

ST. ANTHONY POLICE DEPARTMENT
PRINCIPLES AND PRACTICES
MANUAL

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ST ANTHONY POLICE DEPARTMENT
PRINCIPLES AND PRACTICES

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ST ANTHONY POLICE DEPARTMENT PHILOSOPHY

1-1 **Mission Statement:** To proactively arrest offenders and prevent crime, while working with the community to solve problems and improve the overall quality of life for all we serve.

Vision Statement: Exceptional law enforcement service, creating a safe and secure community that is a desirable place in which to live, learn, work, and play.

The basic objective of the St. Anthony Police Department is the maintenance of Social Order within carefully prescribed ethical and constitutional restrictions, and includes prevention of criminality, repression of crime, apprehension of offenders, recovery of property, regulation of non-criminal conduct and the performance of miscellaneous services. While each of these is important and necessary to the operation of any police agency, individual communities differ as to the importance placed on each segment of service.

Since we are a service oriented entity, we must be aware of the social pressures existing in our particular community and modify or adapt our techniques in response to these pressures. We must constantly attune our goals to our community's concerns and seek to find/elicit those concerns. We are law enforcement oriented and must constantly strive for uniformity amongst officers, in addition to professionalism on an individual and department level.

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Our department places an added emphasis on public service, public relations, juvenile relations and crime prevention. This emphasis must be present in all our police activities on a day-to-day basis, and apply equally to all citizens. We must seek to provide a personalized service to our residents in the interest of effective public and juvenile relations.

While larger communities enjoy the luxury of specialization among its officers, our department members must be proficient in all phases of police service.

We must constantly strive to accomplish our mission on an individual basis and as a team member of the department and let us do it in a manner that will bring credit to the police profession, our department, and our community

1-2 **Conflict with Collective Bargaining Agreement**

In the event that any provision of these rules and regulations is at variance with the provisions of an approved collective bargaining agreement covering City police employees, then the provisions of that agreement shall apply to those police employees.

1-3 **Knowledge of Orders**

Employees shall familiarize themselves with all orders issued, including those which have been disseminated during their absences from duty. The publications shall be made available in all personnel for reference purposes. Officers are required to initial all posted orders after familiarizing themselves with their content.

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Employees shall sign for copies of current changes they are issued to the department manual.

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2-0 **General Provisions**

2-1 **Principles**

Principles consists of practices and values which guide the performance of a department activity. Principles are not a statement of what must be done in a particular situation; rather, it is a statement of guiding practice which should be followed in activities which are directed toward the attainment of department objectives.

Principles are formulated by analyzing objectives and determining through research those practices which will best guide the department in achieving its objectives. Principles are based upon police ethics and experience, the desires of the community, and the mandate of the law.

Principles are articulated to inform the public and department employees of the practices which will be adhered to in the performance of the law enforcement function. Additionally, principles establish operational standards to assist department employees in the necessary exercise of discretion in discharging their responsibility.

An officer in the performance of his/her duty is confronted with an infinite variety of complex situations which require police action. Since principles are objective rather than situation-oriented, it is broad enough in scope to encompass most situations. Principles, therefore, must be stated in general terms

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2-2 **Objective**

An objective is a desired end for which effort is expended, and which, if attained, fulfills the purpose of the department. Within each objective, there may be a number of subordinate objectives, each of which, if attained, contributes to the accomplishment of the police mission.

2-3 **Procedure**

A procedure is a method of performing an operation or a manner of proceeding on a course of action. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy. Both policies and procedures are objective-oriented; however, policy establishes limits of action while procedure directs response within those limits.

2-4 **Rule**

A rule is a specific prohibition or requirement which is stated to prevent deviations from policy or procedure. Rules allow little deviation other than for stated exceptions.

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3-0 **Objectives**

3-1 **Primary Objective**

A large urban society free from crime and disorder remains an unachieved ideal. Nevertheless, consistent with the values of a free society, it is the primary objective of the department to approach that ideal as closely as possible. The department's role is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons. It is not the role of the department to legislate, to render legal judgments, or to punish.

The department defends the right of all persons within its jurisdiction to be free from criminal attack, to be secure in their possessions, and to live in peace. The department serves the people of St. Anthony by performing the law enforcement function in a professional manner, and it is to these people that the department is ultimately responsible.

3-2 **Prevention of Crime**

The prevention of crime is a basic obligation of the police. Crime is a social phenomenon and crime prevention is the concern of every person in the community. The department is responsible for interacting with the community to generate mutual understanding and support for crime prevention and the police role. Community involvement is essential to facilitate a free flow of information between the public and the department, to assist in the identification of problem areas, and to inform the public of crime trends.

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Knowledge of the community is necessary so that each department employee may be instilled with a sense of concern for the law enforcement needs within his/her jurisdiction.

3-3 **Deterrence of Crime**

Street crime is curbed by the potential criminal's fear of immediate apprehension or by the increased likelihood of his detection. The deterrence of crime requires the investigation of behavior which reasonably appears to be criminally directed.

3-4 **Apprehension of Offenders**

The administration of criminal justice consists of the identification, arrest, prosecution, punishment, and rehabilitation of a law violator, and its objective is the voluntary compliance with the law as an alternative to punishment. Once a crime has been committed, it is the duty of the department to initiate the criminal justice process by identifying the perpetrator, obtaining the necessary evidence, and cooperating in the prosecution of the case.

Because the certainty of swift and sure punishment serves as an effective deterrent to crime, the department must strive to solve all crimes.

3-5 **Recovery and Return of Property**

To minimize the losses due to crime, the department makes every reasonable effort to recover lost or stolen property, to identify its owners, and to ensure its prompt return

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3-6 **Movement of Traffic**

To facilitate the safe and expeditious movement of vehicular and pedestrian traffic, the department should enforce traffic laws, investigate traffic accidents, and direct traffic. To enforce compliance with traffic laws and to develop driver awareness of the causes of traffic accidents, the department appropriately warns, cites, or arrests traffic law violators. Traffic accidents are investigated to provide care for the injured, protect the rights of the involved parties, and to determine the causes of accidents so that methods of prevention may be developed. When a traffic law violation is discovered, necessary evidence is gathered to prosecute the violator. The department also provides information to the public to assist them in arriving safely at their destination.

3-7 **Public Service**

In view of the immediate availability of the police service, the public relies upon the department for assistance and advice in the many routine and emergency situations which develop in an urban society. For this reason and because there is frequently a potential for crime, the department regularly responds to incidents where it is not contemplated that an arrest will be made.

Because of the small community we serve, a more personalized service is required. Our department is public relations-oriented, and this orientation is to be present in all police activity of the department.

3-8 **Department Personnel**

Police Officers are required to make decisions affecting human life and liberty in difficult situations where there is no opportunity to seek advice and little time for reflection. Law enforcement in a free and

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complex society requires an officer to have the stamina, intelligence, moral courage, and emotional stability necessary to deal, fairly and impartially, with human beings in numerous complicated and potentially explosive situations. To obtain the caliber of personnel necessary to provide the public with professional law enforcement, it is essential that the department participate in the recruitment and selection of potential officers. Thereafter, the department must provide training for all officers and seek the promotion of the most qualified. All police officers are required to keep their State license current as a job qualification.

3-9 **Utilization of Resources**

Law enforcement is one of the most complex services provided by the City. The quality and extent of service provided is necessarily limited by available resources which are, to a large extent, dependent upon the revenue sources of the City. To ensure that the highest level of service is obtained from the resources at its disposal, the department must make use of the most efficient management and budgeting techniques available

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4-0 **Code of Conduct**

4-1 **Standard of Conduct**

The law enforcement code of ethics is adopted as a goal for officers of the St. Anthony Police Department

LAW ENFORCEMENT CODE OF ETHICS

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

I will keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement."

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4-2 **Professional Conduct of Peace Officers**

Purpose. The policy defines the professional conduct of peace officers. This policy supplements the ethical standards contained in the Law Enforcement Code of Ethics, a copy of which has been included for your reference.

Policy. Law enforcement effectiveness depends upon community respect and confidence. Conduct which detracts from this respect and confidence is detrimental to the public interest and should be prohibited. The policy of this department is to investigate circumstances suggesting an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

Scope. 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 as well. Conduct not mentioned under a specific rule, but which violates a general principle, is prohibited.

This policy is organized into eight principles governing conduct unbecoming an officer. Each principle is followed by the rationale explaining the principle and a set of rules.

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.

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.

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Rules

1.1 Peace officers shall not knowingly exceed their authority in the enforcement of the law.

1.2 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.

1.3 Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitution and laws of the United States and the State of Minnesota.

1.4 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 in which the officer is present, except where permitted in the performance of duty under proper authority.

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.

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.

Rules

2.1 Peace officers shall carry out their duties with integrity, fairness, and impartiality.

2.2 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.

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2.3 Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

2.4 Peace officers shall take no action knowing it will violate the constitutional rights of any person.

2.5 Peace officers must obey lawful orders, but must refuse to obey any orders 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.

2.6 Peace officers learning of conduct or observing conduct which is in violation of any law or policy of this department shall take necessary action and report the incident to the officer's immediate supervisor, who shall forward the information to the chief law enforcement officer. If the misconduct is committed by the officer's immediate supervisor, the officer shall report the incident to the immediate supervisor's supervisor.

Principle Three. Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

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, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age.

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Rules

3.1 Peace officers shall provide every person in our society with professional, effective, and efficient law enforcement services.

3.2 Peace officers shall not express, whether by act, omission, or statement, prejudice concerning race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age.

3.3 Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age.

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

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.

Rules

4.1 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 4.3.

4.2 Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled

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shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.

4.3 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.

4.4 Peace officers, while on duty, shall not commit any act which, as defined under Minnesota law, constitutes sexual harassment, 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.

4.5 Peace officers, while off duty, shall not engage in any conduct which the officer knows, or reasonably should know, constitutes an unwelcome sexual advance or request for sexual favor, or unwelcome sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature.

4.6 Peace officers shall not commit any acts which, as defined under Minnesota law constitutes sexual assault or indecent exposure. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

4.7 Peace officers shall not commit any acts which, as defined under Minnesota law, constitutes: 1) domestic abuse; or 2) the violation of a court 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.

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4.8 Peace officers shall not, in the course of performing their duties, 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 otherwise making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the department.

4.9 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 department. This rule does not prohibit those associations that are necessary to the performance of official duties, or where such associations are unavoidable because of the officer's personal or family relationships.

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

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.

Rules

5.1 Peace officers shall exercise reasonable courtesy in their dealings with the public, fellow officers, superiors, and subordinates.

5.2 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.

5.3 Peace officers shall promptly advise any inquiring citizen of the department's complaint procedure, and shall follow the established departmental policy for processing complaints.

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Principle Six. Peace officers shall not compromise their integrity, nor that of their department 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.

Rationale. For the 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 department.

Rules

6.1 Peace officers shall not use their official position, identification cards or badges: 1) for personal or financial gain, for themselves or another person; 2) for obtaining privileges not otherwise available to them, except in the performance of duty; and 3) for avoiding consequences of unlawful or prohibited actions.

6.2 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.

6.3 Peace officers shall refuse favors or gratuities which could be reasonably interpreted as capable of influencing official acts or judgments.

6.4 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 regular assigned duties.

6.5 Peace officers shall:

a) Not authorize the use of their names, photographs, or titles in a manner that identifies the officer as an employee of this

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department in connection with advertisements for any products, commodity, or commercial enterprise;

b) 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.

c) Not make endorsements of political candidates, while on duty, or while wearing the department'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.

None of these rules shall prevent officers from engaging in the free expression of political speech in their capacities as private citizens, or the rights of police, fraternal, or labor organizations to endorse political candidates or express views on political issues or other matters of public concern.

Principle Seven. Peace officers shall not compromise their integrity, nor that of their department or profession, by taking or attempting the influence actions when a conflict of interest exists. Revised April 10, 1996

Rationale. For the public to maintain its faith in the integrity and impartiality of peace officers and their departments, officers must avoid taking or influencing official actions where the officer's actions would or could conflict with the officer's appropriate responsibilities.

Rules

7.1 Peace officers shall, unless required by law or policy, refrain from becoming involved in official matters, or influencing actions of other peace officers in official matters, impacting the officer's immediate

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family, relatives, or persons with whom the officer has or has had a significant personal relationship.

7.2 Peace officers shall, unless required by law or policy, 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.

7.3 Peace officers shall not use the authority of their position as a peace officer, or information available to them due to their status as peace officers, 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.

7.4 Peace officers 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.

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

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 department's commitment to preserving such confidences.

Rules

8.1 Peace officers shall not knowingly violate any legal restrictions for the release or dissemination of information.

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8.2 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.

8.3 Peace officers shall not divulge the identity of persons giving confidential information except as required by law or department policy.

Application. Any disciplinary actions arising from violations of this policy shall be investigated in accordance with Minnesota Statute 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy and Allegations of Misconduct as required by POST Board Rules, Minnesota R. Pt. 6700.2000 to 6700.2600.

4-3 **Loyalty**

An officer must be faithful to his/her oath of office. He/she must strive to uphold the principles of professional police service and advance the objectives of the department. In the discharge of his/her duty, he/she must not allow personal motives to govern his/her decisions and conduct.

4-4 **Respect for Constitutional Rights**

No person has a constitutional right to violate the law; neither may any person be deprived of his/her constitutional rights merely because he/she is suspected of having committed a crime. The task of determining the constitutionality of a law lies with an appellate court of proper jurisdiction, not with an officer who seeks to properly enforce the law as it exists. Therefore, an officer may enforce any Federal or State law or local ordinance without denying the constitutional rights of the person violating the law. An officer who lawfully acts within the

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scope of his/her authority does not deprive persons of their civil liberties. He/she may within the scope of his/her authority make reasonable inquiries, conduct investigations, and arrest on probable cause.

When an officer exceeds his/her authority by unreasonable conduct, he/she violates the sanctity of the law which he/she is sworn to uphold.

4-5 **Integrity**

The public demands that the integrity of its law enforcement officers be above reproach. The dishonesty of a single officer may impair public confidence and cast suspicion upon the entire department. Succumbing to even minor temptation can be the genesis of a malignancy which may ultimately destroy an individual's effectiveness and may contribute to the corruption of countless others. An officer must scrupulously avoid any conduct which might compromise the integrity of himself/herself, his/her fellow officers, or the department.

4-6 **Courtesy**

Effective law enforcement depends on a high degree of cooperation between the department and the public it serves. The practice of courtesy in all public contacts encourages understanding and appreciation; discourtesy breeds contempt and resistance. The majority of the public are law abiding citizens who rightfully expect fair and courteous treatment by department employees. While the urgency of a situation might preclude the ordinary social amenities, discourtesy under any circumstance is to be avoided. The practice of courtesy by

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an officer is not a manifestation of weakness; it is, on the contrary, entirely consistent with the firmness and impartiality that characterizes a professional police officer.

4-7 Compliance with Lawful Orders

The Department is an organization with a clearly defined hierarchy of authority. This is necessary because unquestioned obedience of a superior's lawful command is essential for the safe and prompt performance of law enforcement operations. The most desirable means of obtaining compliance are recognition and reward of proper performance and the positive encouragement of a willingness to serve. However, discipline shall be necessary where there is a willful disregard of lawful orders, commands, or directives.

4-8 Cooperation

Cooperation between the ranks is essential to effective law enforcement. All members must establish and maintain a high spirit of cooperation within the department.

4-9 Attention to Duty

As most police work is necessarily performed without close supervision, the responsibility for the proper performance of an officer's duty lies primarily with the officer himself/herself. An officer carries with him/her a responsibility for the safety of the community and fellow officers. He/she discharges that responsibility by the faithful and diligent performance of his/her assigned duty. Anything less violates the trust placed in him/her by the community.

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4-10 **Financial Obligations**

Public employees have stable incomes upon which they may forecast future earnings. For this reason and because of public confidence in their responsibility, it is relatively easy for department employees to contract financial obligations which, if not controlled, may become an impossible burden. Such financial distress may impair the individual's effectiveness and tends to bring discredit upon the department. Employees should avoid incurring financial obligations which are beyond their ability to reasonably satisfy from their anticipated department earnings.

4-11 **Refusal to Work**

An officer's commitment to public service and professional ethics precludes his/her refusal to perform his/her sworn duties. For these reasons, police officers do not have the right to strike or to engage in any work stoppage or slow-down.

4-12 **Responsibility of On-Duty Officers**

On-duty officers within the City limits, after considering the tactical situation, are to take all steps reasonably necessary to effect the enforcement of City ordinances, State and Federal laws, and to protect life and property.

On-duty officers outside the City limits, but within the State of Minnesota who become aware of a situation requiring police action, must first consider the tactical situation, then take all steps reasonably necessary to effect the enforcement of State and Federal laws with cooperation of local agencies.

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4-13 **Responsibility of Off-Duty Officers**

Under Minnesota law, off-duty officers have peace officer authority relating to crimes committed within their jurisdiction, within their purview, and shall take appropriate action.

An off-duty officer's first consideration outside their jurisdiction, should be to assure that appropriate action will be taken by the responsible law enforcement agency, if time permits. The officer should then act only after consideration of the tactical situation, possible liability to himself/herself, or to the City of St. Anthony.

4-14 **Professional Conduct**

Dereliction of duty that is detrimental to the proper performance of the functions of the Department is cause for disciplinary action. The offender will be punished according to the degree of severity of the violation, the results brought about by the dereliction, and the effect upon the discipline, good order, and best interest of the department.

a) An employee shall take immediate action when a violation of rules, regulations, or law violation comes to his/her attention, regardless of the violator's assignment or rank within the department.

b) All officers shall inventory in the files any property or evidence found by, confiscated by, or relinquished to officers or employees of the Department without undue delay, and in accordance with Department procedures.

c) Employees shall give their badge number to any person upon request.

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d) Employees shall not use indecent, profane, or unnecessarily harsh language in the performance of official duties or in the presence of the public.

e) Employees shall not accept, agree to accept, or solicit a bribe. (A bribe is a benefit, reward, or consideration to which an officer or employee is not legally entitled which is intended to influence such officer or employee with respect to the performance of his powers or duties.)

f) Employees shall treat superior members, subordinates, and associates with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty in the presence of other members or the public, officers should be referred to by rank.

g) Employees shall not intentionally publicly criticize or ridicule the Department, its policies or other employees as to the performance of their duties by talking, writing or expressing themselves in a manner which is defamatory, obscene, unlawful, or in any manner which impairs the effective operation of the Department by adversely affecting the ability of superior officers to maintain morale or discipline, or in a manner which displays a reckless or knowing disregard for the truth. This regulation shall not be construed so as to impair the exercise of first amendment rights to free speech by police officers on matters of general public concern.

4-15 **General Conduct – On Duty**

Officers shall respond without delay to all calls for police service unless otherwise directed by competent authority. Emergency calls for service shall take precedence. However, all calls shall be answered as soon as possible consistent with normal safety precautions and traffic laws.

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Officers shall at all times take appropriate action to protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce all Federal, State and local laws and ordinances.

a) The ranking on-duty officer at the scene of any police incident shall be in charge and responsible for police activity. In the absence of a superior officer, the senior officer of the first car present shall be in charge and responsible for handling the incident. The superior officer shall remain at the scene until such time as the incident is under control and is being properly handled in accordance with existing policies.

b) Officers shall, at all times, respond to lawful orders of superior or senior members of the department and other proper authorities.

c) No employee shall be absent without leave. (Absent without leave shall mean either a failure to report for assigned duty or the abandonment of duty or assignment without proper authorization.)

d) Officers shall report to duty at the time and place specified in uniform and properly equipped. They shall give careful attention to orders and instructions. Officers must personally contact a supervisor if late. This contact shall be made immediately.

e) It is the responsibility of employees who cannot report for duty to notify their supervisor at least four hours prior to their reporting time, except in extreme emergency. The employee must personally speak to his/her supervisor unless physically impossible.

f) Employees shall be required to maintain a telephone in their residence and shall report any change in address or telephone number within twenty-four hours to their superior officer.

