. If a body functioning device is secured from a detainee, the detainee must be informed of the reason and all actions documented in writing by the arresting officer.

(e) Temporary Mental Holds- A person who has been apprehended as an escapee from a mental institution shall be placed in a cell alone while awaiting transfer back to the hospital.

(f) Military A.W.O.L. - Acceptance of a military person into the holding facility, who is charged only with A.W.O.L., is contingent upon one of the following factors being present:

1. Existing warrant authorizing the person's apprehension as an A.W.O.L.
2. Authority of a switch message, identifying the branch of military service and the person authorizing the apprehension.
3. The individual apprehended is listed as A.W.O.L. in the State or NCIC computer.

Persons reported as escaped from mental institutions or A.W.O.L. may be held until arrangements can be made for their return transportation but no more than 16 hours. Military A.W.O.L. personnel require proper authorization for holding from Military Police Authority or the Federal Protection Agency.

(g) While the detainee is out of the holding cell, there should be an officer in the Detention Area and, when possible, a second person present or monitoring the Detention area.

902.2.3 ADULT DETAINEE - FELONY CHARGE

(a) An adult detainee arrested on a felony charge without a warrant, may be held in the Hopkins Police holding facility for investigative purposes up to sixteen (16) hours. At the conclusion of the sixteen hours, the detainee must be released by one of the following methods:

1. Released pending further investigation and formal charging
2. Transfer to another criminal justice agency / Hennepin Jail for continued investigation
3. No charges filed

(b) Only a police supervisor (Sergeant/OIC) can order the release of a person arrested for a felony without a warrant.
Temporary Holding Facility

(c) An adult arrested on the authority of a felony warrant will be transferred to Hennepin County Jail.

(d) When a person is transferred to Hennepin County Jail on a felony charge without a warrant, a Hennepin County Authority to Detain form, 36/48 hour hold, PC statement, Victim notification forms shall be completed on the arrestee as applicable. In the charge section, only the applicable felony charges and outstanding warrants shall appear. Any new gross misdemeanor or misdemeanor charges will be charged later by formal complaint. Anytime a person is held in the Hopkins holding facility, the reasons for detaining shall also be indicated on the booking sheet.

(e) When a person is arrested on the authority of a felony warrant, new gross misdemeanor or misdemeanor charges may appear on the Authority to Detain form in conjunction with the warrant.

902.2.4 ADULT DETAINEE - GROSS MISDEMEANOR CHARGE

(a) Gross misdemeanor violations, like felonies, may be charged by formal complaint.

(b) A detainee may be transferred to the Hennepin County Jail if deemed necessary. If the detainee is transferred, a Hennepin County Authority to Detain form shall be completed depicting only the gross misdemeanor violations when that is the most serious charge sought. Additionally, any outstanding warrants may be added.

(c) Those persons charged with gross misdemeanor DWI or aggravated violations can be released pending formal complaint or sent to Hennepin Jail for in-custody charging, depending on applicable statutes.

(d) Except as described otherwise, only a police supervisor (Sergeant/OIC), can order the release of a person arrested on a gross misdemeanor without a warrant. When so ordered, the person shall be released pending formal complaint.

(e) A person charged with a gross misdemeanor who is intoxicated, may be released to a responsible adult or detox center when circumstances permit admittance to a detox center, and continued detention is not necessary. If released to a responsible adult, the accepting adult must sign the Hopkins Police Department Intoxicated Persons Release Form.

902.2.5 ADULT DETAINEE - MISDEMEANOR CHARGE

(a) Minnesota Court Rules mandate that a person arrested for a misdemeanor without a warrant shall be released on a promise to appear unless it reasonably appears that continued detention is necessary:

1. To prevent bodily harm to the accused or another
2. To prevent the accused from further criminal conduct
3. Because there is a substantial likelihood that the accused will fail to respond to the promise to appear.

(b) After a person has been booked in the Hopkins Police holding facility, he/she shall be released if none of the above criteria for continued detention is present. If continued detention is indicated,
Temporary Holding Facility

the individual shall be eligible for release upon posting the prescribed bail from the Hennepin County Court schedule. If a person required to post bail cannot produce the necessary amount in cash or bail bond, then he/she shall be held for court appearance. The person shall be transported to court at the soonest available arraignment time.

(c) Release, No Bail Required (NBR) - Completion of the Hennepin County Release-Receipt form is required. The person making the release must advise the person of their rights as indicated on the release form and secure the person's signature on the form. The released person shall be issued a court date. Persons unwilling to sign a NBR release will be transferred to the Hennepin County Jail with an Authority to Detain form and completed arrest reports.

(d) Release on Bail - The same procedure as with NBR release applies. Bail amount for the offense(s) charged will be taken from the posted Hennepin County schedule. Bail may be taken in the form of cash or a bond.

(e) Domestic Assault - A person charged with domestic assault is eligible for release only under the conditions outlined in Minnesota Statutes and this police manual.

(f) D.W.I. - A person charged with DWI and eligible for an NBR release may be placed into a detox facility if conditions for detox admission are present. They may also be released to a sober party in conjunction with the Intoxicated Persons Release Form.

(g) Warrant - A person arrested on a misdemeanor warrant may be released based upon the terms and conditions of the warrant. If bail is stipulated, only cash or a bond shall be accepted and a court date set as with any other misdemeanor.

(h) Mental Absentees/Escapees/AWOL - Persons detained that are discovered to be AWOL or escapees from a mental institution shall be returned to the appropriate facility by arranging transportation with the facility from which the person absented.

(i) Release of Military Personnel - Persons currently on active duty in the military service not charged with being AWOL shall be processed in the same manner as civilians.

(j) Military AWOL Release - A person that has been apprehended as A.W.O.L. from the military shall be turned over to the Federal Protection Agency or, when personnel from the Federal Protection Agency are unavailable, the person A.W.O.L. shall be booked in county jail as directed by the Federal Protection Agency.

902.2.6 DETAINEE PROPERTY / MONEY

Officers shall take care in handling inmate's property to avoid discrepancies or losses. Any personal property belonging to the inmate but retained by the officer for safekeeping, shall be kept in a secure location until the inmate is released or transferred. Smaller items such as a driver's license, pocketknife, wallet, prescription medications and other similar property, shall be placed in a property bag and sealed. A list of the property, including detailed descriptions of prescription medications, shall be included on the booking form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping. Inmate property that is
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too large or will not otherwise be accepted by a receiving facility in the event of an inmate transfer should be booked for safekeeping.

Property belonging to the inmate, but retained by the officer as evidence, shall be booked according to procedures. The inmate shall be advised that such property will be kept as evidence and where demanded, the officer will issue the inmate a receipt. Such receipt may be a copy of the property booking form, written out in the officer's handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

Upon release, all personal property taken from the detainee at admission, and not considered evidence or contraband, shall be returned. The person released will be required to sign the booking form acknowledging return of the property. When the person refuses to sign, the releasing officer shall write "Refused" on the booking form and initial it. Any unclaimed property remaining in the holding facility after the detainee is released will be properly inventoried under the original case number and transferred to the Property room.

Release of any detainee's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a detainee must be made in writing on the booking sheet.

If a detainee is released to the court or an officer of another agency, all property will be released to the arrestee and transported with them to the new custody location.

Any alleged shortage or discrepancy shall be brought to the attention of the Sergeant / OIC, who will interview the detainee claiming the shortage prior to his/her release. The Sergeant / OIC shall ensure that a search for the alleged missing item(s) is completed and shall attempt to prove or disprove the claim. A written claim by the detainee shall be requested where the discrepancy cannot be resolved. All personal property that is unclaimed for more than three years is presumed abandoned.

All money belonging to the detainee and retained by the officer shall be counted in front of the detainee. When possible, the detainee should initial the dollar amount on the booking sheet.

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. Rings and other jewelry of apparent value or small enough to be easily lost should also be sealed in an envelope. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.
902.2.7 LOG ENTRIES
(a) All adult bookings should be logged into the Temporary Holding Facility Log and a Booking Form shall be completed. The following entries are to be completed by the booking officer and personnel responsible for maintaining detainees in the facility:

1. Case number
2. Date/time in/out of cell and for what purpose
3. Date / Time of cell checks
4. Arrestee's name
5. Officer's name performing the booking / detainee movement
6. Date and time of release

(b) The log shall be kept in the booking area of the Temporary Holding Facility. It is the responsibility of the facility supervisor to ensure that all appropriate entries are made.

(c) The Sergeant / OIC should make periodic checks to ensure the log and security checks are made on time.

(d) The Facility Manager should review all Temporary Holding Facility Logs and shall report to the Facility Administrator as required.

(e) All logs and reports should be maintained in the Records Bureau for inspection by the Facility Manager, Facility Administrator or other officials as may be required.

902.2.8 GENERAL SECURITY MEASURES
Only one detainee should be permitted out of a locked cell at any given time. An exception to this would be in circumstances when adequate staffing is present to permit more than one detainee out of a cell.

(a) In the Booking Room, any item that could be used as a weapon, when not in use, shall be kept in a drawer out of reach of detainees.

(b) No detainee shall be outside the cell or booking area unless escorted by an officer.

(c) PSOs or other Department personnel perform video/audio monitoring of booking and cell areas.

902.2.9 TELEPHONE CALLS
Every detainee, whether adult or juvenile, detained in the Temporary Holding Facility has the right to make a reasonable number of completed telephone calls from the Police's station, the Temporary Holding Facility or other place of booking immediately after he/she is booked and, except where physically impossible, no later than three hours after arrest. Upon request by the detainee, private telephone access shall be provided for the purpose of consulting with an attorney.
Temporary Holding Facility

If it is determined that the person is a custodial parent with responsibility for a minor child or caring for a dependent adult, the person shall be entitled to make a reasonable number of completed telephone calls for the purpose of arranging care for the minor child or a dependent adult.

There is no obligation for the officer to make a call on a detainee's behalf, for example in the case of a person who is so intoxicated that he/she cannot make a call. An officer is not required to wake an intoxicated person three hours after arrest or booking so that they may complete a call.

There is also no limitation on the amount of time a detainee's telephone call must last. A detainee should be given sufficient time on the telephone to contact whomever he/she desires and to arrange for necessary items because of his/her arrest. The telephone calls are not intended to be lengthy conversations and the officer may use his/her judgment in determining the duration of the calls.

The Department will pay the cost of phone calls.

Calls between the detainee and his/her attorney shall be paid by the Department, and shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

Once a detainee has completed telephone calls and it appears that the individual is not going to be released or transferred to another custodial facility, reasonable efforts should be made to provide the detainee with access to a telephone, as practicable. In providing further access to a telephone, legitimate law enforcement interests, such as officer safety, the effect on ongoing criminal investigations and logistics, should be balanced against the detainee's desire for further telephone access.

902.2.10 SECURITY

SECURITY

(a) Firearms, deadly weapons and other control devices or any type of explosive device shall not be permitted within the secure area of the Temporary Holding Facility. Weapons should be properly secured in the gun lockers outside of the secure area of the Temporary Holding Facility. An exception may occur only during emergencies upon approval of the Facility Administrator, Facility Manager or Sergeant / OIC.

(b) All perimeter doors to the Temporary Holding Facility shall be kept locked at all times except during routine cleaning, when no detainees are present, or in the event of an emergency, such as an evacuation.

(c) Cell doors are to be locked at all times when detainees are detained in the facility.

(d) No personnel shall smoke at any time while in the detention area. No detainee shall be allowed to smoke or possess smoking materials in the detention area.

(e) Restraint devices such as handcuffs, disposable cuffs, belly-chains and leg restraints shall be used in accordance with department policy.

HOLDING CELL SECURITY
**Temporary Holding Facility**

(a) Prior to placing a detainee into a cell, the cell shall be searched to ensure there are no weapons or contraband present and to ensure the cell is clean and sanitary. If other detainees are present in the cell, this inspection shall be done visually without removing other detainees.

(b) If the booking officer is alone, any other detainees in a cell should be directed to stand against the far wall of the cell prior to opening the cell door.

(c) Keys shall be returned to their secure location prior to leaving the building.

(d) Access to the booking and holding cell area is restricted to officers who are in the process of or assisting the booking or release of detainees, or personnel conducting detainee checks.

(e) Maintenance and/or cleaning personnel shall be accompanied at all times by an officer when inside the Temporary Holding Facility if arrestees are being held there.

902.2.11 HOLDING CELLS AND DETAINEE BEDDING

(a) Temporary Holding Facility cells have toilets and water available at all times. Detainees will not be placed in cells where toilet or water service is not available.

(b) Any detainee placed in a cell for a period longer than two hours shall be issued a blanket sufficient to provide comfort under existing conditions. All blankets shall be laundered after each use. Only clean items may be used. Clothing and bedding may be removed from a detainee only when the detainee's behavior threatens the health, safety, or security of self, other persons, or property. Clothing and bedding must be returned to the detainee as soon as it is reasonable to believe that the behavior that caused the action will not continue. It will be the policy of the Hopkins Police Department that the supervising officer or officer in charge will determine when/if clothing and bedding will be removed. The circumstances surrounding the removal will be thoroughly documented on the jail log.

902.2.12 ACCESS TO FAITH AND MORALS BASED PROGRAMS

Consistent with available resources, safety and security, the religious beliefs and needs of all detainees should be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith and morals based programs and other secular volunteer programs. No detainee shall be required to participate in any such program.