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g) Employees shall not work at any outside employment while on sick leave or I.O.D. status.

h) Officers shall remain alert, observant, and occupied with police business during their tour of duty. When on duty, officers shall devote their entire time and attention to the business of the Department.

i) Employees are prohibited from engaging in any off-duty employment which might conflict or interfere with their responsibility to the Department. Officers shall report off-duty employment to the office of the Chief of Police.

j) Employees shall promptly submit reports which are required by the performance of their duties or by competent authority.

k) Officers shall have prior approval of a superior officer before initiating undercover investigations while on duty.

l) Employees shall not consume alcoholic beverages while off-duty to the extent that evidence of such consumption is apparent when reporting for duty or to the extent their job performance is impaired.

m) Employees shall not bring to or keep any dangerous drug, narcotic, or alcoholic beverage on departmental premises except for evidentiary purposes unless authorized by the Chief of Police.

n) No employee shall be under the influence of alcohol or drink any alcoholic beverage while on duty or at any time while in uniform.

o) No employee shall be under the influence of any drug while on duty or be a user of drugs when such drugs are not prescribed by a physician or dentist or take drugs not in a manner prescribed by a physician or dentist.

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p) No expenditure of money shall be made or debt incurred in the name of the City of St. Anthony or the Department unless authorized by the Chief of Police.

q) Employees shall not permit any person to enter a police facility to sell goods, offer them for sale, or to canvass or solicit for any purpose without written authorization from the Chief of Police.

r) Officers shall report back in service immediately upon completion of a call or assignment.

s) Employees shall not take more time for lunch or breaks than authorized pursuant to the labor agreement.

t) Employees shall not transport persons in department vehicles except for a proper police purpose or on Department business.

u) Officers shall not engage in policing for private interests while on duty.

v) No more than three officers or two squads shall be at the same eating establishment at the same time except when on police business.

w) Superior officers shall be responsible for the review of all official police reports submitted by their subordinates.

x) Employees shall not make referrals to any attorney or other business from on-duty contact.

y) Employees shall use police vehicles only as authorized.

z) Employees shall report all discharges of a firearm in the manner described in the Department rules and regulations and State laws.

aa) Employees shall not interfere with any criminal investigation being done by this Department or any other law enforcement agency.

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bb) Employees shall comply with all Department communications procedures as well as rules and regulations of the Federal Communications Commission.

cc) Employees shall immediately refer all complaints made by citizens to a superior officer who shall courteously and promptly record in writing any complaint made by a citizen against any employee of the department. Superior officers may attempt to resolve the complaint but shall never attempt to dissuade any citizen from lodging a complaint against any employee.

No officer shall arrest any person or search any premises or person except with a warrant of arrest, a search warrant, or where such arrest or search is authorized without warrant under the laws of the State of Minnesota, the United States, or the ordinances of the City of St. Anthony.

a) No officer shall falsely arrest, imprison, or direct any malicious prosecution against any person.

b) No employee shall willfully mistreat or give inhumane treatment to any person held in custody.

c) Officers shall not render aid or assistance in civil cases except to prevent an immediate breach of the peace or to quell a disturbance actually existing. (This rule is not intended to prevent officers from informing any citizen of the steps necessary to institute a civil lawsuit, nor is it intended to prevent officers from advising citizens on protecting their rights.)

d) Employees shall answer questions or render material and relevant statements to a competent authority in a departmental investigation when so directed, consistent with the constitutional rights of the individuals.

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e) No employee shall willfully misrepresent any matter, sign any false statement or report, commit perjury, or give false testimony before any court, grand jury or judicial hearing.

f) No employee shall knowingly remove or destroy or cause the removal or destruction of any report, document, or record, without authorization.

g) Any employee who is subpoenaed or testifies for the defense in any criminal or civil trial or hearing or against the City of St. Anthony or the department in any hearing or trial shall notify his/her commander in writing upon receipt of the subpoena.

h) Employees shall not accept a fee as a witness in a criminal case prosecuted in the district or municipal courts of Hennepin or Ramsey County if said employee is a member of the prosecution as a direct result of the employees job.

i) Officers shall not interfere with the attendance or testimony of witnesses through coercion, bribery, or other means.

j) Employees shall not attempt to have any traffic citation reduced, voided, or stricken from the calendar for personal or monetary consideration.

k) Employees shall not recommend a dismissal, reduction of charges, or other disposition of a pending criminal case which has been previously filed in any criminal court or before any grand jury except by written approval of the Chief of Police.

l) Employees shall not give any lawyer, bondsman, or agent of either, or any other person unauthorized information regarding prisoners in confinement, suspects in a case, property in custody, or records of the Department.

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m) No employee shall reveal any confidential information to anyone unless authorized to do so, and then only to a person or persons authorized to receive such confidential information.

n) Employees shall not make known any information concerning the progress of an investigation, a known or reported law violation, a condition against which action is to be taken at a future time, or any proposed police operation to any person not authorized to receive it.

o) Employees shall not knowingly communicate in any manner, either directly or indirectly, any information which may assist persons guilty or accused of criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose of evidence be it money, merchandise, or other property unlawfully obtained.

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5-0 **COMMUNITY RELATIONS**

5-1 **General Provisions**

Community relations is based upon the principle that in a democratic society, the police are an integral and indivisible element of the public they serve. Community relations are manifested by positive interaction between the people and the police and represents their unity and common purpose.

A system of law and its enforcement is not superimposed upon an unwilling public in a free society. The law is created by the people themselves to control the behavior of those who would seek to interfere with the community welfare and existence.

While the primary responsibility for the enforcement of the law lies with the people, the complexities of modern society and the inability of the people to personally deal with crime has required that they create the police service to assist in maintaining social order. The police represent only a portion of the total resources expended by the public to this end. This effort, however, frequently being restrictive of individual freedom, brings the police into contact with members of the public under circumstances which have a far-reaching impact upon the lives of the affected individuals. To some citizens, an encounter with the police can be a very frightening and emotionally painful experience, and, under these circumstances, the risk of a misunderstanding is very great. The minimization of this risk is a challenge intrinsic in each public contact by the Department.

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The Department must strive for the establishment of a climate where an officer may perform his/her duties with the acceptance, understanding, and approval of the public. Additionally, the willing and practiced participation of the people in enforcing the law is essential for the preservation of freedom.

5-2 **Individual Dignity**

A recognition of individual dignity is vital in a free system of law. Just as all persons are subject to the law, all persons have a right to dignified treatment under the law, and the protection of this right is a duty which is as binding on the department as any other.

An officer must treat a person with respect and must be constantly mindful that the people with whom he/she is dealing are individuals with human emotions and needs. Such conduct is not a duty imposed in addition to an officer's primary responsibilities, it is inherent in them.

5-3 **Role of the Individual Officer**

In dealing with people, each officer must attempt to make his/her contact one which inspires respect for the officer as an individual and professional, and one which generates the cooperation and approval of the public. While entitled to his/her personal beliefs, an officer cannot allow individual feelings or prejudices to enter into public contacts. However, since an officer's prejudices may be subconsciously manifested, it is incumbent upon him/her to strive for the elimination of attitudes which might impair his/her impartiality and effectiveness

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5-4 **Responsiveness to the Community**

The Department must be responsive to the needs and problems of the community. While the Department's task is governed by the law, the policies formulated to guide the enforcement of the law must include consideration of the public will. This responsiveness must be manifested at all levels of the Department by a willingness to listen and a genuine concern for the problems of individuals or groups. The total needs of the community must become an integral part of the programs designated to carry out the mission of the Department.

5-5 **Openness in Government**

Law enforcement operations in a free society must not be shrouded in secrecy. It is necessary that there be a public disclosure of policies and an openness in matters of public interest consistent with existing law. Changing laws on privacy and public disclosure require continuing attention so that the legal rights of individuals are protected and the public right to know is maintained. Consideration must also be given to the necessity for maintaining confidentiality of Department records so as not to hamper the criminal justice process while ensuring that any information made public is accurate and factual.

5-6 **Training in Human and Community Relations**

The selection process for police officers is designed to choose the most qualified and to eliminate those who are physically, emotionally, mentally, or socially unfit. Those selected, however, are representative of the community at large and, as such, are subject to having the same prejudices and biases found in much of society. Exposure to crime and its aftermath can tend to harden and render insensitive an officer whose sympathetic understanding is needed to properly

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perform his/her duties. The department must provide initial and continuing training in human and community relations to help officers avoid this hardening of attitude and to instill in each officer an understanding of his total role in the community.

5-7 **Impartial Policing**

A) Policing Impartially

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

- Except as provided in paragraph (3), officers shall not consider race, ethnicity, national origin, gender, sexual orientation and religion in establishing either reasonable suspicion or probable cause.

- Officers may take into account the descriptors in paragraph (2) of a specific suspect(s) based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals. This information may be used in the same

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manner officers use specific information regarding age, height, weight, etc. about specific suspects.

B) Preventing Perceptions of Biased Policing – Procedural Guidelines

In an effort to prevent the perception of biased law enforcement, officers shall utilize the following guidelines:

- Be respectful and professional.
- Introduce or identify yourself to the citizen and state the reason for the contact as soon as practical, unless providing this information will compromise officer or public safety.
- Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense.
- Attempt to answer any relevant questions the citizen may have regarding the citizen/officer contact, including relevant referrals to other agencies when appropriate.
- Explain and/or apologize if you determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop).

C) Supervision and Accountability

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

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6-0 **ADMINISTRATION**

6-1 **General Provisions**

Department administration involves the efficient and economic management of a complex organization which performs its functions through the acts of its employees, not only within its ranks, but in all personal contacts between its employees and members of the public. Department administration is occupied to a large extent with improving the ability of its employees to properly perform the police task and with strengthening the relationship which exists between all employees and the public they serve. Recognition of the human factor is an administrative challenge in the Department's effort to provide a consistent and professional police response to the community's law enforcement needs.

Department personnel are required to make decisions involving the public and other employees in response to both administrative and operational problems. The decision process involves more than loyalty. It requires an insight into the objectives and purposes of the Department, its duty under the law and to the people, and the manner and means by which the task is to be performed and the objectives achieved. The decision must be a balance of involved interests, considering what is best for the public, the Department, and any individual involved.

6-2 **Command Responsibility**

A commanding officer has responsibility and accountability for every aspect of his/her command. Within policy guidelines and legal restraints, he/she has the authority to coordinate and direct assigned

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personnel and other allocated resources in achieving organizational objectives. In so doing, he/she must perform the full range of administrative functions relying upon policy, direction, training, and personal initiative to guide him/her and his/her command in achieving the highest level of performance possible.

6-3 **Command Concern for Employee Welfare**

The nature of command is such that there must be a coexisting loyalty to the management of the Department and to subordinates. The resolution of those two loyalties in a manner which benefits both the Department and the individual, and which avoids conflicts between the two interests, requires the exercise of leadership. An interest in employees and their welfare is a responsibility of command which may extend beyond morale problems and their effect upon an individual's performance. It includes a concern for the personal problems, desires, and interests of employees and positive assistance in resolving those problems or in achieving their goals. However, commanding officers should be cautious to avoid interfering where assistance is not required or desired.

6-4 **Community Liaison by Command Officers**

Commanding officers have a responsibility to maintain professional and community contacts as they relate to their command. As a representative of the Department, commanding officers must take an active role in the community of their command and participate in identifying and providing for its law enforcement needs

6-5 **Planning Responsibility**

It is essential that there be planning in the police service. From the Chief of Police, who must devise long-range plans involving entire

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resources of the Department to the patrol car officer, who must discuss an operation plan with his/her partner while en route to a call, there exists an imperative for planning which is so great that it merges with the action itself. The requirement that an employee plan his/her action is commensurate with the degree of his/her responsibility and accountability for the results of action.

In performance of their duties, officers are confronted with an infinite variety of circumstances which require police action. In an attempt to utilize collective experience and research in assisting officers to deal with such diverse situations, the Department formulates procedures to direct action in certain generalized situations. As officers are routinely confronted with the unusual, it is impossible to provide standing procedures for officers to follow in each individual situation; therefore, officers must additionally be provided with policy guidelines to assist them in the necessary exercise of discretion. The combination of policy and procedures, reinforced by training, acts to provide officers with a structurally sound framework within which to function. In addition to developing standing procedures, the Department must regularly devise single-use plans to accommodate specific needs. These plans may involve a Department-wide response to a major unusual occurrence or a tactical answer to an isolated police incident. Once executed, such plans should be evaluated for the development of standing procedures or for future reference in similar situations.

6-6 **Scope of Planning**

While each plan differs according to the need for which it is developed, each plan should define its need, objective, scope, and purpose, the

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method of its implementation, and the means of evaluating its effectiveness.

6-7 **Chain of Command**

The Chief of Police must necessarily limit the number of persons who report to him/her. Therefore, to ensure unity of command, clearly defined lines of authority must be drawn so that there exists a structural relationship between each employee and the Chief of Police. Each employee must be aware of his/her relative position in the organization, to whom he/she is immediately responsible, and those persons who are accountable to him/her. Employees should strive at all times to operate within the chain of command and to keep their superiors informed as to their activities. The Chief of Police is available by appointment to any member of the Department through the chain of command.

6-8 **Inspection and Control**

Management inspection and control are necessary to ascertain if command policies, procedures, and rules are adequate and are being properly utilized, and to evaluate the overall performance and attitude of the Department.

Additionally, it is the responsibility of each commanding officer to continually conduct inspections within his/her command to ensure the proper performance of assigned personnel and most efficient use of assigned equipment, material, and facilities. Merely finding fault is not inspecting. Therefore, a commanding officer's responsibility does not end with discovering a deficiency or inadequacy. It includes taking positive measures to correct the problem.

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6-9 **Personnel Selection**

The policy of this department is to exercise absolute objectivity in the selection, promotion, and assignment of personnel without regard to race, color, creed, sex, or sexual orientation.

6-10 **Duty Assignments**

Allocation of personnel to specific assignments is made with the air of establishing optimum effectiveness within the Department while considering the needs, abilities, and preferences of individual employees, contractual agreements, and current labor agreements.

6-11 **Training**

The Department has an obligation to provide a professional standard of law enforcement service to the community. In fulfilling that responsibility, it is essential that the Department Personnel be properly trained. This is true not only at the entrance level where officers must receive basic training prior to their assumption of police responsibilities, but it is a continuous process throughout their careers. Training is provided to accommodate Department needs and to actualize the interest and concern which the Department has for the self-improvement and personal development of its employees.

6-12 **Recruit Training**

The training provided recruit officers is a continuation of the selection process whereby efforts are made to screen out those who are lacking in police aptitude. In all recruit training, emphasis is placed on developing the reasoning ability and judgment of each officer.

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6-13 **On-The-Job Training**

An officer's training continues after graduation through his/her assignment with training officers and supervision. It is the responsibility of all officers to teach those with whom they work the skills and knowledge necessary to perform the job. Supervisory and commanding officers of all ranks have the responsibility not only to train subordinates to perform assigned tasks, but also to familiarize all their subordinates with responsibilities of command so that employees are prepared to assume additional responsibilities should the need arise.

6-14 **In-Service Training**

In-service training is periodically provided to experienced officers to update their prior training, to review new laws, and to review policies, rules, and procedures of the Department.

6-15 **Specialized Training**

To prepare employees for new assignments, the Department provides specialized training in those areas where a need has developed. Such training has as a goal the development of specialized skills and knowledge.

6-16 **Supervisory Training**

The on-going training of working employees is the responsibility of their commanders who should be familiar with the mechanics of the learning process and routinely apply them in their daily tasks.

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6-17 **Participation of Staff Officers in Formal Training**

To assure that policy is spread as accurately as possible and to allow the Department and its employees to benefit from the experience, knowledge, and attitudes of officers on a policy-making level, such officers will participate in the formal training process.

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7-0 **RIDE-ALONG PROGRAM**

Applicants must be 16 years of age or older, unless applicant is a dependant child of the host officer over the age of 12. Persons residing within the corporate limits of the City of St. Anthony will be given primary consideration when applying to ride in a St. Anthony squad. Persons will be accepted as participants only once per year for a 4 hour shift; however, exceptions may be granted, based on the availability of field units, the volume of requests, and the purpose.

All applicants must complete the civilian release, non-disclosure and indemnity agreement. All persons under the age of 18 years must have the agreement signed by a parent or guardian. Parent/guardian signatures must be notarized or witnessed by an employee of this agency. All ride-along requests must be approved by a supervisor prior to participation in the ride-along program.

All applicants shall be subject to a computerized criminal history check through BCA resources, as well as a departmental record check. Any applicant found to have a criminal background or negative contacts with this agency, or any other law enforcement agency, may be denied a ride-along opportunity.

If a request to participate in the ride-along program is disapproved by the supervisor, the person submitting the request shall be notified of the denial and reason(s) for it.

Civilian observers (including news media) may not accompany police officers into private residences or businesses without the permission of the owner/occupant.

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Ride-along participants shall not carry weapons, to include firearms, even if the participant holds a state permit to carry. This limitation shall not include licensed peace officers.

Under no circumstances should an officer become involved in a chase, armed robbery call, or other dangerous situations with a ride-along in the squad. Should a dangerous situation arise while a ride-along is in the squad, the ride-along is to be let out of the squad at a safe location, and another squad notified of the time and place of drop, so they can pick up the ride-along as soon as possible and/or practical.

The Chief of Police, supervisor, or host officer may terminate the ride-along at anytime if in their opinion, continuation of the ride-along would compromise public safety.

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8-0 **SUPPORT SERVICES**

8-1 **Records**

Records are maintained by the Department in compliance with laws and ordinances and provide a public service as well as investigative and administrative tools. Records provide the means of gathering statistical data necessary in planning and organizational Departmental Objectives. All records dissemination shall be in compliance with Chapter 13 of the Minnesota Data Practices Act.

In addition, the Department shall establish procedures to provide, for a fee, crime and traffic reports to parties of accidents and other qualified parties.

8-2 **Property**

The Department will safeguard and properly dispose of all property which comes into its custody. The Department strives to maintain property in the same condition as received and to preserve the evidentiary integrity of property which has been received for possible court presentation. Unless property is contraband or must be presented into court, every reasonable effort will be made to ensure its return to its rightful owner at the earliest date possible. Property which cannot be returned to its owner will be disposed of in accordance with municipal ordinances and state law.

8-3 **Transportation**

In the highly mobile environment in which the Department operates, vehicular transportation is essential and, because of its extensive use, is an expensive item in the Department budget. The essential function

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of the Department is to provide the proper type of vehicle at the time and place where there is a need for it and to provide the vehicle at the minimum cost.

Commanding officers shall, through a process of inspection, maintenance, and repair, ensure that vehicles are kept in such condition as to be capable of safe performance and operation, consistent with their assigned use.

8-4 **Fleet Safety**

Not only because they are engaged in traffic enforcement, but because they are the most visible representatives of local government, Department employees have a duty to operate Department vehicles in a legal, safe, and courteous manner. This responsibility is especially great in view of the tactical situations and traffic conditions in which Department vehicles are operated. Vehicle safety involves the establishment of standards, vehicle testing and selection, regular inspections, preventative maintenance, and defensive driving.

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9-0 **LAW ENFORCEMENT OPERATIONS**

9-1 **The Nature of the Task**

Law enforcement operations consist of many diverse activities which are directed toward the attainment of department objectives. Activities such as patrolling, conducting field interviews, and issuing traffic citations are not objectives in themselves; rather, they are methods of achieving the real objectives of preventing and deterring crime, arresting criminal offenders, and preventing traffic accidents.

Decisions in law enforcement operations frequently must be made in an instant, and the lives of officers and others may depend upon the quality of those decisions. An officer is confronted in stress situations with both criminal and non-criminal behavior, and he/she must be capable of making a reasonable response in both cases. An officer must base his/her conduct and action in each instance upon the facts of the situation as they reasonably appear, relying upon his/her judgment to guide him/her toward morally justified and lawful decisions and actions.

9-2 **Police Action Based on Legal Justification**

What is reasonable in terms of appropriate police action varies with each situation, and different facts may justify either an investigation, a detention, a search, an arrest, or no action at all. The requirement that legal justification be present imposes a limitation on an officer's action. In every case, an officer must act within the limits of his/her authority as defined by law and judicial interpretation, thereby ensuring that the rights of both the individual and the public are protected.

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9-3 **Squads Leaving the City**

An officer must receive permission from a supervisor, if possible, before leaving the city with a squad car. Other officers on duty must also be notified when leaving the city for any reason and again upon returning to the city.

The above procedure does not apply to emergency runs, pursuit which originates within the city limits, or assists to other police departments in chase or pursuit situations.

If you are operating the only marked squad on duty at the time and must leave the city, all necessary steps must be taken to assure that the city is protected. If possible, citations should be issued in lieu of arrest and booking.

9-4 **Professional Standard of Service**

The Department cannot be aware of each circumstance in the City where police action or assistance may be required. The Department is dependent upon members of the community for such information. The people, in return, expect the Department to respond to requests for police service within a reasonable time and to satisfactorily perform the necessary service. A person calling for police assistance expects, as a matter of right, to be provided with a service. As a practical matter, the extent of the service may be necessarily limited, but, regardless of its extent, a professional quality of service must be rendered in all cases.