902.3 VARIANCES

Minnesota Department of Corrections Requirements

Chapter 2495.0130

902.3.1 NOTIFICATION OF EMERGENCIES

The facility administrator shall immediately notify the sheriff of the county and the Department of Corrections of an emergency that results in the suspension of a rule. A formal written report must follow within 72 hours.
902.3.2 EXTENSION OF EMERGENCY
No suspension of rules because of an emergency declared by a facility administrator may exceed seven days unless the administrator obtains the approval of the commissioner for a variance to the rules and the variance is necessary for the protection of the health, security, safety, or wellbeing of the staff or the persons detained or confined in the institution where the emergency exists.

902.4 STAFFING REQUIREMENTS
Minnesota Department of Corrections Requirements

Chapter 2495.0530

902.4.1 STAFFING PLAN
The facility administrator shall prepare and retain a staffing plan indicating the personnel assigned to the facility and their duties. The Sergeant / OIC will be in charge of the holding facility and determine appropriate staffing.

902.4.2 DISCRIMINATION PROHIBITED
There must not be discrimination based on race, color, religion, sex, or national origin when determining staffing.

902.4.3 STAFF SELECTION
The selection, appointment, and promotion of facility personnel must be based on assessed ability. Custody personnel must be a minimum of 18 years old. Recruitment standards will follow regular department hiring practices and set forth the basic requirements of ability, preparatory experience, physical condition, and character, and those qualities that may disqualify an individual from selection, appointment, or promotion.

902.4.4 STAFF PERSON IN CHARGE
The Sergeant / OIC will be in charge of the holding facility.

902.4.5 CONDITION OF STAFF PERSON ON DUTY
No person may be detained without a staff person on duty, present in the facility, awake and alert at all times, and capable of responding to emergencies and the reasonable needs of the detainee.

902.4.6 EXTRA DUTY
Staffing of the holding facility shall not consist of an employee scheduled for more than 12 hours consecutive work in any 24 hours except where unusual circumstances require reasonable and prudent exception. Coverage needs for vacations, military leave, jury duty, scheduled training, and similar activities are not unusual circumstances requiring reasonable and prudent exception. Each of these coverage needs must be known to the facility administration with sufficient lead time to allow proactive scheduling to maintain compliance with the 12-hour standard requirements.

902.4.7 OPPOSITE GENDER POLICY
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 Sergeant or OIC should make a
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determination if 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.

902.4.8 ASSISTANCE FOR CUSTODY STAFF PERSON
The custody staff person must be assisted on duty by another custody staff person when the lockup population exceeds 4 individuals.

902.4.9 REPORTING INCIDENTS AND RESPONDING TO EMERGENCIES
A combination of staff and physical resources shall provide the capability of responding to emergencies and the completion of incident reports on all special occurrences.

902.4.10 ANCILLARY FUNCTIONS
Personnel must be provided to perform ancillary functions such as transportation or court functions such as court escort to the extent necessary to ensure security and supervision of detainees.

902.5 STAFF TRAINING PLAN
Minnesota Department of Corrections Requirements

Chapter 2495.1000 / Chapter 2495.1010 / Chapter 2495.1600 / Chapter 2495.1610

902.5.1 ORIENTATION AND IN-SERVICE TRAINING PLAN
The facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provide for continuing in-service training programs for all employees and volunteers. The training plans must be documented and describe curriculum, methods of instruction, and objectives. In-service training plans should be prepared annually, and orientation training plans must be reviewed and revised to changing conditions.

902.5.2 OTHER HEALTH AND SAFETY TRAINING
Each facility shall develop a training program which provides instruction in the following areas:

A. procedures for responding to health-threatening situations;

B. recognition of signs and symptoms, and knowledge of action required in potential emergency situations;

C. methods of obtaining assistance;

D. recognition of signs and symptoms of mental illness, suicide risk, emotional disturbance, and chemical withdrawal;

E. procedures for patient transfers to appropriate medical facilities or health care providers; and

F. prevention of communicable diseases.
902.5.3 PART-TIME AND RELIEF STAFF
Part-time and relief staff shall complete orientation training appropriate to the facility's classification.

902.5.4 GUIDELINES AND RESPONSIBILITIES
Each facility supervisor shall develop written guidelines that define responsibilities, duties, and qualifications of the persons working in the municipal lockup facility.

902.5.5 POLICY AND PROCEDURE MANUALS
Policies and procedures concerning the facility's operation must be accessible to employees at the time of employment and when revised. The policy and procedure manual shall be reviewed at least annually.

902.6 RECORDS AND REPORTS
Minnesota Department of Corrections Requirements
Chapter 2495.2100 / Chapter 2495.2130 / Chapter 2495.2140

902.6.1 MAINTENANCE OF RECORDS AND REPORTS
The following records, reports, and statistics must be maintained:
A. admission and release records;
B. special occurrence records;
C. facility logs;
D. detainee personal property records;
E. employee personnel records;
F. records of staff training;
G. food service records;
H. medical and dental information identified at intake and treatment provided during detention; and
I. detainee disciplinary records.
Records shall be retained according to department policy. Space must be provided for the safestorage of records.

902.6.2 ACCESS TO DETAINEE RECORDS
Access to detainee records shall be provided in conformity with state data privacy law.

902.6.3 DETENTION INFORMATION SYSTEM REQUIREMENTS
The facility administrator shall designate a staff person to report to the Minnesota Department of Corrections, at least weekly, information on persons detained in the facility.
902.7 DETAINEE WELFARE
Minnesota Department of Corrections Requirements

Chapter 2495.2500 / Chapter 2495.2510 / Chapter 2495.2520 / Chapter 2495.2540 / Chapter 2495.2550

Chapter 2495.3410 / Chapter 2495.3420 / Chapter 2495.3430

902.7.1 SEPARATION OF DETAINEEES
A combination of separate living spaces, sanitation facilities, activity spaces, cell units, and detention rooms shall be provided to properly segregate detainees.

902.7.2 DETAINEE TO BE HOUSED SEPARATELY
The following detainees must be housed separately:

(1) female detainees from male detainees;
(2) juvenile detainees from adult detainees; and
(3) special management detainees from other detainees.

Special needs detainees may need to be housed separately from all other detainees.

902.7.3 SEPARATION BY SIGHT AND SOUND
Juvenile detainees must be separated from adult detainees by sight and sound.

902.7.4 INFORMATION TO DETAINEE
Rules for detainee behavior must be posted in a conspicuous place or provided to the detainee.

INMATE RULES

(a) Any inmate found to be in violation of an inmate rule shall be subject to disciplinary or criminal action depending on the type of violation.

(b) No inmate will show disrespect to jail personnel, citizens of the community, visitors, or other inmates.

(c) No inmate will take, disfigure, damage, abuse, or waste city property, or property belonging to another person.

(d) No inmate will assault, or attempt to assault, jail personnel, other inmates, visitors, or any other person.

(e) No inmate will commit any lewd or indecent sexual act.

(f) No inmate will incite any overt act that will disrupt the order or safety of the jail.

(g) No inmate will disobey an order from an officer.

(h) No inmate will interfere with an officer in the performance of his/her duties.
(i) No loud or abusive language (swearing) is permitted.

(j) NO SMOKING

(k) If inmates require assistance, they are to request to see an officer via the intercom system.

902.7.5 OFFICIAL CHARGE, LEGAL BASIS FOR DETENTION
Every detainee admitted to a facility must be advised of the official charge or legal basis for detention and confinement, information gathered, and to whom disseminated.

902.7.6 LIMITATIONS ON DISCIPLINARY ACTIONS
The delegation of authority to a detainee or group of detainees to exercise the right of punishment over another detainee or group of detainees shall be prohibited. No detainee may be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene. Items such as toilet paper and soap and water must be made available and provided upon request.

902.7.7 INSTRUMENTS OF RESTRAINT
Instruments of restraint must not be used as punishment.

A. Instruments of restraint must not be used except in the following circumstances:

1. as a precaution against escape during a transfer;

2. on medical grounds by direction of a consulting or attending physician or licensed psychologist;
   or

3. by order of the facility administrator or person in charge in order to prevent a detainee from injuring himself or herself, others, or from damaging property.

B. The facility administrator shall develop written policies and procedures to govern the use of restraints.

C. When reasons for restraint under item A no longer exist, the restraints must be removed.

D. Each incident involving the use of restraints consistent with item A, subitem (2) or (3), must be documented and on file.

902.7.8 INITIAL VISITS FOR JUVENILES
The initial visit for parents, guardians, and attorneys must be permitted at any time. The facility administrator shall address how to regulate access to juvenile detainees by the detainee's parents, guardians, and attorneys in the facility's visiting plan.

902.7.9 VISITORS
GENERAL PROVISIONS

Other persons authorized to enter the holding facility for detainee visitation must be properly identified and be willing to submit to a pat-down search for weapons or contraband. The visit shall be noted on the detention log by the person admitting the visitor into the visiting room. If a visit is denied on the belief that the visit might endanger the security of the
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facility, the action and reasons for denial must be documented. Visitors must register, giving name, address, relationship to detainee, and nature of business. Visiting must not be audio monitored. Visits by parents, guardians, and attorneys with juvenile detainee shall be as unrestricted as administratively possible. Detainees may be allowed private meetings for family problems with clergy, nuns, seminarians, and layperson active in community church affairs, who provide appropriate credentials, to the extent that such visits do not compromise the facility’s security.

CRIMINAL JUSTICE MEMBERS

When a member of another criminal justice agency is not in identifying uniform, he/she must prominently display proper identification. When the visit is for the purpose of a detainee interview, it shall be noted on the detention log.

PARENTS OR CAREGIVERS OF MINORS

Special exceptions may be made to allow necessary communication between parents or caregivers of minors regarding the minor’s well-being.

ATTORNEYS AND BAIL BONDSMEN

(a) Attorneys and bail bondsmen who need to interview a detainee should do so inside the Temporary Holding Facility in the secure interview room.

(b) Both the attorney and detainee should be searched for weapons prior to being admitted to the Temporary Holding Facility interview room and upon exiting.

(c) Attorneys must produce a current identification card from a recognized state bar association as well as other matching appropriate identification.

(d) Interviews between attorneys and their clients shall not be monitored or recorded.

902.7.10 BEDDING

After confinement of eight hours, a detainee shall be offered one set of clean, sanitary, and fire-retardant bedding.

902.7.11 LAUNDRY

Mattresses and pillows must be sanitized between each detainee. Sheets must be laundered and blankets cleaned before reissuing them to another detainee.

902.7.12 REMOVING CLOTHING AND BEDDING

Clothing and bedding should be removed from a detainee only when the detainee’s behavior threatens the health, safety, or security of self, others, or property. The decision to deprive a detainee of articles of clothing and bedding as a result of the detainee’s destruction of those items must be reviewed by the Sergeant / OIC during each eight-hour period, and the review must be documented. Clothing and bedding must be returned to the detainee as soon as it is reasonable to believe that the behavior that caused the action will not continue. The circumstances surrounding the removal will be thoroughly documented on the jail log.
902.7.13 FIRE SAFETY / EMERGENCY PLAN

Fire alarms and smoke detectors are located throughout the Police Facility and holding area. An annunciator panel is located in the Defensive Tactics / Exercise Room.

LOCATION OF FIREFIGHTING EQUIPMENT

(a) A fire extinguisher is located in the hallway adjoining the booking area, in the sally port adjacent to the booking area, and additional fire extinguishers are located throughout the department (see map of evacuation plan).

(b) Any time the fire alarm system activates, the fire department shall immediately be requested. When detainees are confined in the holding facility, the supervising officer or person presently in charge of the holding facility shall make an immediate inspection of the holding area to ascertain if the alarm is originating from there. If no life threatening situation exists in the holding area, the supervising officer or officer in charge will stand by, ready to evacuate the holding area if a life threatening situation is detected in another portion of the building.

(c) Fire Drills will be conducted at least annually.

FIRE PROCEDURES

In the event of an actual fire that threatens the holding facility, an immediate call shall be made for assistance from the Fire Department. Any detainees placed in jeopardy by the fire, smoke, or potentially hazardous fumes shall be moved to a location of safety. The location may be to another portion of the building not threatened by the fire. If total evacuation of the building is necessary, any detainee, so removed, should be placed into the caged area of a squad car.

(a) After the Fire Department has been summoned, and no threat to life exists, on-duty personnel, when possible, shall attempt to extinguish the fire with available fire extinguishers.

(b) Detainees removed from the holding facility shall be kept under guard while out of their cells and returned only when all danger has passed. If the evacuation is for a prolonged period of time or the fire renders the holding area uninhabitable, the detainees shall be transferred to the Hennepin County Jail.

TORNADO - EMERGENCY PLAN

In the event of a tornado warning, all detainees shall remain locked in their cells. Any other detainee within the police facility shall be taken to the holding area and locked in a cell for the duration of the warning.

Should a tornado strike the police facility, the on-duty supervisor shall assess the damage and evacuate any detainees if the structural integrity is compromised. If the facility must be evacuated, any detainee requiring continued detention shall be transferred to the Hennepin County Jail.

EVACUATION OF TEMPORARY HOLDING FACILITY
If an evacuation of the Temporary Holding Facility becomes necessary, the following should be considered:

(a) Safety of public
(b) Safety of Department personnel
(c) Safety of detainees
(d) Security of detainees

The following notifications should be made:

(a) Sergeant / OIC
(b) All available licensed personnel
(c) Fire department
(d) Medical aid
(e) Facility Manager
(f) Facility Administrator

**EMERGENCY EVACUATION**

When time permits, all detainees will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Temporary Holding Facility.

**EVACUATION FORMATION AREA**

All detainees will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or in case of an emergency of a long duration until they can be transported to another facility.

If possible, juveniles are to be kept separate from adult detainees, and females from male detainees.

Only after the safety and security of the detainees is assured will personnel not detailed to detainee security, participate in fire suppression or other emergency activities.

**CITYWIDE OR REGIONAL DISASTERS**

In cases of citywide or regional disasters, the Sergeant / OIC may authorize the release of detainees detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

**FIRST-AID/PROFESSIONAL MEDICAL ATTENTION**
Temporary Holding Facility

As necessary, evacuating personnel will apply first-aid techniques to those detainees injured because of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

902.7.14 REVIEW OF EMERGENCY POLICIES
The facility administrator or designee must review the emergency policies quarterly. Facilities with detention staff must have detention staff review the emergency policies quarterly.

902.7.15 REPORTING OF SPECIAL INCIDENTS
Incidents which endanger the lives or safety of staff or detainees or the physical plant of the facility must be reported. Reports must include the names of staff members and detainees involved, the nature of the special incident, actions taken, and the date and time of the incident.

Special incidents include:
A. attempted suicide;
B. suicide;
C. homicide;
D. death other than suicide or homicide;
E. serious injury or illness incurred after detention;
F. escape;
G. fire causing serious damage or resulting in medical treatment for staff or detainees;
H. riot;
I. assaults requiring medical care;
J. other serious disturbances;
K. occurrences of infectious diseases and disposition of the occurrences; or
L. sexual misconduct.

An incident must be reported to the Minnesota Department of Corrections within ten days of the date of the incident in a format established by the Minnesota Department of Corrections. In the event of an emergency such as serious illness, accident, imminent death, or death, the detainee's family or others who maintain a close relationship must be notified.

902.7.16 DETAINEE DEATH
When a detainee's death occurs:
A. the date, time, and circumstances of the detainee's death must be recorded in the detainee's record;
B. if the detainee dies in the facility, the medical examiner or sheriff must be notified immediately;
C. personal belongings must be handled in a responsible and legal manner; and
D. records of a deceased detainee must be retained for a period of time in accordance with law. In the event of a fatal injury or death of a detainee while in custody of this department, the Sergeant / OIC shall be notified and will make the appropriate notifications as pursuant to Minnesota statutes. In the event of any death occurring in the holding facility, the Chief of Police and Captains will immediately be notified. The Medical Examiner's Office and the Hennepin County Crime Lab shall be notified to process the scene. The affected portion of the facility shall be sealed with access limited to those involved in the investigation. detainees in the facility when the death of another occurs shall remain confined as part of the investigation. A person in the same cell with the deceased shall be moved to another cell. When possible, all detainees should be sequestered from one another.

Any incoming detainees that require booking should be taken to the Hennepin County holding facility until the investigation has been completed.

Notification of a deceased detainee's next of kin should be coordinated with the Medical Examiner's Office, and will normally be the responsibility of that agency.

902.7.17 MASS ARREST
In the event of a mass arrest that exceeds the approval capacity of the facility, the Sergeant / OIC shall seek assistance from neighboring agencies to temporarily house detainees, or have detainees brought to the Hennepin County Jail.

902.7.18 FREQUENCIES OF MEALS
Detainee food will be made on-site or purchased from a retail or commercial food provider.

Meals will be provided for detainees detained in excess of six hours.

There must be no more than 14 hours between an evening meal and breakfast. At least three meals must be made available at regular times during each 24-hour period.

902.7.19 THERAPEUTIC DIETS
A facility housing detainees in need of medically prescribed therapeutic diets must document that the diets are provided as ordered by the attending physician.

902.7.20 USE OF FOOD IN DISCIPLINE
Food must not be withheld as punishment.

902.8 SECURITY
Minnesota Department of Corrections Requirements

Chapter 2495.4700 / Chapter 2495.4710 / Chapter 2495.4720 / Chapter 2495.4730 / Chapter 2495.4740 / Chapter 2495.4750

902.8.1 GENERAL SECURITY
CONTRABAND
Temporary Holding Facility

All detainees will be searched in accordance with the Custodial Searches Policy to prevent contraband from entering the holding facility. Other persons authorized to enter the holding facility for detainee visitation must be properly identified and be willing to submit to a pat-down search for weapons or contraband.

FIREARMS

No firearms or knives are allowed within the holding area, including the booking room, except when a condition exists that would authorize the use of deadly force. Firearms may only be introduced into the secure area for tactical purposes. All persons, prior to entering the secure holding area, must deposit all firearms and knives into a weapons locker. Violations will result in disciplinary action.

DETAINEE OBSERVATION

When detainees are present, an in-person welfare check must be made of each detainee at least once every half hour (30 minutes) on an irregular basis by on-duty supervisor, OIC or their designee; more often if the detainee is violent, suicidal, mentally disordered, or demonstrates unusual or bizarre behavior. The inspections shall be noted on the detainee observation log. Video monitoring checks will be conducted by police department personnel every 30 minutes and noted on the jail log.

902.8.2 ADMISSIONS

The arresting and/or booking officer should:

(a) Make a thorough search of all detainees booked into the Temporary Holding Facility. Female detainees should be searched by female officers or other female staff whenever possible.

(b) Inventory and record all property removed from the detainee's person.

(c) Secure property for safekeeping.

(d) Remove all hazardous items from the detainee's person.

(e) Remove belts, shoes and jackets.

(f) Fingerprint the arrestee.

(g) Adult detainees, will be photographed. The photograph will be documented in the photo log.

(h) Complete the Hopkins Police Department booking form to include an assessment of the detainee's health status, and making a determination whether the detainee should be classified as needing special management.

(i) Before the booking procedure is completed, the arresting or booking officer will log the detainee into the Temporary Holding Facility Log. This procedure is to be completed regardless of the time the detainee is to be held in the facility, and shall include those detainees whose admittance is for booking only.

(j) Showering and delousing facilities are available if the detainee is in need.
Temporary Holding Facility

(k) Feminine hygiene products will be made available if the detainee is in need.

902.8.3 IDENTIFICATION
No detainees may be received or released by the staff of a facility until the arresting or escorting officer has produced proper credentials or until the proper documents have been completed, identifying the purpose for detention or release.

902.8.4 PRIVACY
All intake procedures must be conducted in a manner and location that assures the personal privacy of the detainee and the confidentiality of the transaction.

902.8.5 RETURN OF DETAINEE PROPERTY
Upon release of a detainee, the property of that detainee, unless held for authorized investigation or litigation, must be returned with a receipt for the detainee to sign or for the transporting officer to sign.

902.8.6 TRANSPORTATION
Detainees must be permitted to make arrangements for transportation before release.

902.8.7 NO RELEASE IN SEVERE WEATHER
No detainee may be released in severe weather in a manner to endanger the detainee’s health, safety, or well-being.

902.8.8 VISITOR SEARCHES
Searches of visitors and their personal belongings brought into the facility must be done in accordance with the facility's written policy and legal procedures.

902.8.9 REGULAR INSPECTION OF FACILITY
The facility must be inspected for contraband, evidence of breaches in security, and inoperable security equipment. Facility inspections must be documented.

The Sergeant / OIC should inspect the Temporary Holding Facility once every 12 hour shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The facility shall also be inspected at this time to check for any building or equipment deterioration, safety hazards, contraband, evidence of breaches in security, and inoperable security equipment. Documentation of this inspection shall be recorded in the “Jail Inspection Log.” Also recorded in this log shall be the total daily count of detainees. The Temporary Holding Facility shall be cleaned and maintained, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the jail supervisor.

902.8.10 INSPECTION OF MATERIALS
All materials delivered to or transported from the facility must be inspected for contraband before distribution and the inspection shall be documented.
902.8.11 LOCKS AND KEYS - GENERAL
All keys to security locks must be properly tagged and stored in a secure cabinet within a secure area, and out of reach of the detainees or the public. At least one complete set of facility keys must be kept on hand for replacement purposes. Keys that serve a critical security purpose must be easily identifiable and never issued to facility staff except upon order of the facility administrator or person in charge, and in accordance with established procedure. No security keys may be made available to detainees regardless of status. All electronic locking systems must have a manual override. A set of keys must be available outside the secure perimeter in case of an emergency.

902.8.12 LOCKS AND KEYS - REGULAR INSPECTION
Locks to security doors or gates must be inspected as part of regular inspections by facility staff to ensure efficient operation. Inspections of locks must be documented.

902.8.13 LOCKS AND KEYS - INOPERABLE LOCKS
No lock to a security door or gate may be permitted to be inoperable or left in an unsuitable condition. No detainee shall be placed in a cell or area that has inoperable locks. All inoperable locks shall be reported on the jail facility inspection log. The cell should also be placed "out of service" and building maintenance should be notified for repair.

902.8.14 DANGEROUS MATERIALS
Materials dangerous to either security or safety shall be properly secured and labeled and have a material safety data sheet.

902.9 HEALTH AND SANITATION
Minnesota Department of Corrections Requirements
Chapter 2495.5400 / Chapter 2495.5420 / Chapter 2495.5430 / Chapter 2495.5440 / Chapter 2495.4740 / Chapter 2495.5450
Chapter 2495.5455 / Chapter 2495.5460 / Chapter 2495.5470 / Chapter 2495.5480 / Chapter 2495.5490

902.9.1 AVAILABILITY OF RESOURCES
Each facility must have a licensed physician or medical resource such as a hospital or clinic designated for the medical supervision and treatment of detainees. Resources must insure service 24 hours a day.

902.9.2 EMERGENCY DENTAL CARE
Each facility must have emergency dental care available to detainees.

902.9.3 AMBULANCE SERVICE
Ambulance services must be available 24 hours a day.
902.9.4 EXAMINATION OF DETAINEE WHEN MEDICAL ATTENTION IS NECESSARY
A detainee must be examined by trained medical personnel if the detainee is visibly ill, chronically ill, or when it is suspected that medical attention is necessary.

902.9.5 HOSPITALIZATION OF A DETAINEE
A detainee will be transferred to a hospital by appropriate means on the recommendation of the attending physician.

902.9.6 GUARDING OF DETAINEE
When a detainee requires hospitalization, the detainee must be guarded 24 hours a day unless the detainee is not in need of supervision or the detainee is medically incapacitated in the opinion of the attending physician. The Sergeant / OIC shall approve leaving a detainee at the hospital unattended.

902.9.7 FIRST AID AND CPR TRAINING
A facility must have a training program to provide instruction on the administration of first aid and cardiopulmonary resuscitation (CPR). All staff must be trained in first aid and CPR at least once every two years.

902.9.8 FIRST AID KIT
Facilities must have a minimum of one first aid kit located at the facility's control center or primary staff station.

902.9.9 RECORDS OF ILLNESS AND INJURY
A facility must record all complaints of illness or injury and actions taken.

902.9.10 MEDICAL OR DENTAL RECORDS
If a detainee receives medical or dental care while in custody, records must be maintained and include at a minimum:
A. the limitations and disabilities of the detainee;
B. instructions for detainee care;
C. orders for medication, including stop date;
D. any special treatment or diet;
E. activity restriction; and
F. times and dates when the detainee was seen by medical personnel and the names of the personnel.

902.9.11 DATA PRACTICES
The medical record file must be maintained according to the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13.
902.9.12 PREVENTIVE HEALTH SERVICES
Detainees will have reasonable access to personal hygiene products. Feminine hygiene products will be made available if the detainee is in need.

902.9.13 DELOUSING MATERIALS
Delousing materials and procedures must be approved through consultation with trained medical personnel. Delousing facilities will be made available if the detainee is in need, or the detainee will be transferred to the Hennepin County Jail.

902.9.14 BATHING
A detainee must be permitted daily washing. Upon request, detainees shall receive personal hygiene items including, at a minimum, soap, toothbrush, toothpaste, and, if appropriate, feminine hygiene items.

902.9.15 PRESCRIPTION MEDICATION
The Hopkins Police Department prohibits stock supplies of prescription medications.

902.9.16 DELIVERY BY UNLICENSED STAFF
The delivery of prescription medications by unlicensed staff must be under the direction of a physician.

902.9.17 STORAGE OF MEDICATION
Medicine belonging to detainees must be stored in a locked box in the booking room with the medication noted on the booking sheet as property.

When medicine is locked into the lock box, the box shall be kept locked at all times until the detainee is released and the medicine released with their property.

Medicine that must be refrigerated shall be kept in the Property room refrigerator with a property sheet.

Detainees must not be permitted in the area of the medicine storage.

Only staff authorized to handle detainee property may have access to the keys for the medicine lock box.

Prescribed medication must be kept in its original container, bearing the original label.

Poisons and medicine intended for external use shall be clearly marked and stored separately from medicine intended for internal use.

902.9.18 DELIVERY OF MEDICATION
Detainees requiring doses of prescribed medicine should not be detained in the temporary holding facility if it is likely their detention will extend up to or past the time of the next scheduled dose of medication. Detainees must be asked if they are in possession of or have a need for a prescribed medicine, and the response documented on the booking sheet. If the detainee needs medication
and continued detention is necessary, such detainees should be transported to the Hennepin County Jail as soon as possible.