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9-5 **Priority in Handling Calls for Service**

It is not always possible for the Department to respond to every call for service; therefore, the Department must organize available resources to give the highest level of efficient service possible. Priority of call assignment depends on many factors. An officer in the field may be required to decide whether to continue on an assigned call or handle a citizen's complaint or other observed event and cause his/her call to be re-assigned. Such determination should be based upon the comparative urgency and the risk to life and property of the assigned call and the intervening incident. When it is impossible for an officer to handle a citizen's complaint or an observed event, he/she should, if circumstances permit, give directions for obtaining such assistance or initiate the necessary notification himself/herself.

9-6 **Preliminary Investigation**

The scope of preliminary investigation by a uniformed officer may be very restricted, or it may constitute the entire investigation of the crime. In a particular crime, the scope of the preliminary investigation may be limited by investigative policy, and in all cases, it is limited by an officer's assignment workload. Consistent with his/her other responsibilities, an officer should continue a preliminary investigation to the point where the delay in investigation will not materially jeopardize the investigation

9-7 **Supervision in Field Operations**

The Department is an organization with an assignment of responsibility and accountability throughout the rank structure. To the degree that a senior officer is responsible and accountable for the performance of his/her junior, the officer must be granted commensurate authority in

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order to properly discharge his/her responsibility. Field supervision begins with the senior officer on the scene, and it is upon him/her that the primary burden of training and directing less experienced officers is placed. The senior officer is the first level of command, and it is his/her responsibility to guide, train, direct, and motivate those over whom he/she has control

9-8 **Command Responsibility at Police Situations**

Command of Department resources at police situations rests with the ranking supervisor or assigned senior officer. Such a person has the authority and responsibility to direct the operation.

9-9 **Informants**

Often information from confidential sources is the investigative lead which solves a case and without which there could not be a prosecution.

Information is received by the Department regarding criminal activities and suspects from persons in all walks of life. Many people who give information have been victims or witnesses of crimes, or they may have a strong desire to aid law enforcement. There are others motivated purely by selfish interests. Regardless of their motivation, the use of informants is a basic weapon in the fight against crime, and they are a judicially recognized source of information. An informant's motivation should be carefully evaluated in determining the reliability of the information.

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9-10 **Informants' Immunity from Prosecution**

Informants will sometimes offer to exchange information for immunity or for their release. Such immunity may properly be granted by a judge in a judicial proceeding; however, neither the Department nor any of its members may promise any person immunity from prosecution.

9-11 **Conduct of Undercover Officers**

In order to obtain information and evidence regarding criminal activities, it may be necessary that the Department utilize undercover officers. Such officers shall not intentionally engage in entrapment and shall not commit any act which constitutes a crime.

9-12 **Civil Disturbances**

Officers are frequently called to the scene of civil disputes where no crime has been committed. The presence of officers at such scenes is primarily to preserve the peace and to prevent a crime from occurring; it is not to give legal advice. Officers should avoid becoming unnecessarily involved in civil disputes and may advise the parties to seek the advice of legal counsel or other social services.

Unless required by the situation, officers should not encourage private person's arrests; however, should such an arrest be made, officers are required to accept the prisoner unless it reasonably appears that the arrest is unlawful.

9-13 **Labor-Management Disputes**

The following should be adhered to by all officers in dealing with disputes relating to strikes and picketing. All officers will attempt to:

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- Prevent interference with the free and uninterrupted use of public roads, streets, highways, or methods of transportation or convenience and use such force as may reasonably be necessary for that purpose.

NOTE: Interference with ingress to and egress from the building or site of any labor dispute is an unfair labor practice, and it is unlawful for any employee or labor organization to commit such an act. In instances of such interference, no force shall be used to alleviate the aggravation. It shall be incumbent upon the aggrieved party(s) to seek recourse through an injunction or temporary restraining order.

- Prevent disorderly conduct, assault, malicious destruction of property, riot, and other similar crimes and misdemeanors defined by law or ordinance and to make arrests for such violations when committed in their presence.
- Have the right and are under duty to use such force as may be necessary to prevent injuries to persons or destruction of property in violation of the general laws of the state.
- Have the right and are under duty to make arrests without warrants for acts of violence committed in their presence and resulting in injury to persons or destruction of property.
- Have the right and are under the duty to make arrests pursuant to warrants issued by courts of competent jurisdiction.
- Enforce any court order, including restraining orders or injunctions, which provides that the Police Department shall enforce its provisions. (Police action on these court orders will be taken only after the Police Department administration has consulted with the City Attorney's Office.)

The main responsibility of a police officer assigned to duty as a labor dispute site is to maintain law and order. In no manner of word or

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action will he/she display any partiality toward either of the parties involved. The officer will maintain a courteous, but firm attitude in the performance of his/her duties.

The purpose of a peaceful, orderly labor dispute shall be deemed to be legal, unless advice is received to the contrary from the courts or other competent authority.

9-14 **Necessity that Officers be Armed**

As long as members of the public are victims of violent crimes and officers in the performance of their duties are confronted with deadly force, it will remain necessary for police officers to be properly armed for the protection of society and themselves

9-15 **Use of Force Definitions**

1. *Approved Weapon* means a device or instrument which an officer has received permission from the Chief of Police to carry and use in the discharge of that officer's duties, and for which the officer has: A) obtained training in the technical, mechanical, and physical aspects of the device; and B) has developed a knowledge and understanding of the law, rules, and regulations regarding the employment of such weapon.

2. *Contact Weapons* mean all objects and instruments which are used or designed to be used, to apply force to the person of another by coming into physical contact with that person.

3. *Chemical Agents* mean chemical mace, tear gas, and pepper mace.

4. *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.

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5. *Non-Deadly Force.* Force actually used by an officer which does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

6. *Use of Force Continuum.* A guideline that describes a police officers reasonable use of force options to include: Presence/Dialogue; soft hands; aerosol subject restraint/taser; hard hands; intermediate weapons; and deadly force

9-16 **Use of Deadly Force**

Use of deadly force by a peace officer in the line of duty is justified only when necessary:

- To protect himself/herself or another from apparent death or great bodily harm.
- To effect the arrest or capture, or prevent the escape of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force, or;
- To effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm if his/her apprehension is delayed.
- A police officer may also discharge a weapon under the following circumstances:
 - a. During range practice or competitive shooting events.
 - b. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.

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- Firing a weapon from or at a moving vehicle is inherently dangerous to both the involved officer and innocent third parties. Therefore, officers should avoid firing weapons from or at a moving vehicle except in circumstances permitting the use of deadly force and after careful consideration of the possibility of collateral injury or death.

9-17 **Use of Non-Deadly Force**

It shall be the policy of this Department to accord officers discretion in the use of non-deadly force to the extent permitted by Minnesota Statute 609.06 which permits police officers to use reasonable force:

- a. In effecting a lawful arrest; or
- b. In the execution of legal process; or
- c. In enforcing an order of the court; or
- d. In effecting any other duty imposed on the officer by law.

9-18 **Use of Force - General Rules**

a. Officers shall use the least amount of force reasonably necessary to accomplish the intended goal without impairing the safety of others. This provision shall not be construed, however, to require officers to first attempt using types and degrees of force which reasonably appear to be inadequate to accomplish the intended objective.

b. Protracted hand-to-hand combat may be harmful to the public safety, the safety of law enforcement personnel, and the safety of the person being arrested or captured. Accordingly, it shall be deemed reasonable for officers to use that type and degree of non-deadly force necessary to bring a subject whom the officer intends to arrest or capture quickly under control.

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c. Officers shall carry and use only approved weapons, as that term is defined in Section 9-23, unless circumstances exist which pose an imminent threat to the safety of the public or the officer requiring the immediate use of non-approved weapon to counter such a threat.

d. No officer shall modify, alter, or cause to be altered an approved weapon in his/her possession or control. This provision shall not be construed to prohibit officers from modifying grips on approved firearms in the officer's possession or control.

e. Under no circumstances may any officer continue to use force (except mere physical restraint) against an individual who has ceased to resist.

9-19 **Contact Weapons- Expandable Baton**

Contact weapons shall be used only where efforts involving the use of less force have failed, or where it reasonably appears that such methods would be ineffective if attempted. Contact weapons may be used only in the following manner:

- a. To ward off blows or kicks from another person; or
- b. To strike another for the purpose of rendering that person temporarily incapacitated; or
- c. to restrain persons; or
- d. In appropriate crowd control situations, to direct and control the movements of people or persons, or as a barricade.
- e. officer shall not intentionally strike an individual above the shoulders unless such action would be justified under the use of deadly force guidelines.

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9-20 **Less-Lethal Impact Devices**

Purpose

To establish guidelines and training in the use of department authorized less-lethal devices.

Policy

The police department recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that, in limited and controlled circumstances, may be addressed by less lethal weapons. This policy is designed to assist officers with the de-escalation of potentially violent confrontations.

Nothing in this policy shall be construed to mean that an officer must use less lethal means when confronted with a deadly force situation.

Intentional discharge of a firearm loaded with less lethal munitions, used by a police officer within the scope of his or her official duties, does not constitute deadly force.

Definitions

Less Lethal Force Philosophy – A concept of planning and force application, which meets operational objectives, with less potential for causing death or serious physical injury than conventional police tactics.

Kenetic Energy Impact Projectiles – Flexible or non-flexible projectiles, which are intended to incapacitate a subject with minimal potential for causing death or serious physical injury, when compared to conventional projectiles.

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Electronic Control Device

The Taser is a hand held, laser aimed, battery operated, less lethal, electronic control device (ECD) defined as a contact weapon for purposes of this policy. Voltage is applied to a subject by two darts connected to conducting wires propelled from a charged cartridge, or from direct contact. The unit uses an Electro-Muscular Disruptive system, which overrides the central nervous system and effects the sensory and motor nervous system resulting in temporary, involuntary muscle contractions. The contractions will incapacitate a subject so they can be placed under the control of law enforcement officers.

Safety Priorities – The department’s safety priorities are established as follows:

- Non-subject civilians
- Police officers
- Subject(s)

Less Lethal Extended Range Devices

There are many projectiles considered “less lethal.” The primary type used by the St. Anthony Police Department is the flexible baton – 12 gauge.

The authorized 12 gauge less lethal rounds are manufactured by CTS Ballistics (or a similar product). These rounds are referred to as the “Super Sock Bean Bag.”

The standard round is a two and three quarter inch plastic 12 gauge cartridge.

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Evaluation of Projectiles

Kinetic Energy Impact Projectiles will be evaluated on the following criteria:

- Accuracy
- Effectiveness
- Potential for causing death or serious physical injury

Accuracy

- This is the primary consideration since proper shot placement greatly assists in controlling the other two evaluation criteria.
- This will be evaluated based on the anticipated ranges of deployment.
- Super Sock Projectile is in its deployed state immediately upon exiting the weapon barrel. It does not require a minimum range to unfold or stabilize. Optimal ranges are between 5 and 20 yards. However, it is stressed that shot placement, rather than deployment range, is the critical factor in determining the extent of injury caused. Shots to the head, neck, thorax, heart, or spine, can result in fatal or serious injury. Subsequently, care should be taken to not target these areas.

Effectiveness

- This is the potential of the round to cause incapacitation and reduce the subject's ability to continue their (non-compliant) behavior. The level of energy to cause incapacitation creates the potential for injury, but when properly deployed,

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with a low probability for causing serious physical injury or death.

- The potential for causing death or serious physical injury with such projectiles is a reality. The potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back, thoracic, and abdominal cavities and the groin.
- When engaging a target, the officer should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation is the desired goal, and alternative target areas/response should be considered when rounds are not effective. Alternative target area/response considerations will be based on the circumstances the officer is encountering and the established department safety priorities.

Deployment Areas

- The less lethal projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.
- The ASP Training Chart is the recognized department model for determining contact areas for Kinetic Energy Impact Weapons, based on potential for injury.

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Force Continuum

- The St. Anthony Police Department recognizes six distinct levels of force. The use of Kinetic Energy Impact Projectiles are considered a level 5, when deployed to areas of the suspect's body that are considered unlikely to cause death or serious injury.
- The uses of Kinetic Energy Impact Projectiles are considered deadly force if intentionally deployed at the head or neck.

Deployment Techniques

Transition – When a qualified officer transitions the weapon from lethal to less lethal ammunition the following procedures shall be performed. **The officer is solely responsible for the condition of the weapon (lethal vs less lethal rounds):**

- All duty ammunition will be removed from the weapon and remain under the control of the officer.
- *The officer will visually and physically inspect the chamber and magazine to insure that all duty ammunition is removed from the shotgun.
- *The officer will then load the less lethal rounds into the shotgun, visually inspecting each round prior to insertion, insuring that each round is, in fact, a less lethal round.

***When possible these steps should be witnessed by a second officer**

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Before transition to less lethal ammunition, the officer shall consider:

- The level of force being confronted
- The proximity/access of subject to officer
- The department's safety priorities.

The officer will then determine if lethal cover is necessary and appropriate. Special consideration of lethal cover should be made in all cases involving subjects with firearms.

Handling of Injured Suspects

Suspects who are struck by a less lethal round shall be transported to a medical facility for evaluation/examination.

Investigation:

An investigation will be conducted into any situation involving the firing of a less lethal round at a suspect. The depth of the investigation will be decided by the duty commander (rank of Sergeant or above) and will be based on the extent of the suspect's injuries.

The operational use of a Kenetic Energy Impact Projectile will be documented in the same manner as an impact weapon per department principles and practices 9-23.

Training

The training in the use of Extended Range Kenetic Energy Impact Projectiles will consist of the approved department end-user program and annual recertification.

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Electronic Control Devices (Taser)

APPLICATION:

The Taser may be used in situations where force is justified to control aggressive and or combative/non-compliant subjects, thereby reducing the likelihood of injury to officers and subjects.

Dart Deployment:

- The deploying officer shall inform officers of the presence and/or planned use of the Taser so the Taser deployment is not mistaken for a gun shot.
- Unless prevalent circumstances suggest otherwise ECD use should not exceed fifteen seconds.
- The Taser should not be used when the subject is in danger of falling from a significant height.
- The Taser should not be used when a subject is in water where drowning is a possibility.
- Officers are to make every effort to avoid dart placement to the head, neck, groin, or chest.
- The Taser will cycle for a period of 5 seconds, but may be turned off sooner as the situation warrants. Officers should evaluate Taser effectiveness at the end of each 5 second cycle. Each cycle shall be detailed in the narrative per 9-23.
- When feasible, officers should give verbal warning prior to ECD deployment.
- Officers are authorized to remove darts from the subject if the darts are in an area of the body not considered to be soft tissue.
- Used darts are considered a biohazard and must be handled appropriately. This includes the use of gloves and designated

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biohazard sharps evidentiary containers by department personnel. Darts can be inverted and placed back into the cartridge from which they were deployed.

Drive Stun Deployment

- Taser deployment in the drive stun mode is a pain compliance technique occupying the same position as other ECD use in the Use of Force Continuum.

Medical Treatment:

- For the purpose of this policy, soft tissue areas are considered to be the head, eyes, neck, and groin/genital area.
- When the Taser has been used on a subject, he/she shall be evaluated by emergency medical responders.
- A subject that has been exposed to prolonged application, over 15 second, shall be transported to a hospital for evaluation. Personnel conducting the evaluation should be aware that the subject has experienced the prolonged ECD application.
- Medical personnel must remove darts that may have penetrated soft tissue areas.
- An officer/individual of the same sex shall remove the darts from the subject in cases where darts have penetrated areas which involve the breast, buttocks, genitals, or inner thigh.

Restricted Uses:

- The Taser shall not be used on restrained individuals unless the actions of the person cause a potential threat of bodily harm to themselves or any other person.

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- The Taser shall not be used when the presence of flammable fumes, liquids or gases are known or likely.
- The Taser should not be used on women known to be pregnant unless all other means short of lethal force have been used.

Documentation:

- Depending on the penetration and the location of the darts and the sex of the subject, officers must make every reasonable effort to have any dart impact areas on the subject's person photographed. If the subject is of the opposite sex of the officer and taking of the photographs would require removal of clothing that would expose the breast, buttocks, inner thigh, or genital area, the same sex arrangements must be made.
- Officers are required to fully document the use of the Taser in the narrative per policy 9-23.
- Officers shall property inventory expended cartridge(s) into evidence.
- Officers shall take the unit out of service until information stored in the unit can be downloaded.

Portation:

- When available, all officers shall carry the department issued Taser weapon while on duty.
- Officer will be required to carry the Taser on their reactionary side.
- Officers will be required to secure the Taser in a department approved duty belt holster or leg style holster.

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Training:

- A certified Taser Instructor must train all officers who carry and deploy the Taser.
- Taser users must be recertified on an annual basis.

Force Continuum:

- Taser shall come under the same force continuum as aerosol subject restraints.

9-21 **Aerosol Subject Restraints**

Chemical mace is classified as protective equipment and its use, as in the use of all other police equipment, must be exercised with discretion and care. Chemical mace is intended primarily for use in those cases wherein the member is attempting to subdue an attacker or a resisting suspect or under other circumstances where the rule of law permits the lawful and necessary use of force and which is best accomplished by the use of mace. Chemical mace shall never be used indiscriminately.

Officers shall deploy their department authorized aerosol subject restraint at the manufacturer's recommended target areas. First aid shall be provided to all persons sprayed with a chemical agent as soon as reasonably possible.

9-22 **Firearms as Last Resort**

An officer is equipped with a firearm to use as a last resort in effecting the arrest of a dangerous felon. When a firearm is used by an officer, it must be with the realization that the death of some person may occur, not necessarily with the intent that such will be the result.

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It is the policy of this Department that members exhaust all other reasonable means of apprehension and control before resorting to the use of firearms. It is also the policy of this Department that members shall not unnecessarily or unreasonably endanger themselves in applying the firearms regulation to actual situations.

If feasible, an officer should give warning before using or attempting to use deadly force.

9-23 **Use of Force Reporting Requirements**

a. Whenever an officer discharges a firearm outside the firing range or is involved in a citizen contact that results in death, great bodily harm, or serious bodily harm (as defined by Minnesota State Statute), he/she shall immediately notify an on-duty or on-call supervisor.

b. Whenever an officer is involved in any use of force situation (beyond routine escort procedures to control a resisting combative subject), a comprehensive written report shall be generated by the involved officer(s). An arrest, offense, or supplement report detailing the use of force shall suffice for this requirement. See 9-28 for procedures to be followed in officer involved shootings.

9-24 **Firing Warning Shot**

Warning shots shall not be fired.

9-25 **Firearms - Minimizing the Risk of Death**

In the extreme stress of a shooting situation, an officer does not have the opportunity or ability to direct his/her shot to a non-fatal area. To

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require the officer to do so increases the risk of harm to himself/herself or others.

9-26 **Firearms - Justification Limited to Facts Known to Officers**

Justification for the use of firearms must be limited to what reasonably appear to be the facts known or perceived by an officer at the time he/she decides to shoot. Facts unknown to an officer, no matter how compelling, cannot be considered in later determining whether the shooting was justified.

9-27 **Firearms - Preparation for Use**

Nothing in this policy shall be construed as preventing an officer from drawing his/her weapon or being prepared to use it, if the officer feels it is a threatening situation.

9-28 **Officer Involved Shooting**

The St. Anthony Police Department shall ensure that an investigation is conducted of all incidents that are of a critical nature where the involved employee acted within the course and scope of employment and which included, but are not limited to:

1. Officer involved use of deadly force through the discharge of a firearm.
2. Any incident that has caused or is likely to have caused great bodily harm to death to any person to include St. Anthony Police Department employees.
3. Any incident deemed critical by the Chief or his designee.

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Purpose

The purpose of this policy is to provide guidelines and procedures that shall be uniformly applied following critical incidents to ensure that a thorough and objective investigation is conducted. It is also the purpose of this policy to provide guidelines and procedures to ensure that appropriate action is taken after critical incidents to safeguard the well being of all involved personnel.

Definitions

Detective: The investigator(s) from the agency which is conducting the investigation of the critical incident.

Equipment: This term includes but is not limited to: firearms, taser, magazine, ammunition, baton, flashlight, uniform, boots, etc.

Escort: An officers assigned by the First Responding Supervisor to stay with involved employee(s) and/or witness employee(s) until the escort is relieved. Escorts shall be of the rank of sergeant or above whenever possible.

First Responding Assisting Employees: The first employees who respond to a critical incident.

First Responding Supervisor: The First St. Anthony Police Department supervisor responding to a critical incident who was not involved in the incident as neither an involved person nor involved witness.