902.9.19 PROCEDURES FOR DELIVERY OF MEDICINE
When administering medication staff shall adhere to the following:

(1) Medication administered by injection must be administered by a physician, registered nurse, or licensed practical nurse. Diabetics under physician order and direct staff supervision must be permitted to self-administer insulin;

(2) No detainee while receiving prescription medication may receive any nonprescription medication without the approval of the attending physician;

(3) If any adverse reaction to a prescription received is noted, a report must be made to the detainee’s physician. Any reports shall be included in the detainee’s file;

(4) If a detainee refuses their prescribed medication, a report must be made to the detainee’s physician. Any reports shall be included in the detainee’s file;

(5) No detainee shall be deprived of medicine as prescribed because of penalty or staff retaliation;

(6) The delivery of medicine may not be administered by another detainee; and

(7) Prescription medication must be verified before the medication is administered.

902.9.20 SELF-ADMINISTERED DELIVERY
Medication delivered to a detainee is to be self-administered under staff supervision. The detainee must have been positively identified prior to administering medication.

902.9.21 RECORDS OF RECEIPT
Records of receipt, the quantity of the medication, and the disposition of prescription medication must be maintained in sufficient detail to enable an accurate accounting.

902.9.22 MEDICATION GIVEN TO DETAINEE UPON RELEASE
Prescription medication belonging to a detainee must be given to the detainee or to the appropriate authority upon transfer or release and shall be recorded in the detainee’s file.

902.9.23 DESTRUCTION OF MEDICATION
The destruction of medication on expiration dates or when retention is no longer necessary or suitable must be consistent with requirements of the Pollution Control Agency. A notation of the destruction must be made in the detainee’s record and a statement of what was destroyed, who destroyed it, and how it was destroyed.

902.9.24 TUBERCULOSIS SCREENING
Employees shall be screened for tuberculosis in accordance with Minnesota Statutes. The Department of Health requirements for tuberculosis screening of employees shall be followed.
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902.9.25 REPORTING SUSPECTED COMMUNICABLE DISEASE
It is the responsibility of the facility administrator in consultation with the attending physician to report to the Department of Health any known or suspected communicable disease.

902.9.26 SEPARATION OF DETAINEE SUSPECTED OF HAVING A COMMUNICABLE DISEASE
Detainees suspected of having a communicable disease must be separated from other detainees.

902.9.27 SPECIAL NEEDS DETAINEE
Detainees shall be monitored and assessed for assaultive behavior, risk of suicide, and any special needs.
1) Any detainee displaying assaultive behavior shall be separated from other detainees.
2) Any detainee displaying suicidal tendencies or ideations shall be transferred to the appropriate facility (Hennepin County Jail or a suitable hospital) as soon as possible.
3) Detainees determined to have special needs requiring resources not immediately available shall be transferred to the Hennepin County Jail as soon as possible.

902.9.28 GENERAL HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE
The facility must be kept in good repair to protect the health, comfort, safety, and well-being of detainees and staff.

902.9.29 MAINTENANCE PLAN
The maintenance of the facility shall be handled under the policies and procedures of the City of Hopkins Facilities Maintenance. No detainees should be present during facility maintenance activities.

General sanitation and housekeeping should be performed by the Department contracted cleaners. No detainees should be present during sanitation and housekeeping activities.

902.9.30 COMPLIANCE WITH RULES
Housekeeping, sanitation, water supplies, plumbing, sewage disposal, solid waste disposal, and plant maintenance conditions must comply with rules required by the State Building Code, the State Fire Marshal’s Office, the Department of Labor and Industry (O.S.H.A. rules), and other departmental rules having the force of law.

902.9.31 DAILY INSPECTION
At least once during each shift, the Sergeant or OIC shall be responsible for a visual inspection of the holding facility. Any irregularities will be noted on the facility inspection log, and the appropriate personnel notified of the need for repair/maintenance. The inspection may be delegated to another staff member at the direction of the Sergeant or OIC.
Temporary Holding Facility

902.9.32 DETECTION OF DETERIORATION OF BUILDING AND EQUIPMENT
Any deterioration of the building or equipment will be noted on the facility inspection log, and the appropriate personnel notified of the need for repair/maintenance.

902.9.33 UNSANITARY AND UNSAFE CONDITIONS
Facility staff must report to the facility administrator any unsanitary and unsafe conditions as well as physical plant and equipment repairs or replacement needs.

902.9.34 PRIORITY OF WORK REQUESTS
Work requests will be prioritized and reported to the appropriate personnel in an expedient manner.

902.9.35 RECORDS OF REPAIRS
Facility repairs will be kept in accordance with Facilities Maintenance procedures. Maintenance needs and repairs should be noted in the daily log.

902.9.36 ELIMINATION OF CONDITIONS CONDUCIVE TO VERMIN
A condition in the facility conducive to harborage or breeding of insects, rodents, or other vermin must be eliminated immediately.

902.9.37 FIRE INSPECTION
Fire inspections of the facility must be conducted on an annual basis by a state fire marshal or local fire official. Documentation of the inspection and any resulting orders must be maintained and available for inspection by the regulatory authority. Failure to comply with fire safety requirements shall result in a denial of approval to continue facility operations.

902.10 DETAINEE ESCAPES / BREAKING CUSTODY

902.10.1 DEFINITIONS
Breaking custody: the escape of an inmate from official custody while being escorted outside the jail facility.

Escape: When a detainee flees or absconds from inside the Hopkins Police Department temporary holding facility.

902.10.2 PROCEDURE
All personnel of the Hopkins Police Department will take every precaution to prevent inmates from breaking custody/escaping and endangering the public. When a break in custody does occur, personnel will take immediate action to ensure the safety of the community and to apprehend the inmate. No staff person will take action to capture an inmate who has broken custody when such action would be taken at the risk of the safety of civilians. The procedures for escapes.breaks in custody will be the same.

(A) Escorting Personnel:
1. Before departing from the jail or from another location, escorting personnel will:
Temporary Holding Facility

(a) Ensure that they have a means of direct communication with the Hennepin County Dispatcher (car radio or portable radio).

(b) Search and restrain inmates to be transported;

(c) Inform the dispatcher of his/her destination and arrival

(B) When a single inmate is being transported and he/she breaks custody, the escorting officer will immediately notify the department's dispatcher and then pursue the inmate. Notification made to the dispatcher will include:

(1) The officer’s exact location;

(2) Inmate’s name and description

(3) The inmate’s direction of travel.

(C) When more than one inmate is being transported and a break in custody occurs, one escorting officer will pursue the inmates while the second escorting officer:

(1) Remains behind to prevent other inmates being escorted from breaking custody;

(2) Notifies the department's dispatcher of his/her location, inmates names and

(3) Coordinates response of supporting units and stands by until assistance arrives

(D) Dispatcher Procedures:

(1) Hennepin County Dispatch will assist as necessary following their policies and procedures.

(E) The Command Officer (Officer in Charge or Supervisor):

(1) coordinate all law enforcement efforts within the jurisdiction of the City of Hopkins to apprehend the inmate(s) breaking custody.

(2) will make requests to local and state law enforcement agencies for assistance as needed.

(3) The Command Officer will compile or have compiled, the following information on the escapee(s) to be communicated to all law enforcement agencies in the apprehension of the escape:

(a) Name of escapee(s)

(b) Description of escapee(s) (physical and clothing)

(c) Whether escapee(s) are considered dangerous

(d) Last known residence of the escapee(s)
Temporary Holding Facility

(e) Address of escapee(s) family and known friends

(f) Information relating to the possible direction of travel

(g) Any other information that may assist in the capture of the escapee(s).

(F) The Command Officer or PIO At the direction of the Captain or Chief of Police, they will prepare and issue a public announcement through the local media. This announcement will:

1. Inform the public of an escape and of the cautions which should be taken;
2. Give a description of the escapee(s)
3. Encourage the public to report any unusual situations or possible sightings of the escapee(s).

(G) The Command Officer will assign an officer or investigator to:
1. Interview other inmates to obtain information which could be useful;
2. Receive telephone calls relating to possible sighting and coordinate all information;
3. Keep the Chief and Command Officer updated on all information.

(H) The Command Officer will, upon the apprehending of the escapee(s):
1. Verify that the escapee(s) has actually been captured;
2. Notify the Chief, all personnel, law enforcement agencies and the media of the inmate's capture;
3. Ensure that the escapee(s) is in good physical condition
4. Provide for more secure housing of the escapee(s) via immediate transport to the Hennepin County Jail

902.10.3 USE OF FORCE TO PREVENT ESCAPE OR CAPTURE ESCAPEES
Officers attempting to prevent the escape 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.

902.10.4 POST-ESCAPE INCIDENT ACTIONS
The Sergeant / OIC will ensure all persons notified of the event, including the Captain and the Chief of Police, are notified of the resolution of the event.

The Sergeant / OIC will ensure that reports and any other necessary documentation of the escape or attempted escape are completed. This documentation includes, at a minimum:

(a) Additional charges being filed against those involved in the incident, when applicable.
(b) Use-of-force report, if appropriate.
Temporary Holding Facility

(c) New, follow-up or additional crime reports.

d) A post-incident report of the incident details to the Temporary Holding Facility Manager, Temporary Holding Facility Administrator and the Chief of Police.

The Temporary Holding Facility Manager shall complete an assessment of the incident, including any recommendations regarding operations, policy and facility to reduce the potential for other incidents. The completed report of the assessment shall be submitted to the Chief of Police.
Chapter 10 - Personnel
Recruitment and Selection

1000.1 PURPOSE AND SCOPE
This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Hopkins Police Department and that are promulgated and maintained by the Personnel Department.

1000.2 POLICY
In accordance with applicable federal, state, and local law, the Hopkins Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national original, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.2.1 RECRUITMENT
The Department should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

a. Identification of racially and culturally diverse target markets.

b. Use of marketing strategies to target diverse applicant pools.

c. Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

d. Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

e. Employee referral and recruitment incentive programs.

f. Consideration of shared or collaborative regional testing processes.

The Department shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.
1000.3 STANDARDS
Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Hopkins Personnel Department maintains standards for all positions.

The challenge facing the Department is one of developing a job-valid and non-discriminatory set of policies that will allow it to lawfully exclude persons who do not meet the Hopkins or State of Minnesota hiring standards.

The Minnesota Board of Peace Officer Standards and Training (POST) statutorily prescribes minimum standards for employment and a pre-employment investigation of a peace officer candidate's background (Minn. R 6700.0700). Where appropriate this department has adopted more rigid standards (Minn. R 6700.0700 Subd. 4).

Except where identified otherwise, the following standards have been adopted for all applicants:

1000.4 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 Personnel Department should maintain validated standards for all positions.

1000.4.1 BACKGROUND INVESTIGATION
Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate’s unsuitability to perform duties relevant to the operation of the Hopkins Police Department.

The background investigation must determine whether the candidate meets the standards established by the Minnesota Board of Peace Officer Standards and Training (POST) as well as the security standards established to access state and national computerized record and communication systems (Minn. Stat. § 626.87; Minn. R. 6700.0700).

1000.4.2 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).
Recruitment and Selection

1000.4.3 RECORDS
All selection materials for those individuals hired, including the background investigation, will be placed in an envelope and filed in the employee's personnel file. Employee selection materials will be maintained for the length of the time required for personnel files under the records retention schedule.

All selection materials for those individuals not hired will be maintained for a minimum period established by the records retention schedule.

1000.5 STANDARDS FOR OFFICERS
Candidates shall meet the minimum standards established by Minnesota POST (Minn. R. 6700.0700):

a. Citizen of the United States (Minn. R. 6700.0700, Subp. 1)

b. Possess a valid driver's license

c. Free of any felony conviction

d. Not be required to register as a predatory offender under state law.

e. Free of conviction of any controlled substance law or of any misdemeanor conviction listed in Minn. R. 6700.0700

f. Fingerprinted for purposes of disclosure of any felony convictions

g. Submit to a medical examination and psychological evaluation to ensure that the candidate is free from any physical, emotional or mental condition which might adversely affect his/her performance of peace officer duties

h. Successfully complete a physical strength and agility examination

i. Successfully complete an oral examination

1000.5.1 ADVANCED STANDARDS
The Hopkins Police Department has adopted more rigid standards for the hiring of Peace Officers:

OPERATION OF A MOTOR VEHICLE

(a) The ability to possess a valid Minnesota driver's license (Minn. R. 6700.0700 Subd.1 (B)).

(b) The ability to drive safely.

(c) The ability to control a motor vehicle at high speeds.

(d) The ability to operate a motor vehicle in all types of weather conditions.

INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities and payoffs.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.
Recruitment and Selection

(d) Being honest in dealing with the public.

CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to a conviction for a felony or crime involving dishonesty or false statement.

(b) The following shall be disqualifying:

1. Admission, conviction or adjudication of having committed any act defined as a felony (including felony/misdemeanor offenses) under Minnesota law, federal law, the law of another state or the Uniform Code of Military Justice (UCMJ).

2. Admission or administrative findings of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document or theft.

3. Admission of any criminal or delinquent act, whether misdemeanor or felony, committed against children including, but not limited to, molesting or annoying children, child abduction, child abuse, criminal sexual conduct or indecent exposure.

DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls.

(b) A record of being motivated to perform well.

(c) A record of dependability and follow through on assignments.

(d) A history of taking the extra effort required for complete accuracy in all details of work.

(e) A willingness to work the hours needed to complete a job.

LEARNING ABILITY

(a) The ability to comprehend and retain information.

(b) The ability to recall information pertaining to procedures, rules or regulations.

(c) The ability to recall information pertaining to laws, statutes and codes.

(d) The ability to learn and to apply what is learned.