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

SAPD Incident Commander: The first POST licensed St. Anthony Police Department supervisor responding to a critical incident after the First Responding Supervisor.

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Investigating Entity: The Hennepin County Sheriff's Department or Bureau of Criminal Apprehension that may be conducting the critical incident investigation.

Investigation Headquarters: The St. Anthony Police Department or other location designated by the lead detective at which involved employees and witness employees gather immediately following a critical incident to meet with legal counsel, detectives and to surrender equipment.

Involved Employee: Any employee who appears to have engaged in conduct constituting a critical incident. This also includes an employee who is a victim of a critical incident.

Lead Detective: The lead investigator of the critical incident or their designee. The lead detective shall be from the investigating entity.

Report: Any written documentation from any reporting system used by the St. Anthony Police Department.

Witness Employee: An employee who witnesses a critical incident, but did not engage in any conduct constituting a critical incident.

Procedure

Whenever an employee of the St. Anthony Police Department is involved in a critical incident, they shall immediately notify a supervisor. If the incident occurs outside of St. Anthony the employee shall immediately notify the responsible law enforcement agency with jurisdiction and their supervisor.

Employees involved in critical incidents can be profoundly affected by the incident. **Anyone dealing with an employee involved in a critical incident shall follow these guiding principles:**

- Do not leave employee alone or ignore them

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- Do not take an involved employee's firearm unless a supervisor has reason to believe that the involved employee poses a threat to themselves or to others, or unless directed by the lead detective.
- Do not allow employee(s) to talk about the incident to anyone at the scene, except to provide sufficient information to enable the primary responders or detective to ensure public safety, officer safety, and to preserve the scene.
- Unless there is an identifiable reason for doing so, i.e. destroying obvious evidence such as washing blood off hands, do not deny an employee who requests access to:
 - Food and drink
 - Restroom facilities
 - Telephone to contact family and/or significant person
 - A union or labor representative
 - A chaplain or other clergy
 - Legal counsel

Responsibilities

The Chief or his Designee

- Determine whether the St. Anthony Police Department or an outside agency will become the investigating entity.
- Determine whether a criminal investigation is necessary
- Direct the Public Information Officer, if appropriate, to contact the media and coordinate all media inquiries on the critical incident.

St. Anthony Police Department Incident Commander

- Notify the following persons:
 - The Chief or his designee

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- The Hennepin County Sheriff's Office and/or the BCA to conduct the investigation. The BCA should be used for all incidents occurring outside the Hennepin County portion of St. Anthony.
- Assume command of the scene upon arrival.
- Ensure that the First Responding Supervisor has carried out all duties.
- Determine when the involved employee(s) and witness employee(s) may leave the scene for drug testing and/or transport to Investigation Headquarters.
- Inform the Chief or his designee of the facts so they can determine if the incident requires a criminal investigation, and if so, who the investigating entity will be.
- If the Chief or his designee has determined there will be a criminal investigation, ensure the investigating entity has assumed command of the critical incident.

First Responding Supervisor

- Identify involved employee(s) and witness employee(s).
- Obtain from the involved employee(2) only the information needed to ensure public safety, officer safety, and to preserve the scene.
- Reveal no information given to you by the involved employee(s) except what is necessary to protect public safety, officer safety, and to preserve the scene.
- Keep the involved employee(s) and witness employee(s) separated from each other when possible.
- Set up scene boundaries and keep the scene secure.
- Request additional resources and personnel as necessary.

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- Assign a POST licensed officer to accompany any injured persons to the hospital.
- Assign an escort(s) to accompany the involved employee(s) to the hospital for alcohol and drug testing and/or to investigation headquarters with instructions not to discuss the incident with each other or other person(s).
- Determine whether an escort will be assigned to the witness employee(s).
- Allow involved employee(s) and witness employee(s) a reasonable opportunity to contact family members and/or significant persons unless contra-indicated.
- If the involved employee(s) or witness employee(s) have requested legal representation; they shall be allowed to consult in a private setting.
- **The first responding supervisor shall not take or prepare any detailed statements or reports, written or verbal, from the involved employee(s).**
- If directed by the investigating entity, complete a supplemental report documenting supervisory actions taken including times, specific assignments made, and the identities of all personnel involved in the critical incident.

Involved Employee(s)

- Remain at the scene.
- Do not speak to other employees about the critical incident, except to ensure public safety, officer safety, and to preserve the scene.
- Participate in alcohol and drug testing as soon as practical after the incident.

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- Upon arrival at investigation headquarters the involved employee(s) must surrender equipment and any other pertinent item(s) needed when requested by a detective.
- After having an opportunity to consult with legal counsel, the legal counsel will inform the lead detective or designee if the involved employee(s) is willing to give a voluntary statement. Involved employee(s) who are able and willing to be interviewed shall be interviewed at investigation headquarters or such other location and time chosen by the lead detective and the involved employee(s).
- May meet with a designated psychologist within 72 hours for critical incident debriefing.

Witness Employee(s)

- Do not speak to other employees about the critical incident, except to ensure public safety, officer safety, and to preserve the scene.
- Provide a brief verbal account of the incident to the first responding supervisory. The account should include, but is not necessarily limited to, identifying and locating suspects, reporting approximate number and trajectory of rounds fired or exchanged, and any other information deemed pertinent to public or officer safety.
- Prepared an incident report or provide a question and answer statement after being directed to do so by a detective and after consulting with legal counsel, if desired.
- Meet with an answer any questions from a detective.
- May request to meet with a designated psychologist within 72 hours fro critical incident debriefing.

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Escort

- Assume control of the involved employee or witness employee as directed by the first responding supervisor.
- Take the involved employee from the scene to the alcohol and drug testing site when directed by the St. Anthony Police Department incident commander.
- After test samples are obtained; the escort shall transport the involved employee to investigation headquarters.
- Advise the involved employee or witness employee to remain separate from other involved employee(s) and witness employee(s).
- Remain with the involved employee or witness employee when they are brought to the investigation headquarters and until they are turned over to other supervisory personnel.
- Advise the involved employee or witness employee not to discuss the incident with anyone except an attorney, union representative, or detective.
- Write a report detailing his/her actions, including who had access to the involved employee or witness employee and specifically documenting whether the involved employee or witness employee spoke with anyone about the incident while in the escort's presence.

First Responding Assisting Employee(s)

- Secure the scene until arrival of the first responding supervisor.
- Ensure the witness employee(s) and the involved employee(s) do not discuss the incident.

Relief from Duty

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- The involved employee shall be relieved from active duty as soon as possible and may be placed on paid administrative leave.
- Opportunity will be provided for the employee to meet with necessary individuals for critical incident debriefing.
- No involved employee will return to duty status without authorization of the Chief or his designee.
- No involved employee shall be rearmed without the authorization of the Chief or his designee.
- A loaner handgun will be given to the involved employee at the authorization of the Chief or his designee.

Notification

The Chief shall notify the Commissioner of Public Safety within 30 days of whenever a peace 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 per Minnesota State Statute 626.553.

9-29 **Officers Surrendering Weapon**

An officer or partner may be at the mercy of an armed suspect who has the advantage, but he/she must consider that the danger is not necessarily reduced by giving up his/her gun upon demand. Surrendering his/her weapon might mean giving away the only chance for survival; therefore, an officer should use every tactical tool at his/her disposal to avoid surrendering his/her weapon.

9-30 **Possession of Weapons in Courthouse or Certain State Buildings**

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Officers shall not be armed in any courthouse complex or in any state building within the capitol area (described in Minnesota Statute 15.50), unless performing official duties within the scope of their employment for the City of St. Anthony.

9-31 **Barricaded Suspects**

A barricaded suspect poses an extreme danger not only to officers who seek to arrest him/her, but to other persons as well. Good judgment demands that a tactical plan be developed rather than immediately rushing a barricaded suspect.

Officers should seal avenues of escape and call for assistance. Once the suspect is isolated, time is to the benefit of the officers, and the full resources of the Department are available to assist officers in removing the suspect from his/her location. To minimize the possibility of injury to officers and others, appropriate special equipment and trained personnel should be requested. If possible, an effort should be made to contact the suspect in an attempt to persuade him/her to voluntarily surrender before force is used.

In situations which develop from radio calls or spontaneous activities, the ranking officer is in command until relieved by a supervisor or chief.

9-32 **Hostages**

Criminals who use hostages to effect their escape are desperate individuals, who, if allowed, will pose a continuing threat to their hostage and to the public at large. Assurance that a hostage will be released unharmed is a meaningless promise. The Department does not have the ability to protect the safety of a hostage who is allowed to be removed from the presence of officers. The safety of hostages

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can be best assured by keeping them in the presence of officers and by preventing their removal by the suspect. Officers should use every verbal and tactical tool at their disposal to secure the arrest of the suspect without harming the hostage. However, officers should realize that exceptional situations could arise where considered judgment might dictate allowing removal of a hostage such as where there is imminent and probable danger to a large group of persons.

9-33 **Uniformed Officers at Planned Arrest and Search Warrant Service**

During the planning stage for the service of a search warrant or an arrest operation which primarily involves plain clothes personnel, consideration should be given to the deployment of at least one uniformed officer, whenever tactically feasible, in a highly visible position to reduce the possibility of mistaken identity.

9-34 **Traffic Enforcement Objective**

The traffic enforcement objective of the Department is to reduce traffic accidents and injuries and to facilitate the safe and expeditious flow of vehicular and pedestrian traffic through the public's voluntary compliance with traffic regulations. The Department seeks to achieve this objective through a combination of education and enforcement.

The Department seeks to educate the public regarding traffic regulations through programs aimed at exposing specific problems, by publishing traffic accident and injury statistics, and by giving notice and warnings of changes in regulations prior to taking enforcement action.

The Department will take enforcement action upon the detection of an illegal and potentially hazardous act without regard for such factors as

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attitude, intent, or frivolous excuse. Enforcement action may vary and consist of a warning, citation, application for complaint or physical arrest, dependent on the violation.

9-35 **Traffic Violation Enforcement**

Traffic violation enforcement is one of the many routine tasks performed by officers, but it frequently is an emotionally traumatic experience. In many cases, this is the only contact that a person has with our department. Officers should strive to make each contact educational and to leave the violator with the impression that the officer has performed a necessary task in a professional and friendly manner.

9-36 **Accident Investigation**

The investigation of traffic accidents is necessary, not only to determine traffic law violations, but also to obtain engineering data, to protect the rights of the individuals involved, and to assist in traffic education.

9-37 **Narcotic Enforcement**

It is the objective of the Department to enforce all local, State, and Federal laws which prohibit the possession, use, or traffic in narcotics, dangerous drugs, and other restricted or prohibited substances. Through a combination of aggressive enforcement and public education, the Department seeks to prevent and deter the use, possession, and traffic of all such substances within the City. In so doing, the Department may also conduct investigations outside the City in cooperation with appropriate law enforcement agencies to prevent the flow of such illegal substances into the City.

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To prevent the spreading use of narcotics and other dangerous substances, the Department engages in public education programs to inform people about the effect and hazards of drug abuse. Additionally, the Department provides the public with factual information with which to make decisions regarding the use of drugs and to assist members of the public in recognizing symptoms and indications of drug use in others. An understanding and appreciation of the full effect and extent of drug abuse is essential for success in overcoming its threat. By working with and through the community, the Department seeks to engage the people in a cooperative attack on this critical problem.

9-38 **Active Shooter**

I. Purpose

It is the purpose of this standard operating procedure to provide general guidelines for police response to active shooter situations. These incidents will require a coordinated, multi-agency response that will be enhanced by a common set of guidelines and procedures. It should be recognized that these SOP's are relevant to response to any active shooter situation, regardless of location.

II. Policy

In the event of an active shooter, it shall be the policy of this department to consider the lives of citizens and responders to be of the utmost importance. These incidents are dynamic, complex, and may require the response of several agencies. With this in mind, the department will seek to stabilize and resolve the incident using the standard operating procedures developed for

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these incidents, utilizing the principles of Incident Command and Rapid Deployment wherever possible.

III. Definitions

Active Shooter – one or more subjects who participate in a random or systematic shooting spree, demonstrating intent to continuously harm others. Their overriding objective appears to be that of mass casualty, rather than other criminal conduct, such as robbery, etc.

Contact Team – A team of first arriving police officers whose mission is to move toward the threat as quickly and safely as possible, contain them and if possible end the threat.

Rapid Deployment – The swift and immediate deployment of law enforcement resources to on-going, life threatening situations where delayed response could otherwise result in death or great bodily injury to innocent persons.

Rescue Team – A team of officers whose mission is to rescue the injured and move them to a safe area for removal by Emergency Medical Personnel.

Tactical Command Post – An area established to coordinate activity within the danger zone.

IV. Command Protocol

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- A. The first arriving police officer shall become Incident Commander.
- B. If the first arriving officer is not of the agency where the incident is located, command should transfer to the local jurisdiction as soon as practical.
- C. Agency SOP's will dictate command changes.
- D. Command changes must be announced.
- E. The First Responder who is the Incident Commander may initiate Rapid Deployment, but should try to remain in place and direct other responders.

V. Initial Deployment

A. Initial actions by first responder

1. Notify dispatch of your arrival and your status as Incident Commander.
2. Request additional units and a supervisor.
3. Communicate the safe route to dispatch.
4. Establish a staging area.
5. Determine the scope of the incident and if a threat is still present.

REDACTED

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REDACTED

- VI. Actions by Incident Commander
 - A. Obtain all information obtained by previous IC if applicable.
 - B. Assess the extent of the incident.
 - C. Assign support and staff positions as necessary.
 - D. Coordinate radio channel assignments with dispatch.
 - E. Establish staging areas as needed.
 - F. Locate a secure landline if possible.
 - G. Request appropriate support units.
 - H. Re-locate the Command Post if necessary.
 - I. Establish safe assembly sites for students and faculty.
 - J. Coordinate necessary evacuations with school officials.

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- K. Request assistance as necessary with school transportation provider.
- L. Assign officers to assembly sites for intelligence gathering and security.
- M. Determine the number of people still in building.
- N. Determine the number of dead and injured.
- O. Secure outer perimeter.
- P. Locate the media in a safe location where they cannot interfere with operations.
- Q. Designate a person to log all events as they occur.
- R. Consider a landing zone for medivac use.
- S. Broadcast the safe route for responding assistance.
- T. Have all assisting responders report to the IC or staging area for assignments.]
- U. Make sure all responders are wearing clothing for clear identification as a police officer.

9-39 **In-House Securing of Prisoners**

The necessity to secure arrestees and certain other uncooperative individuals is imperative for the safe and effective operation of the Department. Inasmuch as this is true, handcuffing rails may be used. Officers utilizing the rails shall, at all times, audibly and visually monitor secured individuals. Secured individuals shall also be advised of this monitoring.

Securing individuals by use of handcuffing rails should not exceed 3 hours, as this Department is not equipped with cells or other longer-term holding facilities. Officers shall fill out the provided log when a detainee is placed in the Intoxilyzer, interview, or line-up room. These rooms/rails should not be used for status offenders and all efforts will

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be made to keep juveniles separate from adults (including sight & sound), males separate from females, and mentally ill individuals from all other secured individuals.

9-40 **Prohibited Possession of Firearms – DV and Restraining Orders** Effective 03/19/2015

PURPOSE

This policy is provided to give guidance to officers on proper enforcement of laws that prohibit certain persons subject to domestic violence restraining orders from possessing weapons and requiring persons convicted of domestic violence offenses to surrender their firearms while they are prohibited from possessing firearms.

SCOPE

This policy applies and is distributed to all full-time peace officers of this department engaged in the discharge of official duties.

AUTHORITY

The authority for this policy is established by Minn. Stat. 260C.201 (Domestic Child Abuse); Minn. Stat. 518B.01 (Order for Protection); Minn. Stat. 609.2242 (Domestic Assault); Minn. Stat. 609.749 (Stalking); and Minn. Stat. 624.713 (Certain Persons Not to Possess Firearms).

Courts are required to issue orders to domestic child abusers, domestic abusers, persons convicted of domestic assault and persons convicted of stalking, to surrender their firearms to a law enforcement agency, a federally licensed firearms dealer or a third party.

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DEFINITIONS

Domestic Violence Restraining Orders – Provisions in Minnesota statutes require the court when issuing restraining orders under Minn. Stat. 260C.201 (Domestic Child Abuse) or Minn. Stat. 518B.01 (Order for Protection) to order the restrained person to surrender firearms and permits to carry or purchase firearms if the court finds the restrained party represents a credible threat to the physical safety of the protected party.

Domestic Abuse Convictions and Firearms - When persons are convicted of Domestic Assault under Minn. Stat § 609.2242 or any other assault against a family or household member (includes Assault 1, Assault 2, Assault 3, Assault 5, Domestic Assault Strangulation) or are convicted of Stalking under Minn. Stat. § 609.748, the court can order them to transfer any firearms they possess to a federally licensed firearms dealer, a law enforcement agency or a third party who may lawfully receive them. The transfer must occur within 3 business days unless the court finds the defendant is an imminent risk of causing substantial bodily harm to another, in which case the court may order the local law enforcement agency to take immediate possession.

Authorized Recipients of the Firearms – The statute allows the transfer to: a local enforcement agency, a federally licensed authorized dealer, or a third party who does not reside with the abusing party/defendant.

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Transfers – Within three business days, Defendants must transfer their firearms permanently or temporarily depending on the court order. If the court determines there is an imminent risk, law enforcement will be ordered to take immediate possession of the firearm(s).

Firearm – The Federal definition of firearm is any weapon (including a starter gun) which will expel a projectile by means of an explosive or is designed or may be readily converted to do so. Minnesota statutes defines firearm as a gun that discharges shot or a projectile by means of an explosive, a gas, or compressed air Minn. Stat. § 97A.015, subd. 19. Some Minnesota courts have ruled that, under this definition, rifles, shotguns, handguns (both pistols and revolvers), muzzleloaders and BB guns are firearms. However paintball guns are not considered firearms.

Reasonable Storage Fee – Actual expenses a city incurs for storage of firearms to include the cost of storage space and staff time to process related paperwork. The storage fee should not normally exceed the value of the firearm.

INTAKE PROCEDURE

- A. Surrendered Firearms- No Imminent Risk:
 - 1. The officer shall assess whether or not the person wishing to surrender firearms is a risk to themselves or others. If not, advise the person that the St. Anthony Police Department does not temporarily store firearms. The officer will offer to permanently transfer the firearms to the St. Anthony Police

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Department, or otherwise refer the respondent to an FFL or eligible 3rd party. If the person should choose permanent transfer, have the person fill out and sign the Prohibited Possession of Firearms Form indicating the permanent transfer. If the officer believes that the person wishing to surrender the firearms is a threat to himself or others, the officer will immediately take possession of the firearms and proceed as described in this section "B."

B. Immediate Possession of Firearms - Imminent Risk:

1. The court may order the department to take immediate possession of a defendant's firearm(s).
2. A licensed peace officer or investigator will be assigned the case. Only a licensed peace officer may accept surrendered firearms from a defendant.
3. Due to the risks of firearms being delivered to the department or seized from private residences, the assigned officer or investigator will give due consideration to the variety of safety concerns. The assigned officer or investigator should initiate contact with the defendant, arranging for the safest means of firearm(s) surrender.
4. The difficulties in knowing with certainty the full extent of a defendant's firearms inventory are acknowledged. The assigned officer or investigator will attempt to ensure the abusing party/respondent complies with the Order. If the abusing party/respondent refuses to comply with the order, efforts,

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including a consent search or possibly seeking a search warrant, should be considered to ensure the court order is carried out.

5. Within three (3) business days of the court ordering the immediate transfer of the firearm(s), defendants may request the transfer of their firearms(s) from the department to a federally licensed firearms dealer or a third party, who may lawfully receive them.
 - a. A licensed peace officer or investigator will facilitate the transfer;
 - b. Prior to transfer, the officer will require the federally licensed firearm dealer or third party who may lawfully receive them, to complete a Minnesota Uniform Firearm Application/Receipt Permit to Purchase/Transfer;
 - c. Once the application is completed, the department has two business days to file the completed application to purchase/transfer with the respective courts.
 - d. If no such request is made, the St. Anthony Police Department may send a certified letter to the respondent and advise that the police department does not temporarily store firearms and that the respondent has 2 choices:
 - i. Fill out and sign the Prohibited Possession of Firearms form indicating permanent transfer to the police department or;
 - ii. Make arrangements to have all surrendered firearms transferred to an FFL or third party within 30 days. The respondent shall be notified that failure to make arrangements in 30 days for the transfer of surrendered

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firearms shall deem the firearm(s) as abandoned property
to be disposed of at department discretion.