(e) The ability to learn and apply the material, tactics and procedures that are required of the position.

PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

(b) Empathy.

(c) Discretion in applying authority.

(d) Effectiveness in dealing with people without arousing irrational antagonism.
(e) The ability to understand the motives of people and how they will react and interact.

JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations.

(b) The ability to make sound decisions on the spot.

(c) The ability to use good judgment in dealing with potentially explosive situations.

(d) The ability to make effective, logical decisions under pressure.

ILLEGAL USE OR POSSESSION OF CONTROLLED SUBSTANCES

The department will look at the totality of circumstances with regard to illegal substance use.

1000.5.2 LATERAL TRANSFER OFFICER SELECTION PROCESS

Licensed officer applicants (lateral) currently employed fulltime with other Minnesota agencies may be deemed to have met various entry requirements and specific steps may be waived at the discretion of the Chief of Police or designee.

1000.5.3 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 Hopkins Personnel Department.

1000.6  STANDARDS FOR CIVILIAN STAFF
(a) Applicants for all non-licensed positions will apply to the City Personnel Department and are required to:

1. Meet Department qualifications.
2. Successfully complete an applicable employment examination / interview.
3. Pass a physical agility test if applicable to the position.
4. Obtain an acceptable score on a word processing test if applicable to the position.
5. Successfully complete a background investigation.

(b) The top candidates meeting Department hiring criteria may then be given a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

1. Psychological examination (if required)
2. Physical examination (if required)
3. Drug test

(c) Regular employee status may be granted upon:

1. Successful completion of training, and
2. Successful completion of probation.

1000.7  BACKGROUND INVESTIGATIONS

1000.7.1  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).
1000.7.2 STATE NOTICES
Upon initiation of a candidate’s background investigation, the department shall provide written notice to POST that includes the candidate’s full name and date of birth and the candidate’s peace officer license number, if applicable (Minn. Stat. § 626.87).

1000.7.3 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private or protected information, the Department should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Department 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 Department should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.7.4 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.

1000.7.5 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule (Minn. R. 6700.0700, Subp. 2).
Evaluation of Employees

1001.1 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.

1001.2 POLICY
The Hopkins 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.

1001.3 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 prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1001.4 EVALUATION FREQUENCY
Employees are evaluated based on the following chart:
Evaluation of Employees

<table>
<thead>
<tr>
<th>Position</th>
<th>Evaluated Every Month as Needed</th>
<th>Evaluated Yearly</th>
<th>Length of Probation</th>
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</thead>
<tbody>
<tr>
<td>Probationary Licensed Employees</td>
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<td></td>
<td>1 Year</td>
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<tr>
<td>Non-Probationary Licensed Employees</td>
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<td>X</td>
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<tr>
<td>Probationary Civilian Employees</td>
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<td></td>
<td>1 Year</td>
</tr>
<tr>
<td>Non-Probationary, Civilian Employees</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

1001.4.1 VOLUNTEER AND RESERVE OFFICER EVALUATIONS
Volunteer and reserve officer evaluations are covered in the Volunteer Program Policy.

1001.5 FULL-TIME PROBATIONARY PERSONNEL
Personnel must successfully complete the probationary period before being eligible for certification as regular employees. Probationary personnel are continuously being evaluated during the probationary period and corrections/documentation should be made as needed.

1001.6 FULL-TIME REGULAR STATUS PERSONNEL
Regular employees are subject to two types of performance evaluations:

**Regular** - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

**Special** - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

1001.6.1 RATINGS
When completing the Employee Performance Evaluation, the rater will choose the rating that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding** - Consistently performs at a level well beyond expectations and sets a high standard for others.

**Exceeds Expectations** - Consistently performs well above the minimum standards.

**Meets Expectations** - Consistently meets the minimum expectations.
Evaluation of Employees

Needs Improvement - Performs sometimes, but not on a consistent basis.

Not Applicable / Not Observed - Does not apply to this evaluation.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked requires improvement or outstanding shall be substantiated in the rater comments section.

1001.6.2 EMPLOYEE SELF EVALUATION
Prior to evaluation by a supervisor, the employee will complete a self appraisal.

1001.7 EVALUATION DISTRIBUTION
The original performance evaluation shall be maintained in the employee's personnel file for the tenure of the employee's employment. A copy will be given to the employee and a copy will be maintained in the employee's supervisory file.
Reporting of Employee Convictions and Court Orders

1002.1 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.

1002.2 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.

1002.3 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.

1002.3.1 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.

1002.4 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
Reporting of Employee Convictions and Court Orders

officers) in writing if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1002.5 CHEMICAL DEPENDENCY TREATMENT
If an officer is informally admitted to a treatment facility pursuant to Minn. Stat. § 253B.04 for chemical dependency he/she is not eligible to possess a pistol, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility (Minn. Stat. § 624.713 Subd. 1(6).

Officers in this situation shall promptly notify the department.
Drug- and Alcohol-Free Workplace

1003.1 PURPOSE AND SCOPE
The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1003.2 POLICY
It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1003.3 GENERAL GUIDELINES
Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Sergeant / OIC or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1003.3.1 USE OF MEDICATIONS
Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession or use of medical cannabis or being under the influence of cannabis on- or off-duty is prohibited and may lead to disciplinary action under this policy or the Standards of Conduct Policy for a violation of federal law through possession of marijuana or a derivative.

1003.4 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.
Drug- and Alcohol-Free Workplace

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).

1003.5 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 Personnel Department, 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.
Sick Leave

1004.1 PURPOSE AND SCOPE
This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may 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) and the Minnesota Pregnancy and Parenting Leave Act (29 USC § 2601 et seq.; Minn. Stat. § 181.941).

1004.2 POLICY
It is the policy of the Hopkins Police Department to provide eligible employees with a sick leave benefit.

1004.3 USE OF SICK LEAVE
Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

1004.3.1 NOTIFICATION
All members shall notify the Sergeant / OIC or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days’ notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1004.4 EXTENDED ABSENCE
Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return
Sick Leave

to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider’s statement for an absence of three or fewer days.

1004.5 SUPERVISOR RESPONSIBILITIES
The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Personnel Department as appropriate.

(c) Addressing absences and sick leave use in the member’s performance evaluation when excessive or unusual use has:
   1. Negatively affected the member’s performance or ability to complete assigned duties.
   2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.
Communicable Diseases

1005.1 PURPOSE AND SCOPE
This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- To manage the risks associated with blood-borne pathogens, aerosol transmissible diseases and other potentially infectious substances.
- To assist Department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- To protect the privacy rights of all Department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1005.1.1 DEFINITIONS
Definitions related to this policy include:

**Biohazard or Blood-borne Pathogen** - Infectious biological agents or hazardous biological materials that present a potential or actual health risk.

**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 Hopkins Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1005.2 POLICY
The Hopkins 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.

1005.3 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:
Communicable Diseases

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member’s position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:
   1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
   3. Reporting cases and suspected cases of communicable diseases to the Department of Public Health (Minn. R. 4605.7070; Minn. Stat. § 144.4804).
   4. Notifying appropriate medical facilities regarding member exposures and providing assistance locating source individuals, as applicable (Minn. Stat. § 144.7414)

The 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.

1005.4 EXPOSURE PREVENTION AND MITIGATION

1005.4.1 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.

1005.4.2 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).

All Department personnel who, in the line of duty, respond to emergency medical calls or may be exposed to or have contact with a communicable disease shall be offered appropriate immunization treatment.

1005.5 POST EXPOSURE

1005.5.1 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.

1005.5.2 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 and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident
Communicable Diseases

(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).

1005.5.3 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.
(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.

1005.5.4 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).

1005.5.5 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 City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1005.6 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).

1005.7 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.
Smoking and Tobacco Use

1006.1 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 Hopkins 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.

1006.2 EMPLOYEE USE
Tobacco use by employees is prohibited anytime employees are in public view representing the Department without first obtaining the permission of any person of the public prior to using tobacco products. Employees shall not use tobacco products while participating in highly visible activities such as traffic direction. Smoking is not permitted inside any City facility, office or vehicle. It shall be the responsibility of supervisors to ensure that no person under his/her supervision smokes in City facilities and vehicles.

1006.3 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).
Personnel Complaints

1007.1 PURPOSE AND SCOPE
This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Hopkins 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.

1007.2 POLICY
The Hopkins Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address 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.

1007.3 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.

1007.3.1 COMPLAINT CLASSIFICATIONS
Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Sergeant / OIC is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Captain, depending on the seriousness and complexity of the 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 assigned supervisor or the Captain, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.
Personnel Complaints

1007.3.2 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

(f) 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).

(g) Any person making a complaint may be accompanied by an attorney or other representative, including at the time the complaint is made.

(h) Any person wishing to file a complaint against the Chief of Police should be referred to the City Manager for investigation by an outside agency.

1007.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1007.4.1 COMPLAINT FORMS
Personnel complaint forms will be maintained at Hopkins Police Department and be made available to anyone who requests one.

Each Sergeant / OIC shall be responsible for monitoring public satisfaction or inquiries regarding the personnel complaint process and shall forward to the Captain any suggestions for improvement or changes.

1007.4.2 ACCEPTANCE
All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.
Personnel Complaints

1007.4.3 COMPLAINT COPIES
After a complaint is filed, the accepting member should sign the document, keep a copy for the department and provide a copy to the complainant.

1007.5 DOCUMENTATION
Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1007.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows (Minn. R. 6700.2200).

1007.6.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

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:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
   1. The original complaint form will be directed to the Sergeant / OIC of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
   2. 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 member's Captain or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
   1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
   2. 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 Operations Captain.
Personnel Complaints

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Operations Captain and the Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Operations Captain for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Operations Captain, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator's name.

(h) Investigating a complaint as follows:
   1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
   2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1007.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES
Whether conducted by a supervisor or a Captain, the following shall apply to members covered by the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89):

(a) 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.

(b) Unless waived by the member, interviews of an accused member shall be at the Hopkins Police Department or at a place agreed upon by the accused member (Minn. Stat. § 626.89, Subd. 4).

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member should be informed of the nature of the investigation.
   1. The member shall be given a copy of any written complaint signed by the complainant (Minn. Stat. § 626.89, Subd. 5).

(e) All interviews should be for a reasonable period and the member's personal needs should be accommodated (Minn. Stat. § 626.89, Subd. 7).

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) 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.
Personnel Complaints

1. 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 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).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) 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).

(i) 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.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) 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.

(l) 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).

(m) A member may not be required to produce financial records (Minn. Stat. § 626.89, Subd. 11).

(n) A member’s photograph will not be released unless allowed by law (Minn. Stat. § 626.89, Subd. 12).

1007.6.3 EXTERNAL INVESTIGATIONS
The Chief of Police may request that an outside agency conduct an investigation anytime the Chief of Police determines an external investigation is appropriate.

This department should not conduct an investigation when the Chief of Police is the subject of the complaint. An external investigation should be requested through the City Manager.
Personnel Complaints

1007.6.4 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.

**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.

1007.6.5 DISPOSITIONS
Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

The Chief of Police may authorize that any investigation be re-opened any time substantial new evidence is discovered concerning the complaint.

1007.6.6 COMPLETION OF INVESTIGATIONS
Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.
1007.6.7 NOTICE TO COMPLAINTANT OF INVESTIGATION STATUS
The member conducting the investigation 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 (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1007.7 ADMINISTRATIVE SEARCHES
Assigned lockers, storage spaces and other areas, including 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 any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1007.8 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.

1007.9 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.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The Hopkins 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.

1007.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES
Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1007.10.1 CAPTAIN RESPONSIBILITIES
Upon receipt of any completed personnel investigation, the Captain of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials. The Captain may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Captain may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Captain shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1007.10.2 CHIEF OF POLICE RESPONSIBILITIES
Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Captain for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall 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 access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

Any employee wishing to formally appeal a reprimand/discipline must do so in accordance with their collective bargaining agreement.

Once the member has completed his/her formal appeal or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1007.10.3 DISCIPLINE
Disciplinary action may include, but is not limited to (Minn. R. 6700.2200):
Personnel Complaints

(a) Oral reprimand.
(b) Written reprimand.
(c) Suspension.
(d) Demotion.
(e) Discharge.

1007.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT
The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint. Notice must be consistent with the provisions of the MGDP (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1007.11 PRE-DISCIPLINE EMPLOYEE RESPONSE
The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.
(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
(c) The employee 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.
(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
(e) The employee 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.

1007.12 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.

1007.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS
At-will and probationary employees and members other than non-probationary employees 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.

1007.14  RETENTION OF PERSONNEL INVESTIGATION FILES
All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1007.14.1  CONFIDENTIALITY OF PERSONNEL FILES
All active investigations of alleged misconduct and personnel complaints shall be considered confidential and maintained 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.

1007.14.2  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).
Seat Belts

1008.1 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).

1008.1.1 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).

1008.2 WEARING OF SAFETY RESTRAINTS
All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (Minn. Stat. § 169.686).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1008.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES
Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1008.4 INOPERABLE SEAT BELTS
Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.
Seat Belts

1008.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS
Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1008.6 POLICY
It is the policy of the Hopkins Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1008.7 TRANSPORTING CHILDREN
All children younger than 8 years of age and shorter than 4 feet 9 inches tall shall be restrained in a child passenger safety seat system (Minn. Stat. § 169.685, Subd. 5(b)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.
Body Armor

1009.1 PURPOSE AND SCOPE
The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1009.2 POLICY
It is the policy of the Hopkins 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.