C. Out of Jurisdiction Compliance

1. Notwithstanding a court order to the contrary, the St. Anthony Police Department is responsible for the enforcement of firearm surrender orders when the respondent resides in the agency's jurisdiction.
2. When the court orders the firearm(s) must be turned over only to law enforcement, the St. Anthony Police Department is only required, notwithstanding a court order to the contrary, to facilitate surrendered firearms turned over by defendants/respondents residing within the agency's jurisdiction.
3. Officers tasked with enforcement of a surrender order, when learning the firearm(s) is located in another jurisdiction, will share that information with the pertinent law enforcement agency to aid in the order's enforcement.
4. Officers asked to assist another law enforcement agency with the enforcement of a firearm surrender order should provide reasonable assistance so as to help aid the order's enforcement.

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10-0 **DISCIPLINE**

10-1 **Administration of Discipline**

One of the primary responsibilities of a commanding officer is the administration of discipline. Discipline can be positive or negative. It may involve encouragement, inspiration, training, or imposition of negative sanctions. It has as its immediate purpose the channeling of individual effort into effective and productive action.

The exercise of positive discipline requires foresight and planning rather than merely reaction. It involves an evaluation of the human factor, which, when combined with proper training, motivation, and recognition of individual and group efforts, results in self-discipline.

Disciplinary means may range from a warning, where the immediate effect is on the individual, to a recommendation for termination, where the positive result derived is in the reassurance of other employees as to limits of unacceptable conduct. In each case, care must be exercised to make the proper choice in obtaining a desired and just result.

In the administration of discipline, a commanding officer must consider the totality of the circumstances surrounding the allegation of misconduct in making a determination whether the original action or

conduct, which prompted the complaint, was not only legal but whether, under the circumstances, it was necessary and proper as well. His/her decision must resolve those factors with the individual's

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interest and the probable effect of the disciplinary action upon the attainment of Department objectives.

To be effective, discipline must not only be fair and consistent in its application, but it must follow the act which it is intended to correct within a reasonable time. Therefore, there should be prompt resolution of disciplinary action.

10-2 **General Rules**

Revised 04/01/2012

Employees violating any chapter, section, or subdivision of the St. Anthony Police Department rules and regulations are subject to the following disciplinary measures:

In General. City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including observance of work rules adopted by the Department. It is the policy of the City to administer disciplinary penalties without discrimination. Every disciplinary action shall be for just cause and the employee may demand a hearing or use of the grievance procedure with respect to any disciplinary action which he/she believes is either unjust or disproportionate to the offense committed. A supervisor or department head shall investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

- a. Oral reprimand (minor infractions only).
- b. Written reprimand. A written reprimand shall state the employee is being warned for misconduct; describe the misconduct; describe past actions taken by the supervisor to correct the problem; urge prompt correction or improvement by the employee; include timetables and goals for improvement when appropriate; and outline future penalties should the problem continue. The employee shall be given a copy of the reprimand and sign the original, acknowledging that he/she has received the reprimand. The signature of the employee does not mean that he/she agrees with the reprimand.

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c. Suspension without pay. Prior to the suspension or as soon thereafter as possible, the employee shall be notified in writing of the reason for the suspension and its length. A Loudermill Hearing will be offered prior to an unpaid suspension.

d. Dismissal. The Chief of Police may dismiss any employee after the employee is given a notice in writing at least five work days before the effective date of the dismissal. The notice shall contain the reasons for the dismissal; the employee's rights under these rules and the Veteran's Preference Law if he/she is a veteran; and a statement indicating that the employee may respond to the reasons for dismissal both orally and in writing and that he/she may appear personally before the official having authority to make or recommend the final decision (Loudermill Hearing). If the reason for dismissal is due to gross misconduct such as theft or fraud, or other misconduct which warrants immediate dismissal, the Chief of Police may dismiss the employee immediately; however, the reasons for the dismissal must be stated and the employee may respond to the reasons for dismissal both orally and in writing.

Other Disciplinary Actions. The following other disciplinary actions may be taken against any employee, should circumstances warrant doing so:

a. Involuntary Demotion. This step shall be taken only if the employee does not have the ability to function at the higher level.

b. Forced transfer to a comparable position under a different supervisor. This step may be taken only if the problem is due to unresolved and constant personal incompatibility between the supervisor and employee.

Hearing. If the disciplinary action involves the removal of a veteran, a hearing shall be held in accordance with Minnesota Statutes, Section 197.46.

The above violation-types and corresponding penalties are guidelines to be considered along with the severity of the offense, the

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seriousness of the consequences and/or criminal implications of the violation, and the past performance of the individual in determining the proper discipline to be administered for an offense. Continuing violations of the code of conduct may be considered as incompetence in the service and may subject the employee to recommendation for reduction in rank or dismissal.

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11-0 **INSPECTIONS**

11-1 **Weekly Inspections**

Inspections will be conducted weekly.

11-2 **Command Responsibilities – Inspections**

Shift supervisors will inspect all personnel working that shift and all vehicles assigned.

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12-0 **COMMAND**

12-1 **Command Terminology**

The following terminology shall be used in describing levels of command within the department:

- STAFF OFFICER: Chief
- FIELD COMMANDER: An officer who by designation, rank, or seniority is in charge at the scene of an emergency situation or investigation, or one who is placed in command of a field detail at planned special events.
- SENIOR OFFICER: Shall be determined by rank (to include shift OIC assignment), then by seniority within that rank.
- OFFICER IN CHARGE: Shall be used to denote an officer who is responsible for others in any assignment, detail, or police situation. A "Shift OIC" will be designated when a supervisor is not on duty. A shift OIC will act as a supervisor with the exception of:
 - Modifying the schedule
 - Authorizing leave (to include taking sick calls)
 - Disciplining employees

12-2 **Field Command Post**

A field command post is a location established by a field commander for the purpose of:

- Directing operation in the field during emergency incidents.
- Collecting information pertinent to an incident and relaying it to the emergency control center.
- Requesting emergency personnel, equipment, and supplies from the emergency control center to assist the field forces.

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- Requesting assistance from other agencies when needed through the emergency control center to assist the field forces.

- Directing operations in the field at planned events.

12-3 **Major Disaster and Civil Defense Plans – Command Personnel**

Officers shall be familiar with the role of the Department and with their own responsibilities and duties in the event of a major disaster or disturbance, and as described in the MN Incident Management System.

12-4 **Officer of Senior Rank Assuming Command**

An officer of senior rank may take command of a situation by identifying himself/herself and informing the officer then in charge of his/her intent. The assumption of command shall be undertaken whenever the situation appears to the senior officer to be beyond the control of the officer then in charge, when jurisdiction is concurrent over a particular duty, or for disciplinary purposes.

When the situation involves a specific area of responsibility, the ranking officer will assume command.

12-5 **Delegation of Duties**

A superior officer may delegate to his/her subordinates appropriate portions of his/her responsibilities, together with equivalent authority, but may not relinquish his/her overall responsibility for results nor any portion of his/her accountability.

12-6 **Knowledge of Other Positions**

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An officer shall acquaint himself/herself with those duties and responsibilities of other positions which, in the normal course of operations, he/she may have to assume.

12-7 **Inspection**

A supervisor shall assume responsibility for:

- Frequent personnel inspections of the uniform, equipment, and general appearance of subordinates.
- Inspection of assigned department facilities to insure cleanliness and orderly conditions.
- Serviceability, accountability, proper use, and care of assigned department equipment.
- Inspection of police vehicles used by his/her subordinates.

12-8 **Attitude**

To assure success in the performance of the basic duties of subordinates, it is imperative that supervisors set an example for subordinates relative to energy, sobriety, courtesy, courage, skill, and discipline. They shall not ridicule Department rules, regulations, or orders nor shall they permit subordinates to do so.

12-9 **Direction of Subordinates**

A supervisor shall exercise control over his/her subordinates necessary to the accomplishment of department objectives. He/she shall evaluate the personality, temperament, traits, and capabilities of each subordinate in order to realize from every employee the maximum degree of service commensurate with his/her abilities and limitations, and shall be responsible for appraisal and analysis of work accomplishment for those within the scope of his/her control.

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12-10 **Training of Subordinates**

Training shall be considered the process of aiding employees to gain effectiveness in their present or future assignments through the development of appropriate habits of thought, action, skill, knowledge, and attitude. Continuing analysis of training needs and in-service training is the responsibility of every supervisor.

A supervisor shall familiarize himself/herself with the contents of the Department manual, procedural orders and instructions, directives, teletypes, and police bulletins, and shall disseminate such information to his/her subordinates

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13-0 **INTERNAL AFFAIRS**

13-1 **Responsibilities**

The Department shall investigate incidents of employee conduct which may violate the orders, rules, and regulations of the St. Anthony Police Department, St. Anthony City Ordinances, laws of the State of Minnesota, and the United States. They shall provide a procedure for accepting a formal complaint by those persons who feel the service, action, or inaction of an employee of the St. Anthony Police Department has been unsatisfactory

13-2 **Citizen Complaint Policy and Procedure**

A relationship of trust and confidence between Department members and the community they serve is essential for effective law enforcement. Law enforcement officers must be free to exercise their best judgment and to initiate enforcement action in a lawful and impartial manner without fear and reprisal, while at the same time they must meticulously respect individual rights.

This complaint procedure is intended to provide corrective action when a department member conducts himself/herself improperly, and to protect him/her from unwarranted criticism when he/she discharges his/her duties properly.

Any person who believes that a law enforcement act is improper is encouraged to bring the complaint to the department's attention.

The department will make every effort to insure that no adverse consequences occur to any person or witness who brought a complaint or provided information in any investigation of a complaint.

Complaints shall be handled in a prompt, just, open, and expeditious manner in accordance with these procedures. Summaries of the

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complaint process, and copies of these procedures shall be made available to the public upon request.

13-3 **Definition of Terms**

For the purpose of this Policies and Procedures Manual, the terms defined have the meanings given them.

Chief Means the Chief of Police or the city attorney when a complaint is made against the police chief.

Complainant Means the person or group who files a complaint with the department alleging misconduct by a member(s) or the department supervisor who accepts believable facts relating to alleged misconduct by a member from an anonymous person.

Complaint Means a statement which is made to a department supervisor in writing, in person, or by phone which alleges misconduct.

Exonerated Means a fair preponderance of the evidence established either that the act, or acts, complained of did not occur; the member(s) named in the complaint were not involved in the alleged misconduct; that the act(s) which provided the basis for the complaint occurred, however, the investigation reveals that such act(s) were justified, lawful, and proper; or that such act(s) do not adversely reflect upon the Department or the member's ability to perform his/her duties within the Department.

Infraction Means violation of any Department policy and procedure defining transgressions that are not major violations.

Major Violation Means any criminal offense; the use of unnecessary or excessive force; abuse of authority; conduct which violates a person's civil rights; abusive or insulting language or conduct which is derogatory of a person's race, religion, sex, national origin or sexual preference; intimidation of or recrimination toward a complainant or witness involved in any complaint

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proceeding.

Member Means all peace officers and civilian department employees whether full time, part-time, or temporary.

Misconduct Means any infraction of major violation committed by a member which adversely reflects upon the Department or the member's ability to perform his/her duties within the Department.

Not Sustained Means the investigation failed to disclose sufficient evidence to prove or disprove the allegation(s) made in the complaint.

Policies and Procedures Means the administrative acts promulgated by the chief regulating conduct of members.

Sustained Means a fair preponderance of the evidence obtained in the investigation established that the accused member's actions constituted misconduct.

13-4 **Procedure for initiating Complaint**

Anyone who is not a member and has personal knowledge of the facts giving rise to the complaint or has reliable hearsay information may file a complaint. Any department member who has personal knowledge of misconduct shall file a complaint according to these procedures.

There shall be a supervisor available at all times who is responsible for taking complaints. Upon receiving any complaint, the supervisor shall immediately initiate an Initial Complaint Report (ICR) and assign a case file number. The complaint will not be considered filed until the complainant signs the Internal Affairs Complaint Form.

If the person filing the complaint sets forth specific believable facts relating to the alleged misconduct and the person wishes to remain anonymous, the supervisor receiving the information shall then become the complainant. If the supervisor has reason to believe that the complaint is unfounded, the supervisor shall have the authority to

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require the person to identify himself/herself. If the person refuses to do so, the supervisor may refuse to initiate a complaint and shall advise the anonymous person of that fact.

After a complaint is filed, the supervisor shall sign the document, give or mail a copy to the complainant, and furnish a copy to the chief. The chief will forward a copy of the document to the accused member, only after it is determined that the complaint does not allege a criminal violation and the notification will not impede a criminal investigation.

A complainant may be accompanied by an attorney or other appropriate representative at the time a complaint is filed or at any other stage of the process.

13-5 **Procedure for Investigation of the Complaint**

Upon receipt of the ICR, the chief shall make an initial determination whether the facts alleged warrant a formal investigation. In making this determination, the chief may meet informally with the complainant, accused member, or any potential witness. If the chief decides that an investigation is not warranted, the disposition of the complaint shall be either not sustained or exonerated. The complainant will be notified of this decision and the basis for determination. Also, the accused member will be notified. If the complainant supplies additional information within 30 days of the determination, the chief may reverse this decision.

If the chief determines that a formal investigation should be conducted, he/she shall assign the appropriate supervisor to investigate the complaint and notify the City Manager. The investigation may be assigned to an external agency where there is the potential for criminal charges resulting from the investigation or in

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any other situation where the chief believes that an external investigation is appropriate.

The investigator shall, as soon as possible after being assigned the investigation, inform the complainant of his/her name, business phone number, and the status of the complaint.

The investigator shall thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation. If the investigation uncovers potential misconduct by another member, the investigator shall initiate a complaint against that member.

All members, including the accused member, shall cooperate with the investigation. Failure to cooperate may be basis for disciplinary action.

The investigator shall do a report which shall contain all relevant information, organized into the three following sections:

Allegations This section shall consist of an itemized summary of the acts of misconduct alleged in the complaint. Reference shall be made of those rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations are taken as true.

Investigation This section shall consist of a chronological summary of the investigation, including all pertinent facts obtained through interviews with the complainant, accused member(s), and all available witnesses. Written statements, description and analysis of any physical evidence, and all other relevant information shall be included.

Conclusion(s) This section shall include the investigator's findings, conclusions as to whether any misconduct occurred, and the underlying reasons for the findings and conclusions. These conclusions shall not be binding on the chief.

The investigation shall be concluded within thirty (30) days of the filing of the complaint, unless for good cause an extension is granted by the

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chief. The complainant shall be informed of any extension of time and the accused member shall also be informed if he/she was informed pursuant to Section 13-4.

13-6 **Investigation Review and Disposition**

Upon completion of the investigation, the investigator shall submit his/her report, the case file, and all the investigative notes to the chief. If the chief determines the investigation was not adequate, he/she will reorder the investigation. If the chief determines the investigation was adequate, the chief shall make one of the following dispositions: Exonerated, Not Sustained, or Sustained.

The chief may withhold issuing a disposition until any related criminal charges are resolved. The complainant shall be informed of this decision and the accused shall also be informed if he/she was informed pursuant to Section 13-4.

If the complaint is either exonerated or not sustained, the chief shall immediately notify the complainant and the accused member of the disposition.

If the complaint is sustained, the chief shall take appropriate disciplinary action. Such action shall be based on the investigative report and the accused member's record of service and shall be in conformance with any applicable collective bargaining agreement, contract or other rule or regulation relating to discipline of members. The disciplinary action may include counseling, remedial education, an oral reprimand, a written reprimand, suspension with or without pay, demotion or discharge.

After selecting the appropriate disciplinary action, the chief will issue a Findings of Fact which shall minimally contain the following information:

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A summary of the act or acts constituting misconduct and the specific statutes, policies, regulations or procedures violated; A description of the disciplinary or remedial action taken to prevent recurrence of the misconduct; and any additional information as the chief may find applicable to accurately document the disposition.

Prior to the implementation of remedial and/or disciplinary actions, the accused member shall be provided with a copy of the Findings of Fact. The chief and/or appropriate supervisor shall review it with the accused member and explain the reasons for the action.

The complainant shall also be given a copy of the Findings of Fact.

The investigation may be reopened by the chief at any time if substantial new evidence is discovered which is relevant to the complaint.

When a sustained disposition is final, the accused member may appeal the disposition according to the member's collective bargaining agreement or if applicable, through the Veteran's Preference Act.

The chief may put an accused member on paid administrative leave at any time during the investigation of a complaint.

This policy procedure shall not preclude other disciplinary procedures for misconduct not initiated by citizen complaint.

13-7 **Maintenance and Disclosure of Data**

Disclosure to the complainant, of data collected, created, received, or maintained in connection with this policy and procedure shall be governed by the Minnesota Government Data Practices Act.

All data collected, created, or received by the department in connection with this policy and procedure shall be maintained in accordance with the department's retention schedule.

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The placement of the disposition report or other data in an employee's personnel file shall be governed by applicable collective bargaining agreements and/or personnel policy.

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14-0 **POLICE VEHICLES**

14-1 **Occupied Police Vehicles**

Whenever an officer leaves a police vehicle parked or stopped with a prisoner, suspect, or person other than a police officer inside the vehicle, the ignition is to be left in the off (locked) position and the keys removed from the vehicle, or the anti-theft technology shall be engaged.

14-2 **Unoccupied Police Vehicles**

Whenever a police vehicle is parked and left unoccupied where a possibility exists that an unauthorized person could enter the vehicle undetected, all doors on the vehicle must be locked and the keys removed from the vehicle, except in instances where one of the following conditions exist:

If the temperature is extremely cold and you are going to be away from the vehicle for more than 20 minutes, it may be left running.

If it is raining or snowing, when the temperature is cold enough to freeze it on the windshield or other windows, the car may be left running.

In all instances where the squad is left running and unoccupied, the doors must be locked. We must conserve fuel, when possible, without jeopardizing the ability of the squad to immediately respond to a call if necessary.

14-3 **Police Vehicle Accidents**

Duties of the driver of police vehicle involved in the following types of accidents:

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- I. Accident involving a fixed object (telephone pole, sign post, street light, tree), combined damage is less than three hundred dollars.
 - A. Driver of the police vehicle shall fill out a white accident report.
 - B. This report is for office file only.
 - C. Supervisor on duty (or at home) shall be called and advised of the accident.
 - D. If a report is necessary, the supervisor or another officer shall write the report, not the driver of the police vehicle.

- II. Combined damage of three hundred dollars or more (fixed object).

Another vehicle, personal injury, or both.

- A. A written report shall be made out on white copy for the State by the driver of the police vehicle involved. The vehicle shall not be moved until okayed by the supervisor (unless injury exists).
- B. A supervisor shall be notified. He/she shall either write the report and investigate the accident himself/herself, or call a neighboring police department, sheriff's squad, or highway patrol to investigate the accident.
- C. The driver of the police vehicle shall submit a written narrative statement detailing the accident. If a two man squad, both officers shall submit a written statement.
- D. All reports shall be turned into the officer's immediate supervisor within 24 hours to be turned over to the Chief.

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- E. Photographs of the accident scene should be taken.

Written narrative statements shall contain the following information:

- F. Statement shall indicate how the accident happened, also any causes and/or circumstances involved. Any admissions or statements by other driver or witnesses.
- G. Statement shall contain the officer's name, rank, the date, time and exact location of the accident and any other pertinent information.

14-4 **Responsibility of the Immediate Supervisor**

The immediate supervisor will be required to proceed to the accident scene and forward to the Chief a written statement of the accident and his/her findings.

14-5 **Mobile Digital Video Recording**

Purpose

To establish guidelines for the use, management, storage, retrieval and duplication of video and audio media recorded by mobile digital video recording equipment.

I. Policy

The use of mobile digital video recording equipment provides persuasive documentary evidence of events and helps defend against civil litigation and allegations of officer misconduct. Officers shall adhere to the operational objectives and protocols outlined herein so

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as to maximize the effectiveness of the recording equipment and the integrity of evidence and related video documentation.

II. Program Objectives

The St. Anthony Police Department has adopted the use of mobile digital video recording equipment to accomplish the following objectives:

- To enhance officer safety
- To accurately capture events and statements during the course of an incident
- To enhance an officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation and presentation
- To provide officers with an opportunity for self-critique of their tactical procedures and communication skills
- To assist FTOs in training and critiquing the performance of new officers in training
- To capture visual and audio information for use in investigations

III. Operational Procedures

When going on duty, officers will use a squad equipped with mobile digital video recording equipment unless no equipped squad is available. Officers will ensure that the system is operating properly and will log into the system using their assigned ID number. Officers will also take and wear a remote transmitter and synchronize it with the system in the squad they are using. The remote transmitter automatically syncs with the mobile digital video system when it is placed in the in-car charger.