1009.3 ISSUANCE OF BODY ARMOR
The Training Sergeant shall ensure that body armor is issued to all officers when the officer begins service at the Hopkins Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Police Services Liaison 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.

1009.3.1 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) Patrol personnel are required to wear the vest at all times while on duty in uniform or taking part in Department range training.
(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1009.3.2 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.
1009.3.3 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).

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.

1009.4 TRAINING SERGEANT RESPONSIBILITIES
The Training Sergeant 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.
Personnel Records

1010.1 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.

1010.2 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).

1010.3 CITY PERSONNEL FILE
The City Personnel file shall be maintained as a record of a person’s employment/appointment with this department. The Department will maintain hiring documentation to include background investigations separate from the City Personnel File. The City Personnel 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 may 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.

1010.4 SUPERVISORY FILE
Supervisory files may be separately maintained internally by a member’s supervisor for the purpose of completing timely performance evaluations. The Supervisory 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.

1010.5 TRAINING FILE
An individual training file shall be maintained by the Training Sergeant 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 Sergeant with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1010.6 INTERNAL AFFAIRS FILE
Internal affairs files shall be maintained under the exclusive control of the Operations Captain 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 Operations Captain.

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 City Personnel file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

1010.7 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.
Personnel Records

(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.

(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.

1010.8 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).

1010.9 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 City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1010.9.1 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.

1010.9.2 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).
1010.10 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 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.

1010.11 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 such matter may be destroyed in accordance with the established records retention schedule.
Request for Change of Assignment

1011.1 PURPOSE AND SCOPE
It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1011.2 REQUEST FOR CHANGE OF ASSIGNMENT
Personnel wishing a change of assignment are to complete a Intra-Department Application. The employee should also complete any additional requirements of the internal posting.

The form should then be forwarded through the chain of command to the Captain or the supervisor designated on the posting.

1011.2.1 PURPOSE OF FORM
The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.
Commendations and Awards

1012.1 PURPOSE AND SCOPE
This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Hopkins Police Department and individuals from the community.

1012.2 RECOGNITION AND AWARD REVIEW BOARD

(a) The Recognition and Award Review Board will consist of a cross section of members representing the department staff, patrol division (includes Investigators) and Support Services division. The board chairperson will be appointed for the Chief of Police. The Chairperson will have responsibility for maintaining records, soliciting membership and holding meetings.

(b) The board will meet as necessary and review all pending recommendations. Supervisors with pending recommendations for their team members will attend the meetings to participate in the process.

(c) The board will make a preliminary decision to approve or deny the recommendation. If approved, the board will categorize the award according to the criteria. The board will forward their findings to the Chief of Police.

1012.3 PROCESS

(a) Any department member may recommend any other member for consideration. Copies should be forwarded to the supervisor of the nominee and the chairperson for the awards board.

(b) The supervisor will review the form and verify the facts, adding any additional information to clarify the events under review. The supervisor will not make a recommendation for award or denial, but will forward the completed form to the awards board chairperson in a timely manner.

(c) The Chief of Police will review the board's preliminary recommendation and return a final recommendation to the board. The Chief may approve or deny the board's recommendation, or make whatever changes in category deemed appropriate.

(d) The board chair will return the completed recommendation to the appropriate supervisor who will notify the nominee of the final disposition. All award recommendations, approved or disapproved, will be included in the employee's personnel file. The board will retain a listing of all award recommendations for the current year.
1012.3.1 AWARDS CRITERIA
Awards with medals shall consist of a medallion, certificate and uniform ribbon.

- **Medal of Honor:** Awarded to a member who, through diligent and proper performance of duty, performs an outstanding act of bravery and/or heroism, clearly above and beyond the call of duty and under demonstrated threat of death or serious personal injury. The Medal of Honor may be awarded posthumously. (purple)

- **Medal of Valor:** Awarded to a member who, through diligent and proper performance of duty and conscious of imminent personal danger, intelligently and in the line of duty distinguishes him/herself by the outstanding performance of an act of valor. (red)

- **Medal for Life Saving:** Awarded to a member who saved the life of another person using exceptional knowledge and skilled behavior. (green/gold)

- **Medal of Commendation:** Awarded to a member for an outstanding police act, which brings credit to the department and is highly recognized. (green)

- **Medal of Achievement:** Awarded to a member for activities which include performance resulting in improved operations, outstanding community service, outstanding administrative accomplishments, or substantial savings in organizational costs. (white)

- **Chief’s Award of Excellence:** Awarded to a member who has achieved any of the following:
  - A member developed and initiated a means of increasing the department's administrative or operational effectiveness.
  - A member performed an outstanding administrative accomplishment.
  - A member has demonstrated continued quality service at a level of excellence.
  - A member has performed an outstanding community service.
  - A member receiving this award will be presented with a plaque and certificate. An officer receiving this award will also receive a uniform ribbon.

- **Customer Service Award:** The customer service award is established to recognize individual customer service efforts that effectively represent and further the goals and mission of the Hopkins Police Department.

- **Letter of Recognition:** Given by the immediate supervisor or other superior officer or staff to a member for efforts and contributions which clearly enhance the department’s delivery of service. A letter of recognition may be given without going through the board, or may be recommended by the board if appropriate. The letter will be placed in the member’s personnel file.

- **Officer of the Year Award:** This award recognizes an officer for outstanding performance or exceptional contributions that clearly exceed department requirements.
Commendations and Awards

1012.3.2 SPECIAL SERVICE AWARDS
Any member who wishes to officially commend a citizen shall make a recommendation in writing to the board, citing the details and reason for consideration. Citizens will be awarded a Certificate of Appreciation, along with a letter from the Chief of Police. The presentation may be made before the City Council when appropriate.

(a) Citizen’s Award of Valor: The Citizen's Award of Valor may be awarded to citizens for exemplary and heroic acts which exposed them to considerate danger.

(b) Certificate of Appreciation: A department Certificate of Appreciation may be presented to any citizen, organization or agency in recognition of outstanding service to the Department or for assistance in law enforcement efforts.

1012.3.3 SERVICE AND RETIREMENT AWARDS
The Department recognizes its members who have achieved benchmark anniversaries in their years of service and each member who retires. Department members will be recognized for their years of service and attendance at five, ten, fifteen, twenty, twenty-five and thirty years.

1012.3.4 ANNUAL AWARDS CEREMONY
Each year, the Department sponsors a banquet to honor commendations awarded recipients, retirees, and former members who resigned. Department members, city officials, award recipients, guests, members of the community, and media representatives are invited.

1012.3.5 PUBLIC RECOGNITION
Press releases concerning all the commendation and service awards are prepared through the Chief's office and distributed with appropriate photographs to local print and electronic media.
Fitness for Duty

1013.1 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.

1013.2 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.

1013.3 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 Sergeant / OIC or the employee’s available Captain, 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.
1013.4 NON-WORK RELATED CONDITIONS
Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

1013.5 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 Sergeant / OIC or unit supervisor and concurrence of a Captain, 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.

1013.6 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 Personnel Department 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.

1013.7 LIMITATION ON HOURS WORKED
Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any two day (48 hour) period or
- 84 hours in any seven day (168 hour) period

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime and any other work assignments.

1013.8 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.
WORKING OUT ON DUTY

1014.1 PURPOSE
Physical fitness is an essential part in the daily role of a law enforcement officer. Officers commonly encounter situations that can be physically and mentally demanding. Officers with improved physical fitness can more effectively handle these situations with a lessened likelihood of injury.

The Hopkins Police Department encourages officers to maintain a high standard of physical fitness. Officers are afforded the opportunity to utilize a workout facility in order to improve and maintain their physical abilities. The benefits of maintaining high levels of physical fitness are plentiful; improved capability to perform specific physical tasks, improved ability to mobilize the body efficiently, improved tolerance to fatigue, improved employee morale, reduced risk during physical tasks, better psychological preparation, reduction in sick time, improved productivity, improved performance, improved abilities off-duty, and increased longevity after retirement.

Working out on duty will also assist officers in their performance for the annual voluntary fitness standard. As part of the voluntary fitness standard officers will participate in a three-pronged fitness evaluation as determined by the cooper standard (law enforcement physical fitness standards divided into categories based on age and sex). The Hopkins Police Department will encourage officers to set their own goals for the voluntary fitness standard and improve upon their past scores.

1014.1.1 POLICY
The Department will allow its employees to work out while On Duty while following these guidelines:

- Employees may work out with Sergeant/Supervisor approval.
- Employees may work out at the Fire Department fitness center or outdoor fitness activity approved by a Sergeant/Supervisor.
- Employees must still be able to respond to calls for service while working out, if their position requires it.
- Employees may not work out on duty at a commercially operated gym or fitness facility.
Meal Periods and Breaks

1015.1 PURPOSE AND SCOPE
This policy regarding meals and breaks, insofar as reasonably possible shall conform to the policy governing all City employees pursuant to Minn. Stat. § 177.253, Minn. Stat. § 177.254 and Minn. R. § 5200.0120.

1015.1.1 MEAL PERIODS
Each employee who works for eight or more consecutive hours is entitled sufficient break time to eat a meal (Minn. Stat. § 177.254). Licensed employees and PSOs shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall request clearance from their supervisor prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless approved by their supervisor or are on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1015.1.2 BREAKS
Each employee is allowed adequate time from work to utilize the nearest convenient restroom (Minn. Stat. § 177.253).

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This does not prohibit them from taking a break outside the facility upon the approval of their supervisor.

Officers are subject to call, and shall monitor their radios.
Lactation Break Policy

1016.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee’s infant child.

1016.2 POLICY
It is the policy of this department to provide, in compliance with the Fair Labor Standards Act and Minnesota law, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child, pursuant to Minn. Stat. § 181.939 and 29 USC § 207.

1016.3 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee’s regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify a Supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations (Minn. Stat. § 181.939).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1016.4 PRIVATE LOCATION
The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee’s work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public. The location must have access to an electrical outlet (Minn. Stat. § 181.939; 29 USC § 207).

The area assigned for this purpose should not be used for storage of any devices, supplies or expressed milk and should be returned to its original state after each use.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.
Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

**1016.5 STORAGE OF EXPRESSED MILK**
Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.
Payroll Records

1017.1 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.

1017.2 POLICY
The Hopkins Police Department maintains timely and accurate payroll records.

1017.3 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.

1017.4 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 Administrative Services as established by the City payroll procedures.

1017.5 RECORDS
The Operations Captain, in coordination with the Finance Department 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).
Overtime Payment Requests

1018.1 PURPOSE AND SCOPE
It is the policy of the Department to compensate nonexempt employees who work authorized overtime. Overtime shall be paid in accordance to collective bargaining agreements.

1018.1.1 DEPARTMENT POLICY
Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained. Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor.

If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

1018.2 REQUEST FOR OVERTIME PAYMENT FORMS
Employees shall submit all supplemental time records to their immediate supervisor or the supervisor on duty. Failure to submit a request for overtime payment in a timely manner may result in delay of payment.

1018.2.1 EMPLOYEES' RESPONSIBILITY
Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Sergeant / OIC. Employees submitting overtime forms for standby or on-call pay when off-duty shall submit forms to the supervisor as soon as possible.

1018.2.2 SUPERVISOR RESPONSIBILITIES
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1018.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the collective bargaining agreement provides that a minimum number of hours will be paid, (e.g., minimum hours for court, minimum hours for callback).

1018.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest tenth of an hour.

1018.3.2 VARIATION IN TIME REPORTED
Where two or more employees are assigned to the same activity, case or court trial and the amount of time for which payment is requested varies from that reported by the other employee, the Sergeant / OIC or other approving supervisor may require each employee to include the reason for the variation stated on the overtime payment request.
Outside Employment

1019.1 PURPOSE AND SCOPE
To avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1019.1.1 DEFINITIONS
Outside Employment - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered. Employees in the Military are covered in both State and Federal law.

Outside Overtime - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1019.2 OBTAINING APPROVAL
No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must make the request to the Chief of Police in writing.

Any employee seeking approval of outside employment whose request has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

1019.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee's Outside Employment Application 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.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current collective bargaining agreement.
Outside Employment

1019.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMISSION
Permission for outside employment, 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 may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment permit(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.

(b) If, at any time during the term of a valid outside employment, an employee's conduct or outside employment conflicts with the provisions of Department policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

1019.3 PROHIBITED OUTSIDE EMPLOYMENT
The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity that:

(a) Involves the employee's use of Department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

(e) Involves employment of a type or capacity that would adversely affect the perception of that employee as a police officer by the public, engender mistrust or otherwise discredit the Department and profession of law enforcement due to a questionable moral or ethical conflict of interest in that form of outside employment.
1019.3.1 OUTSIDE SECURITY EMPLOYMENT
Due to the potential conflict of interest no sworn member of this department may engage in any outside or secondary employment as a private security guard.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a request to the Operations Captain in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

(a) The applicant will be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(b) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:
   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. Outside employment, not paid through the department, is not subject to the collective bargaining process.
   4. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1019.3.2 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.

1019.4 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.

1019.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS
If an employee terminates his/her outside employment during the period of a valid permit, 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.

1019.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Department members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue or be suspended or revoked.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of intent to revoke the employee's permit will be forwarded to the involved employee and a copy attached to the original work permit. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending the outside employment permit while on disability status or administrative leave include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The employee's failure to make timely notice of his/her intentions to their supervisor.

(d) The outside employment is not compatible with the reason the employee is on administrative leave.
Occupational Disease, Personal Injury and Death Reporting

1020.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, personal injuries and deaths.