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When the mobile digital video recording system is turned on, the memory card is ALWAYS recording. When the camera/remote transmitter is activated the last 30 seconds of the video buffer is transferred to the hard drive and will be downloaded to the computer server during the next file transfer process.

The mobile digital video recording equipment should be activated in the following circumstances:

- DUI related offenses. Officers should activate the camera system before initiating a stop in order to capture driving behavior that may be used as evidence
- All traffic stops
- All pursuits
- All emergency (code 3) responses
- All crimes in progress
- Self-initiated field activity such as checking on suspicious people or vehicles even when out of the field of vision of the camera
- All domestic calls. Activate the remote transmitter before making initial contact
- Any time when dealing with an uncooperative, agitated person.
- Any other time that the officer deems appropriate in the course of official business
- During all prisoner transports
- Immediately upon squad involved accidents
- Vehicle Searches

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The mobile digital video recording system is also equipped with a covert camera and microphone focused on the rear seat of the squad car. Officers should activate this system to capture audio and video statements and activities of any persons detained in the squad.

When the mobile digital video recorder is activated to document an event, it shall not be deactivated until the event has been concluded unless:

- The incident is of such duration that the recorder may be deactivated to conserve recording time; OR
- The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; OR
- The intention to stop the recording has been noted by the officer either verbally or in written notation; OR
- With the approval of a Sergeant or command officer.

Upon ending a recorded event, the system will display a pop up prompting officers to classify the recording. This classification process will ensure that all recordings are properly saved to ensure all data is retained in a manner consistent with Minnesota Data Practices. Below is the list of all classifications with definition and retention period.

Classification	Definition	Retention
AOA	Footage captured while assisting other agency that may contain evidence	90 days
Arrest	Custodial Arrest	2 years
DWI	Arrest for DWI related offense	2 years
Emer. Veh. Response	Response to CFS that does not result in any other classification	30 days
Flee	Footage of vehicle refusing to stop	2

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		years
Interview	Interview captured on DVR that does not result in any classification	90 days
Investigative	Community contact of interest; ID poss. suspect; comments required	90 days
Narcotics	Arrest for a narcotics violation	2 years
Test / Accidental Act.	System check at beginning of duty tour / Accidental activation	30 days
Traffic Citation	Traffic Stop resulting in citation issued	180 days
Traffic No Citation	Traffic stop resulting in no citation issued	30 days
Training	Event that could assist in dept. trng - viewable to all personnel	90 days

The retention periods listed will provide department personnel an opportunity to retain the data according to guidelines outlined Minnesota Data Practices. For example, if any video or audio recordings are obtained in the squad DVR system that is related to homicide; those recordings must be saved on a DVD and placed in the case file to be retained permanently in accordance with Minnesota Data Practices.

IV. Viewing of Saved Data

A. Data saved on the squad memory card

A limited amount of recorded data (+/- 18 hours of actual recording) is stored on the system memory card in the squad. Officers are able to view recorded video footage on the squad mounted laptop. Once the video footage is downloaded to the police department server, officers can only view video footage from police department desktop computers.

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Officers can utilize this capability to:

- Refresh their memory on events and statements made prior to completing reports. Officers should not utilize the mobile digital video recording system as a substitute for taking written notes but as a means of verifying and clarifying events.
- Ensure the system is operating properly.
- Self critique their driving and tactical response to calls.

Officers will restrict their viewing of recorded data to those incidents in which they were involved. They will not view the content of events recorded by other officers unless approved by a supervisor. Officers are not authorized to release the content of any recorded events.

B. Data saved on the server

Data downloaded to the server is retained for various lengths of time based on the type of incident recorded, the likelihood of the data being needed for further investigation of any type and record retention requirements. Data recorded on the server may be reviewed by officers with the approval of a supervisor.

Supervisors are encouraged to periodically review recordings made by their officers to assist them in evaluating the work performance of their subordinates.

V. Retention and Copying of Recorded Data

Much of the data saved on the server will have no need for long term retention. This data saved on the server will be automatically purged

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after a minimal time period or when a determination is made that the data no longer needs to be retained.

Other recorded data will require longer term retention and/or transfer to another type of media such as a CD, DVD, VCR tape or another hard drive or storage media. Copies of recorded data can be made for the following reasons:

- For use as evidence in court
- For review by the City or County attorney or a defense attorney
- For use in investigating complaints against officers
- To assist officers and investigators in an investigation
- For officer review prior to a court appearance
- For long time records archiving
- For use as authorized training material
- Other uses as approved by the Chief or Captain

The copying of recorded data from the server to other media is the responsibility of the Office Manager or other persons designated by the Chief and trained in the use and operation of the server and copying equipment.

The copying of any data will be for official business use only. Exceptions must be specifically approved by the Chief of Police. Data recorded by the mobile digital video recording system and stored on any media is classified as official government data and subject to the requirements of data privacy laws.

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The copying, viewing or distribution of any recorded data for any non-approved use is strictly prohibited.

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VI. System Malfunctions & Maintenance

Malfunctions, damage, or theft of in car camera equipment shall be reported to the immediate supervisor prior to placing the unit into service and/or documented on proper city form.

No one will take any actions intended to: damage or render any part of the mobile digital video recording system inoperable; overwrite recorded data; defeat the intended usage of the system.

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15-0 **Emergency Vehicle Operation**

Personnel will, under normal conditions, operate police vehicles in the same manner as required for the public. Violations of motor vehicle laws, when not authorized by emergency conditions or careless, abusive use of police vehicular equipment, will result in disciplinary action.

Department vehicles shall not be driven when they are in unsafe mechanical condition. Officers shall inspect their assigned vehicle before each tour of duty and report any damage or mechanical failure to their immediate superior and a repair order must be completed.

15-1 **Vehicle Pursuit Guidelines**

Vehicle pursuits are necessary to apprehend actual or suspected law violators who refuse to voluntarily comply with a request to stop. Because vehicle pursuits may be dangerous however, restrictions must be placed on their use, as the St. Anthony Police Department's primary mission is to protect lives while enforcing the law. Further, officers must carefully exercise their discretion to initiate, conduct, and continue a pursuit. This policy provides restrictions on the use of vehicle pursuits and guidelines for officers in the exercise of their permitted discretion.

15-2 **Initiating a Pursuit**

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

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In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when practical, be within a close proximity to the vehicle prior to activating the emergency lights and siren. Throughout the pursuit, all participating units should have their emergency lights and sirens activated and shall exercise due care in the operation of vehicles.

EVALUATING THE CIRCUMSTANCES OF THE PURSUIT

An officer shall consider the relative dangerousness of the pursuit in comparison with the public interest in immediate apprehension. In evaluating whether to engage in or continue the pursuit, the officer shall consider relevant factors such as the following:

1. The nature and seriousness of the observed offense;
2. The degree of recklessness exhibited by the pursued driver;
3. The ability of the officer to identify and apprehend the driver at a later time without continuing the pursuit;
4. Road and weather conditions;
5. The density of traffic and pedestrians;
6. The apparent age of the driver;
7. Whether the vehicle is a motorcycle or similar vehicle;
8. The apparent condition of the pursued vehicle;
9. The type and condition of the police vehicle;
10. The officer's familiarity with the area;
11. The time of day;
12. The driving skills of the officer and the driver of the pursued vehicle;
13. Special hazards such as parades, road construction, etc.
14. The length of the chase;
15. The amount of assistance available;

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16. Whether there is a police helicopter or airplane monitoring the pursuit
(once air support has vehicle in sight, the primary pursuit unit shall reduce the level of pursuit to that of support or other back-up unit);
17. Whether one or more passengers other than sworn police officers are in the police vehicle.

15-3 **Primary Unit Responsibilities**

1. An officer engaging in a pursuit shall notify the communications center as soon as reasonably possible, that a pursuit is underway and provide the following information, if available:
 - A. Police Unit identification;
 - B. Location, speed, and direction of travel;
 - C. Vehicle description, including license number, if known;
 - D. The reason for the pursuit, including suspected law violations; and
 - E. The number/descriptions of occupants in the vehicle being pursued.
2. The primary pursuing officer shall be in charge of the pursuit unless relieved of that responsibility by that officer's supervisor.

15-4 **Assisting Unit Responsibilities**

1. An assisting unit shall, if reasonably possible, notify the communications center upon actively joining the pursuit.
2. If the primary unit is a one-officer unit, the assisting unit may assume the responsibility to report the progress of the pursuit, allowing the primary unit to devote full attention to driving.

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3. An assisting unit will maintain a reasonably safe distance behind the primary unit.
4. If the primary unit becomes disabled, the assisting unit may become the primary unit.
5. A pursuit will normally involve no more than two (2) units. Additional units may be needed based on such factors as the nature of the offense, the number of suspects, and the character of the area.
6. Police units involved in the pursuit should not pass each other.
7. Units not actively involved in the pursuit shall monitor its progress but not become involved unless reasonable to do so.

15-5 **Supervisory Responsibilities**

Duty Supervisor

1. Upon being notified of the pursuit, the duty supervisor should, if possible, verify the following:
 - A. The reason for the pursuit.
 - B. The number of units involved in the pursuit.
 - C. The radio frequency being utilized.
 - D. Whether affected allied agencies are being notified.
2. The duty supervisor should attempt to monitor the pursuit, ensure that proper procedures are being followed, provide assistance and coordination, and direct termination, if appropriate.

15-6 **Pursuit Tactics**

1. Vehicle Contact
 - A. Vehicle contact may be used only when State law permits the use of deadly force, unless the officer

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believes contact is necessary because the risk of personal injury created by the continued chase is greater than the risk of injury from the proposed action. Factors to consider when assessing risks include the number and location of potential victims, the speed of the pursued vehicle, traffic conditions, the suspect's driving conduct, and the length of the pursuit.

- B. Vehicle contact should be exercised in a manner that minimizes potential injury. Factors to consider include topography, road conditions, obstructions, the position of other vehicles and people, as well as being in conformance with departmental policy on the use of force. The P.I.T. maneuver shall only be used by officers trained in this technique.
 - C. Because our primary concern in all pursuits is safety of the public, it is essential that all pursuits be terminated quickly. Once an officer is certain that a subject is starting to flee, the officer should immediately seek and use opportunities to end the pursuit with a pursuit intervention technique. Early proper use of this technique will accomplish the twin goals of safety to the public and arrest of the subject. It is appropriate to use at any time in a pursuit when it can successfully shorten the pursuit and reduce risk to the public.
2. Stationary Roadblocks
- A. Stationary Roadblocks may be used only when state law permits the use of deadly force.
 - B. The location should be chosen to minimize the potential of injury. In particular, there should be sufficient sight distance to allow a vehicle to avoid collision. Other factors to consider include lighting, road configuration, and amount and direction of traffic.
 - C. An avenue of escape must be provided.
 - D. Vehicles used in a roadblock must not be occupied.

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- E. Emergency lights must be activated.
 - F. At least one siren should be activated at the scene.
 - G. The dispatcher and pursuing vehicles should be notified of the location.
3. Moving Roadblocks (“Boxing In”)
- A. Moving roadblocks may be used when the pursued vehicle is traveling at low speeds.
 - B. Room should be left for safe passage of oncoming vehicles.
4. Firearms
- A. Firearms shall be used only when deadly force is permitted by State law, and within the considerations of 9-16.

15-7 **Inter-jurisdictional Pursuits**

- 1. In any pursuit which crosses jurisdictional boundaries, officers should observe their own department policies governing pursuits.
- 2. When a boundary is approached, the officer responsible for reporting the progress of the pursuit should notify the dispatcher of that fact and indicate whether assistance is requested. Officers providing assistance should immediately notify the dispatcher of their involvement.
- 3. The initiating agency shall be in charge of the pursuit, unless that agency requests another to assume control. All assisting officers shall follow the direction of the officer in charge, unless it violates their own policies. The initiating agency shall be in charge of any arrest. If an accident occurs, the agency serving the accident location shall determine who will investigate the accident.

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4. If it appears that the pursuit will cross radio communications boundaries, radio communications should be conducted on the statewide radio frequency.

15-8 **Pursuit Termination**

1. Officers must evaluate the situation as it progresses to determine whether the pursuit should be terminated. Factors to consider include those listed in "Evaluating Circumstances of the Pursuit". In addition, the pursuit must be terminated when:
 - A. In the judgment of the pursuing officer, a clear and unreasonable danger created by the pursuit outweighs the public interest in immediate apprehension.
 - B. The location of the pursued vehicle is no longer known.
 - C. When the suspect is known and could be apprehended later, and to delay apprehension would not create a substantial known risk of injury or death to another.
2. The termination of a pursuit does not prohibit the following of a vehicle at a safe speed, or remaining in the area to re-initiate pursuit if the opportunity and conditions permit.

15-9 **Assistance to Persons Injured in a Pursuit**

1. The Communication Center shall be notified immediately of any accident and shall notify the appropriate Emergency Medical Service (EMS) provider.
2. If the pursuing officer becomes aware of a potentially significant injury to a third party resulting from the pursuit, the officer shall terminate the pursuit and provide medical assistance as necessary unless an

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assisting unit in the immediate vicinity stops to render such assistance.

3. Any other units may continue the pursuit if sufficient assistance to the accident victim is being provided.

15-10 **Training**

1. Officers should complete a written examination on their Department Procedural Directive/Policy on Vehicle Pursuit at a minimum of once every POST licensing period for the officer (Once every three years).
2. Any deficiencies in test answers will be addressed and the correct responses shared with the officer.
3. During the three-year POST licensing period, all officers assigned to the Patrol Division should complete training in emergency vehicle operation.
4. The training for this policy should include an analysis of the discretion exercised in deciding when to pursue or terminate a pursuit

15-11 **Post Pursuit Procedures**

1. The State Pursuit Report Form must be completed on every pursuit, and forwarded to the Commissioner of Public Safety with-in 30 days of the incident. The report must contain the following elements:
 - a) the reason(s) for, and the circumstances surrounding the incident;
 - b) the alleged offense;
 - c) the length of the pursuit including time and distance;
 - d) the outcome of the pursuit;
 - e) any injuries or property damage resulting from the incident; and
 - f) any pending criminal charges against the driver.
2. Copies of the pursuit form and any accompanying reports shall be routed to the Chief of Police.
3. At regularly scheduled staff meetings or a specially called meeting, the reports associated with the pursuit will be reviewed.

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4. In instances where personal injury or vehicle damage is reported, a more in-depth review process will be implemented.

15-12 **Rules Governing Emergency Responses**

1. An officer, while operating a vehicle in response to an emergency call for service, shall do so with due regard to the safety of others as stated in Minnesota Statutes.
2. An officer shall operate both audible and visible signals when responding to an emergency call for service in order to be exempt from traffic laws. However, for some emergency calls for service, such as a crime in progress, an officer may eliminate the use of audible and/or visible signals, to include headlights and taillights, if the officer reasonably believes it to be necessary, pursuant to Minnesota statute.
3. The driver of any authorized emergency vehicle, when responding to an emergency call, may enter against the run of traffic on any one-way street or highway where there is authorized division of traffic to facilitate traveling to the area in which an emergency has been reported.

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16-0 **GENERAL MANAGEMENT PROCEDURES**

16-1 **Report Processing and Review**

Supervisors shall assume responsibility for all reports submitted by their subordinates. Reports shall be reviewed for propriety, essential information, clarity, legibility, and appropriate action taken.

They shall also ensure that all reports submitted by subordinates are properly forwarded consistent with acceptable and defined time frames.

16-2 **Report Deficiencies**

Any employee of the Department, who in the performance of his/her assigned function, receives a report which lacks essential information, clarity, or legibility, shall contact the immediate supervisor of the officer making the report to report deficiencies. The supervisor shall receive report deficiency information and shall initiate proper action to eliminate similar deficiencies in the future

16-3 **Investigation of all Vehicle Accidents Involving Non-Police Department City Owned Vehicles**

The accident will be investigated in the same manner as are personal injury accidents involving privately owned vehicles. A supervisor need not be summoned to the scene unless deemed necessary by the investigating officers.

16-4 **Procedure – Personnel Unable to Appear in a Response to a Subpoena**

Department personnel who, because of illness, vacation, or any other legitimate reason are unable to appear in response to a subpoena shall

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notify the County Attorney's Office, or the City Attorney's Office, and a supervisor as soon as possible.

16-5 **Overtime**

If no one signs up or agrees to work overtime when needed, the officer with the least seniority that is available at the time will be required to work the overtime.

In the event of a disaster, all officers may be required to work.

16-6 **Hours of Shift**

The Chief shall establish the hours of duty for the shifts of his command in accordance with existing labor contracts.

16-7 **Roll Call Attendance**

All officers will be held responsible for knowledge and understanding of department orders and communications through less formal dissemination procedures.

16-8 **Employees to Remain on Duty until Properly Relieved**

An employee of the department, regardless of his/her duty assignment, shall work the full time assigned for his/her tour of duty and shall not leave the assigned duty until such time as he/she is properly relieved, except in the following cases:

- An employee assigned duties not normally requiring continuity of assignment into the succeeding shift shall remain on duty until the time established as the end of the shift, but need not be replaced in his/her duties by another employee in order to go off duty.
- An employee assigned to a duty requiring continuity of assignment shall remain on duty until properly relieved by

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another employee or until he/she is instructed to leave the assigned duty by a supervisor.

16-9 **Shift Inspection of Vehicles and Equipment**

Vehicles and equipment being released by a shift going off duty shall be inspected by an officer before an officer is relieved of duty. Any defects observed in vehicles or equipment shall be documented and signed on the patrol log by the officer. The documentation shall be forwarded to the appropriate supervisor.

16-10 **Saluting at Parade**

A uniformed officer at a parade need salute only the massed national colors at the head of the parade. When the flag is six paces from the officer, he/she shall face it and render a hand salute until the flag is six paces beyond. Other groups of colors that follow may be saluted if the officer's immediate attention to duty is not necessary.

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17-0 **OFF-DUTY EMPLOYMENT**

Under Minnesota law, off-duty officers have peace officer authority relating to crimes committed within their jurisdiction, within their purview, and shall take appropriate action.

An off-duty officer's first consideration outside their jurisdiction, should be to assure that appropriate action will be taken by the responsible law enforcement agency, if time permits. The officer should then act only after consideration of the tactical situation, possible liability to himself/herself, or to the City of St. Anthony.

17-1 **Prohibitions to Off-Duty Employment**

- Employment in any business which is not compatible with police work.
- While on sick leave or I.O.D. status.
- While on suspension in the capacity of a police officer.

17-2 **Revocation or Denial of Permission**

Any of the following may be grounds for denying or revoking permission to work in an off-duty capacity.

- Performance of outside employment while on regular duty.
- Work which interferes or conflicts with police duties or availability for emergency duty.
- Work affecting ability to perform police duties efficiently.
- When prior approval has not been granted.
- When excessive sick days or other evidence indicates off-duty employment impairs ability to perform assigned duties.

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17-3 **Wearing Uniform While Engaged in Off-Duty Employment**

The official blue police uniform, worn in conformity with departmental rules and regulations, is authorized for use in off-duty employment within the City limits only, by special permission of the Chief of Police. Combinations of civilian clothing and distinguishable blue police uniform will not be permitted.

17-4 **Wearing Civilian Clothing While Engaged in Off-Duty Employment**

When civilian clothing is worn, identification cards may be openly displayed. Those officers working off-duty who are identified as St. Anthony police officers shall not consume alcoholic beverages while working off-duty.

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18-0 **AWARDS**

18-1 **Commendations**

The department will take official notice of acts by members of the Department when such acts deserve commendation or other appropriate recognition.

The following methods will be used by the St. Anthony Police Department to demonstrate its sincere appreciation of acts of heroism or outstanding service by members of the Department.

18-2 **Medal of Honor**

May be granted to a member of the Department for an act of outstanding bravery or heroism by which the member has demonstrated in great degree the characteristics of unselfishness, personal courage, and devotion to duty; and to the survivors of a deceased member who met his/her death in circumstances which are unique or characteristic of the police service or which imply that he/she proceeded without regard for personal safety while in the performance of his/her duty.

18-3 **Department Commendation Award**

May be granted to any member for an outstanding act or achievement which brings credit to the Department and which involves performance above and beyond that required by the member's basic assignment or exceptional professional skill and conduct during a coordinated unit action.