1020.1.1 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 or psychologist; 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.

**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. 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 Hopkins Police Department, or because of the employment with the Hopkins 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.

1020.2 POLICY
The Hopkins Police Department will address occupational diseases, personal injuries and deaths appropriately, and will comply with applicable state workers’ compensation requirements (Minn. Stat. § 176.231).

1020.3 RESPONSIBILITIES

1020.3.1 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.
Occupational Disease, Personal Injury and Death Reporting

1020.3.2 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 Citywide 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.

1020.3.3 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Department shall be filed in the member’s confidential medical file.

1020.3.4 CAPTAIN RESPONSIBILITIES
The Captain 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 City’s risk management entity and the Operations Captain 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.

1020.4 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.

1020.4.1 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 purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City 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 City’s right of subrogation, while ensuring that the member’s right to receive compensation is not affected.

1020.5 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
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be signed by a supervisor. A copy of the completed form shall be forwarded to the Operations Captain through the chain of command.

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.
Personal Appearance Standards

1021.1 PURPOSE AND SCOPE
To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1021.2 GROOMING STANDARDS
Unless otherwise stated and because deviations from these standards could present officer health safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1021.2.1 HAIR
Hairstyles of all members shall be neat in appearance.

- For male licensed members:
  - The hair shall be clean and neatly groomed. Length and/or bulk of the hair shall not be excessive and must be evenly tapered on both the sides and back. It shall not partially or entirely cover more than one-third (1/3) of the ear. It shall not partially or entirely cover the collar except for the closely cut hair at the back of the neck at normal posture. In all cases, the bulk or length of the hair shall not interfere with the normal wearing of all standard headgear when applicable.
  - Bushy hair protruding from the side or back of the head when a hat is worn is prohibited.
  - Wigs or hair pieces are permitted if they conform to natural hair standards

- For female licensed members:
  - Hair shall be clean and neatly groomed. The bulk or length of the hair shall not interfere with the normal wearing of all standard headgear when applicable.
  - Wigs or hairpieces are permitted if they conform to the above standards for natural hair.
  - If dyes, tints, or bleaches are used on the hair, the artificial color must harmonize with the person's complexion tone and eye color. Conspicuous artificial color is prohibited.
  - The hair shall be neatly shaped and arranged. Pins, barrettes, and combs may be used, but may not be worn in a conspicuous fashion.
1021.2.2 MUSTACHES
A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1021.2.3 SIDEBURNS
Sideburns will be neatly trimmed. Sideburns shall not extend past the bottom of the ear lobe, and shall be the same width at the bottom as at the top.

1021.2.4 FACIAL HAIR
Beards are prohibited unless authorized in writing by the Chief of Police.

Goatees maybe worn, but shall be neat and well-groomed at all times and not exceed ¼ inch in length. An employee’s direct supervisor will have the final judgement whether the goatee is within standard. The Chief of Police reserves the right to cancel or suspend the goatee policy for any reason. In the event this policy is suspended or cancelled, the employee must remove the goatee, prior to their next scheduled shift.

1021.2.5 FINGERNAILS
Long fingernails can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that they are not a hazard and impede job performance.

1021.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar. Earrings may be worn by uniformed licensed members, investigators or special assignment personnel in compliance with societal norms for professional appearance. Only one ring may be worn on each hand of the employee while on-duty.

1021.3 TATTOOS
At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible that is offensive in nature or detrimental to the perceived professionalism of the department.

A modified uniform may be allowed at the discretion of the Chief to cover offensive tattoos.

1021.4 BODY PIERCING OR ALTERATION
Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation.

(c) Abnormal shaping of the ears, eyes, nose or teeth.
(d) Branding or scarification.

1021.4.1 STANDARDS FOR NON-UNIFORMED PERSONNEL
Non-uniformed personnel shall wear their hair in a modern business-like style following the general standards required for uniformed Police personnel. Division supervisors can authorize specific exemptions based upon job requirements and assignments.
Uniform Regulations

1022.1 PURPOSE AND SCOPE
The uniform policy of the Hopkins Police Department is established to ensure that uniformed officers, special assignment personnel and non-licensed employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

- Firearms
- Department Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The uniform and equipment specifications manual is maintained and periodically updated by the Chief of Police or the authorized designee. The manual, and associated procedures, should be consulted regarding authorized equipment and uniform specifications.

The Hopkins Police Department will provide uniforms for all employees who are required to wear them. The uniforms for officers of this department shall be a consistent color pursuant to Minn. Stat. § 626.88 Subd. 2.

1022.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT
Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications and procedures which are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.
Uniform Regulations

(h) If the uniform is worn while in transit while driving a personal vehicle an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while off-duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing the Department uniform.

(j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or designee.

1. Wrist watch.
2. Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.
4. Earrings as allowed in policy 1044

1022.2.1 DEPARTMENT ISSUED IDENTIFICATION
The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a Department authorized firearm.

(a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Captain.

1022.3 UNIFORM CLASSES

1022.3.1 CLASS A UNIFORM
Regular uniform pants(non-cargo), uniform blue shirt with gold or silver buttons on pockets and epaulets, service tie with long sleeved shirt and tie bar optional, gold or silver name badge over right pocket, standard duty belt, polished black shoes or boots. Service hat for outdoor and ceremonial occasions.

Department Awards-. Citation bars should be worn with the Class A uniform as follows:

(a) Single citation bar shall be centered on the top of the right pocket and above the name plate.

(b) Two (2) citation bars shall be centered above the right pocket and above the name plate with the highest ranked award placed closer to the center of the shirt.

(c) Three (3) citation bars shall be placed above the right pocket and above the name plate with the highest ranked award closest to the center of the shirt.
(d) Additional citation bars will be added to a second row with higher rated awards on the top row. Use of a citation bar to organize multiple awards is authorized provided the device does not display a brand name and is gold, silver, dark blue or black in color. The citation bar should be constructed to minimize the border of the device shown around the citation bars.

(e) Multiple awards in the same category shall be shown by appurtenances displayed on the face of the citation bar or metal ribbon.

(f) Medals awarded by the department may be displayed with any Class A uniform during ceremonial occasions.

(g) Service bars shall be worn below the badge on the left side of the shirt on the pocket flap.

(h) Current SWAT members, or former SWAT members who left the team in good standing, are authorized to wear the designated SWAT insignia on the right side of the shirt on the pocket flap.

1022.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times. The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

(b) A white, navy blue or black crew neck t-shirt must be worn with the uniform.

(c) All shirt buttons must remain buttoned except for the last button at the neck.

(d) Polished shoes or boots.

(e) Approved all black unpolished shoes may be worn.

(f) Boots with pointed toes are not permitted.

1022.3.3 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1022.3.4 REGULATIONS

(a) Unless otherwise ordered, members of this department, while on duty, shall wear such uniforms and uniform equipment as prescribed by the department. Supervisors may elect to not allow an officer or uniform employee to begin a duty assignment if the uniform does not meet the regulations set forth.

(b) Members shall not report for duty wearing soiled, torn or patched uniforms. Supervisors will periodically inspect uniforms to insure compliance with this policy.
Uniform Regulations

(c) Members shall determine their duty uniform for routine duty assignments. Choice of pant style (cargo or regular) and choice of uniform shirtsleeve length shall be left to the employee to determine based on weather and expected duties.

1. A Shift Supervisor, Captain, or Chief may dictate specific uniform of the day at their discretion.

2. For uniform appearance in court proceedings, a Class A uniform with long sleeved shirt will be worn. Off duty officers may report for court in appropriate civilian attire.

(d) All shirts buttons including cuffs will be fastened. Officers will display silver buttons on all shirt pockets and epaulets on Class A shirts. Sergeants, Captain and Chief will display gold buttons on all shirt pockets and epaulets on Class A shirts.

(e) Undershirt/T-shirt - The T-shirt to be worn with Class A uniform shall be white. T-shirt to be worn with Class B duty uniform may be white, black or dark blue. All T-shirt sleeves must be shorter than the uniform shirt being worn.

(f) The Chief or Captains may elect to substitute a uniform white shirt as a part of standard duty uniform wear at their discretion. The Chief or Captains may wear a dress service coat at their discretion.

(g) Uniform ties - A uniform tie may be worn with the Class A uniform with Long sleeved shirt. The tie shall be a "ready tied" knot with a bend over the middle clip allowing a breakaway feature when worn.

(h) Uniform tie bar - Use of a tie bar shall be optional when wearing a uniform tie. Only a department approved tie bar/tie tack shall be used. The tie bar shall be worn horizontally and neither higher than the top of the shirt pocket nor lower than the bottom points of the shirt pocket flaps.

(i) Turtleneck undershirt - A navy blue turtleneck may be worn with the standard duty uniform. The letters "HPD" may be embroidered on the neck of the turtleneck in gold or silver letters. Plain turtlenecks are allowed.

(j) Outer body armor vest carriers are authorized to be worn with the Class B duty uniform. The outer body armor vest carrier must be the same color as the uniform shirt.

(k) Name tags - Name tags shall be worn above the seam of the right breast shirt pocket on Class A uniforms. Tags shall be gold or silver in color. Additional clutch back attachments must have approval of the Chief. Class B uniforms must have the officer's name embroidered above the right pocket in gold thread.

(l) Service hat - Wearing of the service hat shall be optional with the wearing of the Class B duty uniform. A shift supervisor, Captain or Chief may require the wearing of the service hat at any other time. When uniform hats are worn, they will be worn in a level position with the hat badge visible. Hats shall be kept in a location readily available to the officer while on duty.

(m) A baseball style cap may be worn with the Class B duty uniform. The cap shall have gold lettering stating "Hopkins Police" in a style approved by the Chief.
Uniform Regulations

(n) Boots - High top boots may be worn with the standard duty or standard summer duty uniform. Boots shall be black, plain toe with a smooth finish. Lace up or slip-ons are authorized.

(o) Socks - Socks shall be black or navy blue in color when worn with black leather shoes. White socks may be worn with boots only if no part of the sock is visible when the officer is standing, walking or seated.

(p) Foot gear for snow and rain - Slip on style overshoes or rubbers may be worn during wet or snowy conditions. Overshoes and rubbers must be black in color. All fasteners must be closed when worn. During conditions of extreme cold or high snow, the shift supervisor, Captain or Chief may authorize the wearing of snowmobile type boots.

(q) Rain gear - Rain gear shall consist of a black, yellow or blaze orange coat. The uniform badge is not required to be displayed on this garment.

(r) Gloves - Gloves may be worn, as seasonal conditions require. Gloves shall be black in color, department issued.

(s) Personal jewelry - Wearing of earring, necklaces and rings is discouraged due to the rigorous activity that employees may be called upon to perform. The department assumes no liability for damage done to personal jewelry or injuries resulting from catching jewelry during physical activity. Supervisors, Captain and the Chief may require personal jewelry to be removed when the item detracts from the uniform appearance of the employee.

(t) All identifying insignia will be removed and returned to the department before a garment is thrown away.

1022.4 INSIGNIA AND PATCHES

(a) Shoulder patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.

(b) The flag of the United States of America patch shall be machine stitched to the right side of the Class B duty uniform above the name plate or embroidered name. The flag must be displayed on the outer uniform garment and not on the under shirt when officers wear an outer body armor vest carrier.

(c) The regulation nameplate, or an authorized sewn-on embroidered name, shall be worn at all times while in uniform. The nameplate shall display the employee’s last name and initial of the first name. If an employee’s first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(d) Assignment Insignias - Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Chief of Police.
Uniform Regulations

(e) Badge - The Department-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Licensed non-uniform personnel will wear or carry their badge in a manner that it is in reasonable proximity to their firearm and able to be displayed whenever appropriate.

(f) Rank insignia - The designated insignia indicating the employee’s rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1022.4.1 MOURNING BADGE
Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this state - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of a fallen officer.

(d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.

(e) As directed by the Chief of Police or designee.

1022.5 CIVILIAN ATTIRE
There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.

(d) The following items shall not be worn on-duty:
   1. T-shirt alone.
   2. Open-toed sandals or thongs.
   3. Swimsuit, tube tops or halter tops.
   4. Spandex type pants or see-through clothing.
   5. Distasteful printed slogans, buttons or pins.
6. Denim pants of any color.
7. Shorts.
8. Sweat shirts, sweat pants or similar exercise clothing.

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to wearing such clothing.

(f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Hopkins Police Department or the morale of the employees.

(g) Licensed employees carrying firearms while wearing civilian attire must wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1022.6 POLITICAL ACTIVITIES,ENDORSEMENTS,ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM
Unless specifically authorized by the Chief of Police, Hopkins Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a badge, patch or other official insignia of the Department, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Hopkins Police Department to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.
(b) Endorse, support, oppose or contradict any social issue, cause or religion.
(c) Endorse, support or oppose, any product, service, company or other commercial entity.
(d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

1022.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications manual as optional shall be purchased at the expense of the employee using their uniform allowance provided in their collective bargaining agreement.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

(c) Replacement of items listed in this order as optional shall be done as follows:
   1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
   2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the
Uniform Regulations

replacement of damaged personal property in the Department-Owned and Personal Property Policy.

1022.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES
Hopkins Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications manual or by the Chief of Police or designee.

Hopkins Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications manual or by the Chief of Police or designee.
Department Badges

1023.1 PURPOSE AND SCOPE
The Hopkins Police Department badge and uniform patch as well as the likeness of these items and the name of the Hopkins Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1023.2 POLICY
The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1023.2.1 FLAT BADGE
Licensed officers, with the written approval of the Chief of Police, may purchase at their own expense a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of Department policy as the uniform badge.

(a) Should the flat badge become lost, damaged or otherwise removed from the officer's control he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.

(b) An honorably retired officer may keep his/her flat badge upon retirement.

(c) The purchase, carrying or display of a flat badge is not authorized for non-licensed personnel.

1023.2.2 CIVILIAN PERSONNEL
Badges and Department identification cards issued to non-licensed personnel shall be clearly marked to reflect the position of the assigned employee (e.g. parking control).

(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.

1023.2.3 RETIREE UNIFORM BADGE
Upon honorable retirement employees may retain their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.
1023.3 Unauthorized Use
Department badges and identification cards 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 or his/her designee.

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.
Temporary Modified-Duty Assignments

1024.1 PURPOSE AND SCOPE
The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and due to restrictions or limitations are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1024.2 POLICY
Subject to operational considerations, the Hopkins Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1024.3 GENERAL CONSIDERATIONS
Priority consideration for temporary modified-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 Hopkins Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.
Temporary Modified-Duty Assignments

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1024.4 PROCEDURE
Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Captains 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 temporary modified-duty assignment.

The Captain will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-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 Personnel Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by a Captain with notice to the Chief of Police.

1024.5 ACCOUNTABILITY
Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-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 Captain.

1024.5.1 EMPLOYEE RESPONSIBILITIES
The responsibilities of employees assigned to temporary modified 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.
Temporary Modified-Duty Assignments

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Captain that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1024.5.2 SUPERVISOR RESPONSIBILITIES
The employee’s immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Captain of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Captain 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.

1024.6 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.

1024.7 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 temporary modified-duty assignment.

1024.7.1 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 City’s personnel rules and regulations regarding family and medical care leave.

1024.8 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.
Temporary Modified-Duty Assignments

1024.9 MAINTENANCE OF CERTIFICATION AND TRAINING
Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.
Performance History Audits

1025.1 PURPOSE AND SCOPE
Performance History Audits are collections of data designed to assist supervisors in evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for and must be carefully balanced with the many variables in law enforcement, such as:

- An officer’s ability to detect crime.
- An officer’s work ethic.
- An officer’s work assignment and shift.
- An officer’s physical abilities, stature.
- Randomness of events.

1025.2 POLICY
The records department will maintain statistics with regard to officers’ performance. These reports will be disseminated on a regular basis to the command staff and officers.
Employee Speech, Expression and Social Networking

1026.1 PURPOSE AND SCOPE
This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1026.1.1 APPLICABILITY
This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1026.2 POLICY
Because public employees occupy a trusted position in the community their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Hopkins Police Department will carefully balance the individual employee’s rights against the organization’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

1026.2.1 GENERAL PROVISIONS
(a) Employees are allowed to post photographs of themselves in uniform from official department functions such as awards recognitions and swearing in ceremonies, etc. Employees are strictly prohibited from posting photos of day-to-day operations or photos from calls for service. Exceptions to this rule must be granted by the Chief of Police.

1. All photos of employees in uniform must be professional and not compromise the integrity of the Hopkins Police Department.

2. Employees are prohibited from posting photos of other members in uniform without that specific person’s permission to do so.
3. Employees are prohibited from posting status updates with any type of reference to work-related activities.

4. Authorized city personnel are allowed to post on the City of Hopkins social networks on duty, as long as it is work-related.

(b) Employees are prohibited from posting, transmitting and/or disseminating any photographs, video, wording or content that is unethical, slanderous, derogatory or is likely to adversely affect the discipline, good order or reputation of the department, or that tends to compromise the integrity of the department member(s) on any personal website, social media or networking website, web pages and other electronically transmitted or hard copied material.

(c) Employees are prohibited from posting, transmitting and/or disseminating any pictures, videos or materials of official department training, activities or work-related assignments without the express written permission of the Chief of Police.

(d) Employees are prohibited from posting, transmitting and/or disseminating any pictures, videos, working or content related to any past or present investigation conducted by the department.

(e) Employees are encouraged to thoroughly review the City of Hopkins Personnel Policy on computer and technology for procedures and guidelines on the use of the computer system.

(f) Employees should not post any wording and/or transmit or disseminate any pictures, videos, or audio recordings on any personal website, social media or networking website, or web pages while on duty. Exception: If the social networking is done in pursuit of an investigation.

1026.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Hopkins Police Department employees such as posting personal information in a public forum can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee’s family or associates or persons that this agency has had professional contact with such as crime victims or staff of other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an employee.
- Disclosing the address, telephone number or email address of an employee.
Employee Speech, Expression and Social Networking

- Otherwise disclosing where another employee can be located off-duty.

1026.4 TRAINING

Subject to available resources the Department should provide training regarding employee speech and the use of social networking to all members of the Department.
POST Licensing

1027.1 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).

1027.2 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).

1027.2.1 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.

1027.2.2 INACTIVE LICENSE
Officers who fail to complete the requirements will have their license placed in the "Inactive" status. The employee may then be placed in a temporary administrative assignment until their license is "Valid". Those employees may also face administrative discipline up to and including termination.
Anti-Retaliation

1028.1 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.

1028.2 POLICY
The Hopkins 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.

1028.3 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.
1028.4 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 Assistant City Manager.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member’s identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1028.5 SUPERVISOR RESPONSIBILITIES
Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
(b) Receiving all complaints in a fair and impartial manner.
(c) Documenting the complaint and any steps taken to resolve the problem.
(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
(h) Not interfering with or denying the right of a member to make any complaint.
(i) Taking reasonable steps to accommodate requests for assignment or schedule change made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.
1028.6 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.

1028.7 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 Operations Captain for investigation pursuant to the Personnel Complaints Policy.

1028.8 RECORDS RETENTION AND RELEASE
The Support Services Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1028.9 TRAINING
The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.
Line-of-Duty Deaths

1029.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members of the Hopkins Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member’s survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1029.1.1 DEFINITIONS
Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual’s relationship with the member and whether the individual was previously designated by the deceased member.

1029.2 POLICY
It is the policy of the Hopkins 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.

1029.3 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 Command Staff.

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 Press Information Officer section of this policy).

(b) A Captain should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Sergeant / OIC 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).

1029.4 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, a Captain, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be a Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child’s age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor’s workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor’s names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Hopkins Police Department members may be apprised that survivor notifications are complete.

1029.4.1 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.

1029.5 NOTIFYING DEPARTMENT MEMBERS
Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1029.6 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:
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(a) Department Liaison.
(b) Hospital Liaison.
(c) Survivor Support Liaison.
(d) Critical Incident Stress Management (CISM) coordinator.
(e) Funeral Liaison.
(f) Mutual aid coordinator.
(g) Benefits Liaison.
(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1029.6.1 DEPARTMENT LIAISON
The Department Liaison should be a Captain or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member’s survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison’s responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors’ needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
(e) Coordinating all official law enforcement notifications and arrangements.
(f) Making necessary contacts for authorization to display flags at half-mast.
(g) Ensuring that department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
(h) Coordinating security checks of the member’s residence as necessary and reasonable.
(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.
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1029.6.2 HOSPITAL LIAISON
The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:
   1. The survivors and others whose presence is requested by the survivors.
   2. Department members and friends of the deceased member.
   3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member’s survivors or Hopkins Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.
   1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
   2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member’s residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:
- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member’s equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1029.6.3 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 Captain. 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.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member’s supervisor and/or coworkers. The
deceased member’s partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.

- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member’s personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.

2. Items not retained as evidence should be delivered in a clean, unmarked box.

3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).

4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member’s residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors’ wishes.

(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department’s Press 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 Press 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.
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(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

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.

1029.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.
1029.6.5  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.

1029.6.6  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 Hopkins Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1029.6.7  BENEFITS LIAISON
The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:
Line-of-Duty Deaths

(a) Confirming the filing of workers’ compensation claims and related paperwork (see the Occupational Disease, Personal Injury and Death Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
   1. Public Safety Officers’ Benefits (PSOB) Programs.
   2. Public Safety Officers’ Educational Assistance (PSOEA) Program.
   3. Social Security Administration.
   4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.
   2. Disability survivor benefits (Minn. Stat. § 353.656).
   5. Education benefit (Minn. Stat. § 299A.45).

(d) Researching and assisting survivors with application for other survivor benefits such as:
   1. Private foundation survivor benefits programs.
   2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by Police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
   1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1029.6.8 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.
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(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.

1029.7 PRESS INFORMATION OFFICER
In the event of a line-of-duty death, the department’s PIO should be the department’s contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.
   1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
   2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member’s survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member’s survivors with media inquiries.
   1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member’s survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.
1029.8 DEPARTMENT CHAPLAIN
Department chaplains may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1029.9 INVESTIGATION OF THE INCIDENT
The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1029.10 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.

1029.11 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.
Attachments
MN POST Professional Conduct of Peace Officers Model Policy.pdf
I. POLICY

It is the policy of the ____________________________ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

A. PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

1. Rationale: Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. Rules
   a) Peace officers shall not knowingly exceed their authority in the enforcement of the law.
   b) Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
   c) Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
   d) Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.
   e) Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public’s faith in the integrity of the criminal justice system.

1. Rationale: Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public’s initial contact with the criminal justice system, must act in a manner that instills such trust.

2. Rules
   a) Peace officers shall carry out their duties with integrity, fairness and impartiality.
b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.

e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.

f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer’s immediate supervisor who shall forward the information to the CLEO. If the officer’s immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor’s supervisor.

C. PRINCIPLE THREE
Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

1. Rationale: Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

2. Rules
   a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.

   b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

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

1. Rationale: A peace officer’s ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

2. Rules
a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in c).
b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer’s next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer’s breath.
c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer’s duties. The officer shall immediately notify the officer’s supervisor if a prescribed medication is likely to impair the officer’s performance during the officer’s next scheduled shift.
d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner’s home or workplace.
g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.
h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer’s personal or family relationships.

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

1. Rationale: Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

2. Rules
   a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.
b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, 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.
Model Sexual Assault Investigation Policy.pdf
I. PURPOSE
The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;

b) To reaffirm peace officers’ authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;

c) To increase the opportunity for prosecution and victim services.

II. POLICY
It is the policy of the _____________ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim’s dignity and autonomy. While doing so, it shall be this agency’s goal to decrease the victim’s distress, increase the victim’s understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS
For purpose of this policy, the words and phrases in this section have the following meaning given to them, unless another intention clearly appears.

A. Consent: As defined by Minn. Stat. 609.341, which states:

(1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

(2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.
(3) Corroboration of the victim's testimony is not required to show lack of consent.

B. **Child or Minor:** a person under the age of 18.

C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.

D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:

   (1) spouses or former spouses;
   (2) parents and children;
   (3) persons related by blood;
   (4) persons who are presently residing together or who have resided together in the past;
   (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
   (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
   (7) persons involved in a significant romantic or sexual relationship

F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.

H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim’s rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims’ input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

I. **Vulnerable Adult:** any person 18 years of age or older who:
   (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;
(2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

(3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or

(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
   (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
   (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

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

1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.
2) The officer shall attempt to determine the location/jurisdiction where the assault took place.

3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.

4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.

5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.

6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.

7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews
This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.
• Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
• Some victims do remember details vividly and might want to be interviewed immediately.
• During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
  1) Whether the suspect was known to the victim
  2) How long the victim knew the suspect
  3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  4) The extent of their previous or current relationship
  5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
  7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims
  1. Minors and Vulnerable Adults
     This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim’s age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

     a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

        1) Ensuring the safety of the victim;
        2) Ensuring the scene is safe;
        3) Safeguarding evidence where appropriate;
        4) Collecting any information necessary to identify the suspect; and
        5) Addressing the immediate medical needs of individuals at the scene
b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute 626.556 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minn. Stat. 626.556 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Officers should obtain necessary contact information for the victim’s caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer should advise the victim’s caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

2. Victims of Domestic Abuse
Officer responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency’s domestic abuse policy and protocol, in addition to the guidelines in this policy.
E. Protecting Victim Rights

1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim’s identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b).

2) Crime Victim Rights: Officers must provide the following information to the victim:
   a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b).
   b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
   c. The victim’s right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
   d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.

3) Other information: Officers should provide to the victim the agency’s crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

1) Considerations for Evidence Collection
   Officers shall follow this agency’s policy on crime scene response. In addition, officers may do the following:
   a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
   b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.
c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.

d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
   a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
   b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
   c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
   d. Ask the victim for a signed release for access to medical records from the exam.

2) Officers should not be present during any part of the exam, including during the medical history.

3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.

2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong
consideration of the victim’s emotional and physical state. A victim advocate should be present whenever possible to offer support.

3) When possible, an attempt would be made to interview the suspect in person.

4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
   a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
   b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.

5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

   Note: A suspect’s forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

   1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.

   2) Determine whether a sexual assault medical forensic examination should be conducted.

   3) Ask for the suspect’s consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.

   4) During the suspect’s sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
      a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
      b. Collect biological and trace evidence from the suspect’s body;
      c. Document information about the suspect’s clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
      d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
      e. Document the suspect’s relevant medical condition and injuries.
J. Role of the Supervisor
Supervisors may do the following:
   1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
   2) Provide guidance and direction as needed.
   3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary
A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

   1) Case dispositions
   2) Decisions to collect evidence
   3) Submissions of evidence for lab testing
   4) Interviewing decisions
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