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18-4 **Letters of Recognition Award**

A letter to personnel and their supervisors who have involved themselves in outstanding police work recognized by other officers, their superior officers, or concerned citizens. This award is presented when regular duties are performed in an exemplary manner.

18-5 **Chief's Award of Merit**

An award granted to any member of the department for an outstanding accomplishment which has resulted in improved operation, or substantial savings in manpower or operational costs where the member has gone far beyond the requirements of his normal assignment to contribute to more effective and efficient police service or for outstanding police work which has brought great credit to the Department in a case of unusual public interest.

18-6 **Honorable Mention**

An award to any member for exceptional performance. This may be issued by the officer's supervisor.

18-7 **Commendations Award Committee**

A Commendation Awards Committee shall make a recommendation to the Chief of Police, regarding who will receive commendations and/or other awards. This committee shall consist of:

- 3 sworn officers to include at least one supervisor

18-8 **Procedures for Recommendations of a Commendation Award**

A superior officer shall submit a two (2) copy written recommendation for recognition to the Awards Committee. A log shall be kept by the Awards Committee with the following information:

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- Date of Receipt
- Officer's Name
- Date Action Taken
- Date of Final Disposition

18-9 **Who May Make Commendations**

A written commendation may be made by any member of the St. Anthony police department regarding any other employee. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions

18-10 **Commendations for Private Citizens**

Medal of Honor

May be given for the performance of an outstanding heroic act with considerable personal danger to himself/herself and which culminates in the saving of a life or the attempt to save a life or other heroic deed.

Certificate of Commendation

May be given when a person provides outstanding assistance to the Department in the prevention of a crime or the apprehension of criminals.

Letter of Appreciation

May be given to any person rendering any outstanding service to the Department which is worthy of recognition.

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18-11 **Procedures for Recommending Private Citizens for Commendation**

Any member of the department may recommend a citizen for an award. Department members will not advise citizens they are being recommended for an award until the Award Committee so indicates.

Recommendations will be submitted to the Chief of Police who will convene the Awards Committee.

The Citizens Award Committee will carefully screen all recommendations submitted to them. Upon approval, they will cause one of the following actions to be initiated:

- Send a letter of appreciation signed by the Chief of Police.
- Send a certificate or commendation signed by the Chief of Police, or
- Assist the Chief of Police in coordinating a ceremony for the presentation of the Medal of Honor to the selected citizen.

There will be no limit to the number of recommendations made by a member of the Department nor the number of awards given to any one citizen.

18-12 **Award Qualification Suggestions**

- Performance of an outstanding act of heroism which saves a life; e.g., rescue from a fire or drowning.
- The apprehension of a person who has committed a criminal act, either by making or aiding in the arrest, or by providing information which leads to an arrest.
- Providing assistance to the police in the prevention of criminal acts.
- Directly aiding a police officer in any duties in which the end result is beneficial to the Department.

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- Any action, not described above, which assists the Department in providing superior police service and which is beyond that normally expected of a good citizen.

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19-0 **PERFORMANCE EVALUATION PROCEDURE**

19-1 **Performance Evaluation**

The content of the evaluation will be determined for each police officer/non sworn personnel via an annual group discussion of Sergeants, Lieutenant, Captain, and Chief of Police (at least 3).

For Sergeant evaluations, the content will be determined via an annual group discussion of the Lieutenant, Captain, and Chief of Police.

Investigator evaluations will be completed by the Captain and reviewed by the Chief of Police.

For Lieutenant evaluations, the content will be determined via an annual discussion between the Captain and the Chief of Police.

Captain evaluations will be completed by the Chief of Police.

The evaluation review discussion will start with a review of the "Supervisors Recording Form" file for the officer being reviewed.

Next, each skill area definition will be reviewed and each supervisor particular skill being discussed. The supervisors will then come to a consensus on the score and list why the person was scored at the rating given. This will continue until all 13 skills have been rated.

Once the group rating has been completed, the assigned supervisor will write up the evaluation and present it to the officer. A copy will be given to the officer at the time it is presented.

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Once the evaluation has been presented and signed, the original will be forwarded to the Chief of Police for review and signature.

Once signed off by the Chief of Police, the original will be placed in the officer's personnel file located in the Police Chief's office.

19-2 **Maintenance of Files**

Evaluation reports and letters of justification will be maintained by the Chief of Police.

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20-0 **CIVILIAN EMPLOYEES**

20-1 **Civilian Employees Performing Duties of a Police Nature**

Civilian employees shall not be assigned to duties of a police nature including investigative follow-up.

20-2 **Civilian Employees Operating Police Vehicles**

A civilian employee shall not be permitted to operate a police vehicle without the immediate prior permission of the Chief of Police.

20-3 **Promotional Opportunities**

Promotions shall be filled by employees within the Department if they are qualified and it is deemed by the City to be in the best interests of the Department and City. There shall be a posting for 10 days of any vacancy (within the Department) and notice of competitive written examination. Psychological evaluation shall be required if included in the posting. The notice shall outline duties and salary. The position shall be filled in a reasonable and consistent manner, applied uniformly and without discrimination. An official written notification of promotion and salary consideration will be given to the employee.

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21-0 **FIREARMS TRAINING REQUIREMENTS**

All police officers will be required to fulfill firearms training requirements a minimum of three (3) times per year, and per current POST requirements.

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22-0 **UNIFORMS AND EQUIPMENT**

22-1 **Officer's Responsibilities**

Officers shall be responsible for the maintenance, care, and replacement of all uniforms and equipment. A uniform allowance is provided for this purpose.

22-2 **Uniform Required Items**

All officers will be issued the below items, and are required to maintain the following items in serviceable condition in the amounts shown.

- 2 dark blue, long sleeve shirts
- 2 dark blue, short sleeve shirts
- 2 pants, dark blue
- 1 summer hat, round blue polyester, black visor
- 1 winter hat, dark blue, soft, no visor
- 1 spring/winter, dark blue, nylon jacket (zip out liner)*
- 1 pair black shoes, plain toe (or boots)
- 2 pair black sox
- 1 pair black gloves (officer to choose weight)
- 1 black reversible vinyl raincoat
- 1 black plastic cap cover
- 1 tie, navy blue
- 1 pants belt, black
- 1 gun belt, black basket weave
- 1 gun holster
- 1 magazine case
- 1 handcuff case
- 1 flashlight holster
- 1 key holder
- 1 pair handcuffs
- 1 flashlight (rechargeable)
- 1 ASR holder
- 4 leather keepers
- 1 fatigue cap
- 1 flashlight battery, rechargeable type
- 1 Bullet resistant vest
- 1 latex glove holder
- 1 radio holder
- 1 name tag

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1 raid jacket
1 can of ASR
1 ASP
1 ASP scabbard

*Leather jacket may be ordered. Officer must pay difference between nylon and leather jacket.

Note: sweater and dark blue turtle necks are optional and may be purchased by officer.

22-3 **City Property – Department Issued**

The City of St. Anthony shall provide all officers with the following equipment:

Breast Badge
Hat Badge
Identification Card
Ammunition
Chemical Agent
Squad Car Keys
Office Keys
Department Manual

22-4 **City Property – Return**

All employees on disability status, leave of absence in excess of 30 days, suspension, resignation, termination, or retirement will relinquish all assigned department equipment immediately upon the start of such status to a superior officer. An offense report will be filed for any items not returned. Upon return to work, the equipment will be reissued.

22-5 **Maintenance of Uniforms and Equipment**

All uniforms shall be maintained in a clean, serviceable condition and shall be ready at all times for immediate use. Leather equipment shall be kept dyed and shined, and replaced when it is cracked or worn out.

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22-6 **Required Equipment – Plainclothes Duty**

Officers, while on plainclothes duty, should carry the following equipment:

- Department Issued Badge
- Department Issued Identification Card
- Department Authorized Weapon
- Handcuffs and Keys
- Ammunition
- Cell Phone

22-7 **Uniforms**

All personnel assigned to patrol shall wear the prescribed uniform unless exempted by a superior officer. Civilian clothing shall not be worn with any distinguishable part of the uniform.

Uniforms will meet the guidelines listed in this manual. They will be clean, neat, and in good repair. Buttons will be buttoned at all times. Leather parts of the uniform will be properly dyed and will be well shined. All nickel and brass components of the uniform will be highly polished at all times.

22-8 **Shirts**

The authorized dark blue uniform shirt shall be worn at all times when on duty. The only attachments thereto shall be the rank insignia, the badge when worn on the outermost garment, the authorized S.A.P.D. patch on the left and right sleeve, and special insignia authorized by the Chief of Police.

22-9 **Summer Shirts**

The summer shirt shall comply with the following:

- Open type collar
- Dark blue color

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Dacron polyester/rayon blend or 100% texturized polyester
Permanent press or sewn military creases
Eyelet badge tab
Permanent press yoke and band lining
Permanent collar stays
Pleated pockets with scalloped flaps
Sewn down epaulets
Velcro or snap closures on pocket flaps
Pencil compartment, left pocket
7 matching blue buttons on front opening
1 matching blue button on each pocket
1 matching blue button on each epaulet
Short sleeves

The summer shirt will be worn with the collar open, and comply with the current order of the Chief of Police.

22-10 **Winter Shirts**

The winter shirt shall comply with the summer shirt with the following exception:

Long sleeves with 2 button cuffs and 1 button sleeve facing

22-11 **Ties**

The tie shall be worn only with the winter uniform and shall conform to the following specifications:

Navy blue in color
Smooth fabric with no visible pattern
Clip on, break-away design
Lower top of tie will be at least one inch above service belt
Button hole on back of tie, allowing tie to be secured without use of tie clasp

22-12 **Tie Clasps – Optional**

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Tie clasps shall be plain silver or gold bars. A S.A.P.D. badge emblem on the bar or the badge tie tack is permitted. No other type will be permitted, including those depicting handcuffs, flags, pigs, etc.

22-13 **T-Shirts**

If a T-shirt is worn, it shall be white, navy blue, or black.

22-14 **Coats and Jackets**

22-15 **Winter Jacket – Waist Length**

Will conform to the current guidelines as communicated, by a memo, from the Chief of Police.

22-16 **Winter Jacket – Long**

Will conform to the current guidelines as communicated, by a memo, from the Chief of Police.

22-17 **Summer Jacket**

Will conform to the current guidelines as communicated, by a memo, from the Chief of Police.

22-18 **Trousers**

Will conform to the current guidelines as communicated, by memo, from the Chief of Police.

Trousers will be clean and pressed. Trouser length should be long enough to touch the shoe at the top of the arch with no more than one quarter inch break.

No shorts are allowed, unless assigned to bike patrol.

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22-19 **Hats**

22-20 **Service Hats**

The authorized uniform hat shall be as follows:

- Navy blue in color
- 100% texturized polyester fabric
- Nylon ventilated frame or fabric enclosed
- Two gold color metal "P" buttons, one mounted at each side of visor
- Half inch wide gold band for superior officers - one half inch wide black band for other sworn officers
- Visor shall be two inches in width, black in color

Officer with the rank of Chief or Captain may wear a hat which has a gold bullion embroidered to the visor.

22-21 **Winter Hat**

The pile hat is authorized for use with the winter uniform and shall meet the following specifications:

- Navy blue in color
- Navy blue pile ear flaps and bill or stocking "watch" style with SAPD patch
- No rank designation shall be affixed to the either hat

22-22 **Shoes or Boots**

Shoes or boots shall be black natural or artificial leather with a smooth and round toe design. Shoes or boots shall be well shined and in good condition.

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22-23 **Socks/Stockings**

Socks/stockings shall be dark blue or black except upon a medical certificate presented to the Chief requiring the officer to wear socks or stockings of another color.

22-24 **Sweaters, Vests, and Scarves**

When worn with the uniform, all of the above shall be dark blue in color. Buttons, where applicable, shall be either dark blue or black, and buttoned.

22-25 **Overshoes and Rubbers**

Overshoes and rubbers shall be black in color and in good condition. Overshoes must be zipped or buckled with trousers worn over them.

22-26 **Gloves and Mittens**

Gloves or mittens shall be black except for officers assigned to traffic direction who may wear fluorescent red-orange or yellow.

22-27 **Seasonal Uniform Change**

Seasonal uniform change shall be up to the individual officer's discretion.

22-28 **Leather Equipment – Specifications**

All authorized leather equipment shall be black in color and basket weave in design. This includes such items as the authorized gun belt, trouser belt, cartridge holders, flashlight holders, handcuff holders, nightstick holders, chemical agent holders, key ring holders, belt keepers, and other leather equipment attached to the gun belt.

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All authorized leather equipment shall have chrome or nickel snaps/buckles, unless the officer has a rank of sergeant or above. In this case, brass snaps/buckles may be used.

22-29 **Leather Accessories**

Leather accessories shall be as follows:

Holster The holster shall be a "safety Holster", worn on the strong hand side, and will not be of the leather flap style.

Cartridge Case The cartridge case shall be capable of carrying 2 extra magazines.

Service Belt The service belt shall be 2-1/4 inches in width and worn directly over the trouser belt.

Trouser Belt The trouser belt shall be 1-3/4 inches wide with a nickel plated buckle or without a buckle.

Belt Keeper Belt keepers shall be worn so as to encircle both the service and trouser belts, four in number, and with the opening fasteners to be at the lower edge of the service belt.

Flashlight and Key Ring Holder Both shall conform to leather equipment specifications.

Baton Holder Ring The baton holder ring shall conform to leather equipment specifications.

22-30 **Handcuffs**

All sworn personnel shall carry handcuffs while on duty with the exception of specially assigned plainclothes personnel.

22-31 **Flashlights and Flashlight Batteries**

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All officers engaged in field duty shall carry a flashlight.

22-32 **Chemical Agents**

If carried, all uniform personnel shall carry the Department issued chemical agent while on duty.

22-33 **Traffic Whistle**

The traffic whistle shall be military or police design only and may be worn on belt only (not on chain from epaulets).

22-34 **Batons**

Batons are optional for all officers and may be Department issue or personally owned. Batons must meet the following specifications:

Overall length not to exceed 24 inches
Diameter not to exceed 1-1/4 inches
Black plastic, cylindrical design
Deep channel grenade grip
or
ASP style expanding baton

22-35 **Raincoats**

The raincoat will be yellow, fluorescent red-orange, or black reversible in color.

22-36 **Bullet Proof Vests**

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Unless assigned to a plain clothes detail, officers shall wear their department purchased bullet resistant vest.

22-37 **Reflective Vests**

All officers shall wear reflective vests when involved in traffic direction or control. All uniform squads and supervisor's vehicles are equipped with reflective vests.

22-38 **Firearms**

All uniform officers, while on duty, shall carry a department approved double action revolver, or double action semi-automatic pistol as approved by the Chief of Police. The service weapon shall have a minimum barrel length of four inches. Plainclothes personnel shall carry a department approved double action revolver or double action semi-automatic pistol. It shall have a minimum barrel length of two inches.

The carrying of firearms while off duty is optional. The type of firearm carried off duty is left to the discretion of the individual officer as long as the firearm meets the requirements of 22-39, 22-40, and 22-45.

22-39 **Approval of Newly Acquired Firearms**

Prior to being carried (on or off duty) officers must qualify with the firearm and register it with the Department for approval by an instructor or armorer.

22-40 **Reapproval of Firearms**

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A firearm shall be submitted to the firearms instructor for inspection and approval before said weapon is carried on or off duty when:

Directed by a supervisor; it has been stripped and reassembled or altered mechanically; or it is not functioning properly.

22-41 **Maintenance of Firearms**

All firearms shall be maintained in a clean, serviceable condition. On and off duty firearms should be inspected by an armorer annually

22-42 **Uniformed Officers – Required Firearms**

A uniformed officer shall carry his/her primary weapon in the uniform holster attached to the police utility belt.

22-43 **Plainclothes Officers – Required Firearms**

Plainclothes officers shall carry Department approved weapons concealed on their person or if exposed, shall display a badge in close proximity of the weapon.

22-44 **Additional Firearms Carried on Duty**

An officer carrying an additional firearm while on duty shall assure that it is concealed and that it conforms to the specifications set forth in this chapter.

22-45 **Inspection and Approval of Off Duty Firearms**

All firearms carried on and off duty shall be inspected and approved once a year by the firearms instructor. All officers shall qualify once a year at the range with each firearm carried off duty. Each firearm carried on and off duty shall also be registered with the police department.

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22-46 **Ammunition**

All sworn personnel shall carry approved Department issued ammunition. All ammunition for on duty use will be supplied by the Department and all expended ammunition will be replaced by the Department. All ammunition carried in the Department issued shotguns or in the shotgun sleeve will be Department issued .00 buck, except that slug type ammunition may be carried in the shotgun sleeve, not in the chamber itself. No other ammunition will be used except with the specific permission of a supervisor.

22-47 **Possession of Ammunition**

On duty officers shall possess only Department authorized ammunition in their weapons and on their persons while on duty.

22-48 **Required Ammunition – Uniform Officers**

The service weapon shall be carried fully loaded by uniformed officers assigned to field duty. In addition, uniformed officers shall carry a minimum of 25 rounds in speed loader cases or magazines.

22-49 **Required Ammunition – Plain Clothes Officers**

Plainclothes officers shall carry their service weapon fully loaded at all times.

22-50 **Replacement of Ammunition**

All ammunition for the required primary firearms shall be replaced with new ammunition annually by the Department. Each officer shall be issued new ammunition at one of the qualification shoots during the year. All officers will be required to sign for this ammunition.

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22-51 **Breast Badge**

When in uniform, all officers shall wear the breast badge currently issued to them. It shall be attached to the badge holder provided on the outermost garment and shall be clearly visible, untarnished, and in good repair at all times.

22-52 **Hat Badge**

When in uniform, all officers shall wear the hat badge currently issued to them. It shall be securely affixed to the hat and be clearly visible, untarnished, and in good repair at all times.

22-53 **Identification Cards**

When on duty or in uniform, all officers shall have in their possession the identification card issued to them.

22-54 **Department Patch**

The official police patch shall be worn on both left and right sleeves of all shirts, jackets, and coats of the regulation duty uniform.

22-55 **Emergency Medical Technician, C.P.R. or First Air Patch**

To be worn on the right sleeve of the outer jacket only.

22-56 **Rank Insignia**

A two bar captain's gold metal emblem or lieutenant's single gold bar emblem shall be affixed to each side of the shirt collar in a position with the front edge of the bars 1/2 inch from and parallel to the front edge of the collar and centered between the top and bottom edge of the collar.

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22-57 **Personal Appearance**

It is the policy of the St. Anthony Police Department that all employees will present a professional image to the community. Consistent with this policy, all personnel of the Department will be sure that they are appropriately attired and well-groomed. Rules and regulations concerning personal appearances and uniform specifications are to be adhered to and any deviation from the stated policy or rules will be considered cause for disciplinary action.

Only on special assignments approved by the administration may there be any departure from the stated policy and rules. Special assignments may include, but are not limited to, narcotics, vice, and surveillance operations.

22-58 **Dress Code – Non-Uniform Personnel**

- All employees when reporting for work are to be clean and neat in appearance and dressed in a reasonable and tasteful manner unless otherwise required for undercover duty.
- Mini-skirts, backless dresses, halters, shorts, and garments made of transparent materials or designed so as to expose the midriff are considered inappropriate and are prohibited.
- Shorts, cut-offs, transparent shirts, and T-shirts, when worn as an outer garment, are considered inappropriate and are prohibited.

22-59 **Haircuts – Sworn Personnel**

Sworn personnel shall maintain their hair in a neat, clean, well-groomed and properly trimmed manner at all times. The hair shall not exceed the top collar line of either the uniform shirt or a standard-type dress shirt nor shall it be arranged so as to cover any portion of the

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ear or interfere with the proper wearing of the uniform hat. Female personnel may wear a ponytail.

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22-60 **Sideburns**

Sideburns shall not extend beyond a point even with the bottom of the ear lobe and shall extend a clean-shaven horizontal line and shall be kept neat and trimmed.

22-61 **Moustaches**

Moustaches shall be neat, well groomed, no longer than 1/2" in length, and shall not extend below the upper lip line.

22-62 **Beards**

Beards, goatees, etc. shall be kept neatly trimmed and no longer than 1/2 inch in length. Beards, goatees, etc. shall neither extend below the jaw line, nor be higher than one inch below the cheekbone. They shall also not be worn in any unusual pattern, and shall be uniform in length.

22-63 **Jewelry**

Jewelry or personal ornaments shall not be affixed to any part of the uniform or equipment, except those authorized by this chapter. Hand and arm jewelry will be permitted unless worn in excessive amounts or in a manner that may impede the officer's performance in the line of duty. This will not apply when the individual is working on a special assignment directed by the administration (narcotics, vice, etc.). Neck jewelry or ornaments shall not be visible.

22-64 **Cosmetics**

When worn, cosmetics shall be used with moderation.

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22-65 **Tattoos**

At no time while on-duty or representing the department in any official capacity, shall any tattoo or body art be visible.

22-66 **Body Piercing or Alteration**

Body piercing or alterations 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, except that female employees may wear earrings. One earring per ear is allowed and must be limited to post or stud type silver, gold, or white in color (stones allowed) and may not be more than 1/8" in diameter. Such body alteration includes, but is not limited to:

Tongue splitting or piercing

- The complete or transdermal implantation of any material other than hair replacement or breast augmentation
- Abnormal shaping of the ears, eyes, nose, or teeth (e.g. plugs used to enlarge the piercing holes in the earlobes, mouth grills, tooth jewelry etc)
- Branding or scarification

22.67 **Exemptions**

The Chief of Police reserves the right to grant exemption to this policy. Officers/staff wishing an exemption to this policy shall make a formal written request outlining the exemption desired and an explanation surrounding the circumstances. If the request is based upon a medical reason, a physician's statement will accompany the request

23-0 **DRUG & ALCOHOL TESTING POLICY AND PROCEDURES**

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I. **Purpose**

To establish drug and alcohol testing policy and procedures for employees and job applicants.

II. **Policy**

All present employees and all job applicants are subject to drug and alcohol testing in conjunction with the provisions of Minnesota Statutes, Section 181.950, and the following provisions:

A. CIRCUMSTANCES UNDER WHICH TESTING MAY OCCUR

Drug and alcohol testing may be requested and required for all job applicants who have been offered a job and if the City has a reasonable suspicion that a current employee:

1. Is under the influence of drugs or alcohol;
2. Has violated the City's written ordinances, rules, or policies related to drug and alcohol;
3. Has sustained or caused another person to sustain a personal injury; or
4. Has caused a work related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work related accident.

B. RANDOM TESTING AND TESTING WITHOUT PRIOR NOTICE

Random testing without prior notice may be given those employees who are in safety sensitive positions, including any supervisory or management position in which an impairment caused by drug or alcohol use would threaten the

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health or safety of any person. Testing without prior notice may be given employees who have been referred by the employer for chemical dependency treatment or evaluation or who are participating in a chemical dependency treatment program under an employee benefit plan or have participated in a chemical dependency treatment program in the prior two years.

C. REFUSAL TO SUBMIT TO TESTING

If an employee refuses to submit to drug and alcohol testing carried out in conjunction with this policy, the employee may be subject to discipline including, but not limited to, discharge. An employee may request a hearing under a negotiated agreement if permitted or under the St. Anthony City Code, Section 135:48. If a job applicant refuses to submit to drug and alcohol testing carried out in conjunction with this policy, the job applicant may not be hired.

D. TAMPERING WITH THE URINE OR BLOOD SAMPLE

If an employee tampers with his or her own urine or blood sample, the employee may be subject to discipline including, but not limited to, discharge.

E. FAILURE TO PASS DRUG AND ALCOHOL TESTING GENERALLY

An employee who receives a positive test result, fails a confirmatory test and does not request in writing a confirmatory retest within five working days after notice of positive confirmatory test results, may be subject to discipline including, but not limited to, discharge subject to

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St. Anthony City Code, Section 135.54. Such an employee may request a hearing under a negotiated agreement if permitted or under the St. Anthony City Code, Section 135.54. A job applicant who receives a positive test result, fails or refuses a confirmatory retest does not request in writing a confirmatory retest within five working days after notice of positive confirmatory test results, may be refused employment and will be notified of the reason for such refusal.

F. RIGHTS OF EMPLOYEE OR JOB APPLICANT AND OTHER APPEAL RIGHTS

An employee or job applicant has the right to be informed in writing by the employer of the results of the test within three (3) working days of the receipt of the results by the employer. An employee or job applicant has the right to request and receive from the employer a copy of the test results.

An employee or job applicant who receives a positive test result has three (3) working days from the notice of the positive test result, to submit information to the City to explain the result or may request in writing within five (5) working days of notice a confirmatory retest of the original sample at the employee's or job applicant's own expense.

G. ACKNOWLEDGEMENT

Prior to requiring a drug or alcohol test, the employee or job applicant will be given a form on which the employee will acknowledge that he or she has seen the policy. The form

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will also ask the employee or job applicant to indicate any medication that the individual is currently taking or has recently taken and other information relevant to the reliability of or explanation for a positive test result.

III. Declarations

- A. The City of St. Anthony shall designate the laboratory facility that shall conduct such tests.

- B. The City of St. Anthony hereby declares that all police positions, union, non-union, supervisory, and management positions shall be designated as "safety sensitive" positions.

- C. The City of St. Anthony hereby declares that all fire positions, union, non-union, supervisory, and management positions shall be designated as "safety sensitive" positions.

- D. The City of St. Anthony hereby declares that all public works union, supervisory, and management positions shall be designated as "safety sensitive" positions.

- E. This policy shall be distributed to each employee designated to hold a "safety sensitive" position and to each department director.

IV. Procedures

Once the circumstances warrant implementation of this procedure, the employee's department head and the City Manager or his/her designee shall be contacted.

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- A. Advise the employee that you are requiring them to submit to testing in accordance with the City policy.

- B. Give the employee a copy of the policy and allow them a reasonable period of time to review the policy.

- C. Give the employee a consent form. Ask them to read the consent form and complete information as required.

- D. Direct the employee to sign the consent form and date. Witness the signature by completing the witness portion of the form.

- E. URINE TEST
 - 1. Complete Medtox Lab form.
 - 2. Follow all directions on Medtox kit for a urine sample collection.
 - 3. Take employee to the proper restroom and observe the employee give the urine sample into the container provided.
 - 4. If the employee is the opposite sex from the observing supervisor, the supervisor or City administrative staff member of the same sex shall be located to observe the giving of this urine sample.
 - 5. Supervisor observing the giving of the sample shall seal container in accordance with Medtox instructions.
 - 6. The supervisor shall retain the container and consent forms until they can be personally given over the Medtox Lab for analysis.

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F. REFUSAL TO SIGN CONSENT FORM

If the employee refuses to give his/her consent, have them sign the form indicating the drug screen refusal and witness the signature.

1. If employee refuses, they are to be placed on immediate suspension with pay.
2. Documentation is to be completed and filed with the department head and the City Manager or his/her designee immediately.

G. BLOOD TEST

1. If it has been determined that a blood test is to be given, the supervisor shall take the employee to Unity Medical Center.
2. The supervisor shall direct that the blood sample be drawn in accordance with drug testing policy by a certified technician.
3. The supervisor is to make certain that the consent form and sample are completed in accordance with the chain of custody provided by Medtox.
4. The technician at Unity Medical Center shall be responsible for transportation of blood sample to Medtox.

H. SUSPENSION

Whether the employee signs or does not sign the consent form, he/she is to be placed on suspension with pay.

The supervisor or designated person shall take the suspended employee to the employee's place of residence.

I. PRIVACY

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Test results of employees and applicants are private data and cannot be given to a third party without written consent of the employee or job applicant, except in the following instances.

A positive confirmatory test may be:

1. Used in an arbitration proceeding or administrative hearing pursuant to Chapter 43A or other applicable State or local law or judicial proceeding.
2. Disclosed to any Federal agency or other unit of the U.S. government as required under Federal law regulations or order, or in accord with compliance requirements of a Federal government contract.
3. Disclosed to a substance abuse treatment facility for the purpose of evaluating or treating the employee.

V. ADMINISTRATIVE RESPONSIBILITY

Each department head and supervisor shall be responsible for informing their employees.

This policy shall be distributed to each employee in the City of St. Anthony. Employees shall acknowledge in writing the receipt of this policy.

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24-0 **FIELD ACTIVITIES**

24-1 **Notification to Investigating Officers/Supervisors**

Investigating officers shall be notified immediately in the following situations:

- Death investigations that appear suspicious
- Homicides
- Fatal Accidents
- Aggravated Assaults or Shootings
- Criminal Sexual Conduct

24-2 **Assistance of Investigating Officers**

When a patrol unit answers a call involving a major crime, and the circumstances indicate the need of immediate investigation by investigating officers, the investigator shall be notified without delay.

24-3 **Bomb Threats**

REDACTED

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REDACTED

24-4 **Explosives and Suspected Explosive Packages**

REDACTED

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REDACTED

24-5 **Animal Bites**

An offense report shall be made whenever a human incurs bodily injury from an animal.

- The victim should be advised to seek medical treatment immediately.
- Every effort should be made to locate the animal and, if a pet, determine ownership so that it can be quarantined at the home or by animal control.
- If the animal dies or is killed, animal control shall be notified to facilitate transportation to the Minnesota Department of Health Building at the University of Minnesota for examination.

Contracted Animal Control Units will generate supplement reports.

24-6 **Incidents Requiring Notification of Supervisor**

Officers investigating an incident that is or may be of unusual concern to the department, or which requires large-scale police action, shall notify the supervisor or Chief.

24-7 **Citizen Arrest**

Minnesota Statute 629.37 – Arrest by Private Person. A private person may arrest another:

- For a public offense committed or attempted in his/her presence;

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- When such person has committed a felony, although not in his/her presence; or
- When a felony has in fact been committed, and he/she has reasonable cause for believing the person arrested to have committed it.

RESPONSIBILITY OF ARRESTING PERSON

A private person who desires to make a citizen's arrest must:

- Declare his intentions in the presence of the accused and the officers
- Present proper identification
- State the reason for arrest
- Complete and sign a citizen's arrest form

RESPONSIBILITY OF POLICE OFFICER

Upon being advised that a private party wishes to make a citizen's arrest, officers shall:

- Determine whether the circumstances justify taking the accused into custody. If officers feel that the arrest is illegal, they shall refer the complaint to the City Attorney.
- Verify the identity of the person making the arrest.
- Assist the arresting person in completing the citizen's arrest report.
- Advise the person making the arrest that the City Attorney's office will notify them if a formal complaint is needed.
- Complete all necessary reports.
- Process the arrestee through the proper channels.

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- Tag and field release the arrestee if the appropriate criteria is met.

24-8 **Targeted Misdemeanors**

The following misdemeanor offenses should be booked:

- DWI
- Violation of Order for Protection
- 5th Degree Assault
- Domestic Assault (misdemeanor)
- Interfere with Privacy
- Violation of Harassment Restraining Order
- Indecent Exposure

24-9 **Searching Arrestees**

Arrestees shall be searched immediately for weapons and items of evidential value relating to the alleged crime. Unless circumstances necessitate immediate removal of personal property from an arrestee, no personal property, except weapons and evidence, shall be taken from the suspect in the field.

24-10 **Searching Arrestees of the Opposite Sex**

If an arrestee is to be searched by an officer of the opposite sex, the officer may handcuff the arrestee and shall:

- Call a police officer of the appropriate sex to conduct the search, or
- Transport the arrestee to a police officer of the same sex.

Note: A police officer may search a person of the opposite sex if there are reasonable grounds to believe the arrested is armed with an offensive weapon. When practical, witnesses shall be present during

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such a search, and the officer shall use the back of his/her hand when checking the breasts, pelvis area, and buttocks.

24-11 Searching an Arrestee's Purse

When an arrested has a purse, it shall be taken immediately and searched to determine whether it contains weapons or evidence relating to the alleged crime. When practical, witnesses shall be present during the search of a purse.

24-12 Arrest by Plainclothes Personnel

Whenever plainclothes personnel are involved in an arrest they shall, as soon as practical, display their identification card and display their badge.

24-13 Personal Property Recovered from Arrestees

Officers taking personal property from an arrestee shall properly inventory it and place it in property locker.

24-14 Handcuffing

Handcuffed prisoners should be cuffed behind and the handcuffs double locked.

24-15 Transportation of an Arrestee

Officers should not transport more than two arrestees in a police squad. In vehicles not equipped with safety screen or glass, one officer should be seated in the rear seat of the squad with the prisoner(s) on the side opposite his/her weapon. Arrestees should be secured in the rear seat by the use of safety belts.

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24-16 **Transportation of Females**

Transporting officer(s) shall request a time check and give the dispatcher the location of departure and mileage. When officers arrive at their destination, they shall give the dispatcher the location of arrival and mileage.

The dispatcher shall also be notified immediately of any delay or detour necessary during the transportation of a female arrestee.

24-17 **Checks**

When a check is not honored by a bank, it is returned to the depositor with an attached rejection slip giving the reason such as no account, closed account, or non-sufficient funds (N.S.F).

Officers should familiarize themselves with the departments "check packet" and advise victims accordingly.

24-18 **Primary Support Weapon**

A department primary support weapon carried in a police vehicle shall have the magazine filled to capacity. There shall be no round in the chamber and the safety shall be in the "on" position. The officer assigned to the vehicle shall inspect the weapon at the start of his/her shift.

24-19 **Lost or Damaged Department Equipment**

An employee shall notify his/her supervisor of the loss, recovery, in serviceability or damage of City-owned property. The supervisor shall conduct an investigation to determine if the loss, damage, or condition of the equipment was the result of negligence.

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When an employee's identification card or badge is lost or stolen, he/she shall notify his/her supervisor.

- Note - Stolen equipment shall be reported on a department offense report. Lost/damage equipment shall be reported on a memo and/or a damage to equipment form.

24-20 **Damage to Private Property**

An employee who has taken police action resulting in the damage of private property shall immediately notify his/her supervisor and complete a written statement. Copies of the statement shall be sent to the Chief.

24-21 **Safety Belts in Department Vehicles**

Employees operating or riding in department vehicles shall wear safety belts, unless tactical circumstances makes belt use impractical.

24-22 **Request for Help from other Police Agencies – Mutual Aid Pact**

All requests for assistance from police agencies outside the City limits shall be made in accordance with all existing mutual aid pacts.

24-23 **Search Warrant - Requirements**

The Fourth Amendment states that no warrants shall be issued except on probable cause, supported by oath or affirmation, particularly describing the places to be searched and the persons or things to be seized.

A search warrant can be issued only upon the making of an affidavit showing the existence of facts. The person or place to be searched and

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the property sought must be accurately and specifically described. The description of the place to be searched must be defined. The warrant must be executed by a law enforcement officer within ten days. If a night time search "no knock" is desired, the reasons for it must be explained in the affidavit. If any doubt exists as to probable cause for the warrant, the City or County Attorney's office shall be contacted for assistance.

24-24 Search Warrant - Execution

Search warrants shall be executed in the following manner:

- Promptly or without unnecessary delay.
- A uniform squad in the area shall be notified and should be present during the service of the search warrant.
- All property confiscated shall be marked and inventoried immediately after the search is completed.
- A copy of the warrant and the inventory sheet shall be given to the owner or renter of the premises searched or placed in a conspicuous place if no individual is present.

24-25 Search Warrant - Scope

When a search warrant is involved, the premises to be searched must be described in the warrant. The search must be confined to the areas described in the warrant. If the items sought are large, the search must be confined to places where the objects could be. (Example: A search for a television set does not extend to desk drawers.)

24-26 Search Warrant - Seizure of Items

Items not specifically named in the search warrant but which may be seized include the following:

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- Contraband in plain view.
- Stolen goods in plain view.
- Instrumentalities used to commit a crime.
- Evidence of another crime (in this instance, a second warrant should be obtained.)

24-27 **Search Incidental to Arrest**

Officers may search a prisoner incidental to a lawful arrest, and generally the surrounding area within reach. If evidence, weapons, or implements of escape are found during this search, they may legally be seized. Any arrest which is unlawful makes the search illegal. When a search is made incidental to arrest, the search must be based upon the arrest – not the arrest upon the search.

24-28 **Vehicle Searches**

A vehicle may be stopped and searched without a warrant in the following circumstances:

- When probable cause exists to believe it contains evidence of an offense, fruits or instrumentalities of a crime, contraband, or weapons with which to assault the officers. All parts of the vehicle, including the trunk, may be searched.
- When an officer takes an occupant into custody for detention in a jail facility, he/she may search the person and, if the vehicle is towed, officers shall conduct an inventory search of the vehicle.
- When an officer stops an occupant of a vehicle whom he/she has probable cause to believe is involved in criminal activity and may be armed, the suspect may be frisked and the portions of his/her vehicle where a weapon might be accessible may be searched, if the suspect is presently in reach of these area's.

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- When a vehicle is unoccupied and towed on police order, it can be examined to safeguard the personal property that may be inside. An inventory search may also be made of the trunk. All items of value shall be noted on the auto tow sheet.
- When a vehicle is moved to another location because of existing conditions which make it unsafe or impractical, the search may proceed without a warrant.
- An inventory search is a warrantless motor vehicle search which is an exception to the general warrant requirement. The inventory search is a non-criminal procedure designed to safeguard the community by:

Protecting the owner's property during impound or while the vehicle is stored in the Department's custody;

Ensuring against false claims of lost, stolen, or vandalized property;

Protecting officers or others from potentially dangerous items.

Motor Vehicle – shall include motor vehicles, off-road recreational vehicles, and motor boats as defined in State Law. (Refer to MSS 169.01, Subd. 3 and 3A, 86 and 87).

All vehicles impounded by the Department and its personnel shall be searched, and an inventory of all items of value shall be noted on the auto impound report form, prior to the removal by a contract towing service. Officers shall search not only the interior of the vehicle, but also all storage areas, to include all closed and/or locked containers (including the trunk and glove boxes).

Any resulting damage to the vehicle or its containers shall be documented.

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All items of value, money, and evidentiary property (if removed from the vehicle) shall be inventoried on a property sheet, and placed in the property and evidence locker before completion of the shift.

Officers shall also have discretion regarding where to conduct the inventory search. The inventory search must be conducted in a reasonable amount of time. A reasonable period of time means as soon as after the impoundment occurs as would be safe, practical, and in satisfactory light.

24-29 **Search Without a Warrant**

Searches generally must be supported by a valid warrant. However, there are exceptions to this rule to include the following:

- Searches incidental to a valid arrest.
- Automobile searches made under certain conditions
- Searches made under emergency conditions (i.e., there is immediate threat to life or public safety).
- Searches made after valid consent has been obtained.

24-30 **Consent Searches**

Consent searches are valuable in the saving of time and elimination of suspects, but should not be used if any doubt exists as to validity. A search warrant is always preferable for court purposes.

Officers may conduct a search of a person or property with reasonable suspicion if prior consent of the one who will be affected by it or of someone who has the right and the authority to act for the person who will be affected by it has been obtained. Prior to conducting a consent search, the following warning shall be given:

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“You do not have to consent to a search of your (describe full scope of intended search area). If you do consent, any evidence we find may be used in criminal prosecution. If you do not consent, we will not search. Understanding this, do you freely consent?”

After obtaining verbal consent, the person should complete and sign a consent form. The following criteria must be present for the consent search to be legal:

- The consent must be positive. Silence is not consent.
- Only a person who has the right to occupy the premises can consent to its search.
- A landlord cannot consent to a search of a tenant’s premises.
- The owner or an employee of a licensed motel or hotel cannot consent to a search of a guest’s room until it has been legally abandoned.
- A business employee, unless he/she has specific authority, cannot consent to a search of his/her employer’s premises.
- An employer cannot consent to a search of property on his/her premises which is within the exclusive use and control of one employee.
- Reasonable suspicion of criminal activity must be present prior to even asking for consent to search.

24-31 **Identity Confrontations (Line-Ups)**

Get Jail Procedure from Hennepin/Ramsey

24-32 **Motor Vehicle Theft Reports**

- The report form will be filled out immediately.
- The victim must sign the offense report form at the time the report is made.

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24-33 **Pollution Control Emergencies**

According to Minnesota State Statute 115.061, water and pollution control regulations WPC 14-C, WPC 22 hazardous materials are defined as follows:

- Petroleum Products
 - Gasoline
 - Fuel Oils
 - Tar or bituminous by-products
- Chemicals
 - Any hazardous or polluting chemicals
- Gaseous Products
 - Natural gas
 - Propane, butane, etc.
 - Any other type of gas or unknown vapor

24-34 **Pollution Control Emergencies - Procedures**

- A squad will be dispatched to the scene of any complaint regarding hazardous material spills.
- When an officer personally observes a hazardous material spill or receives a complaint from other than the dispatcher, the squad will immediately notify the dispatcher of the location. This squad will then proceed to the complaint area if within the City or when directed by the dispatcher.
- The officers assigned will survey the scene and notify the dispatcher of the need for other squads or any other agency and/or equipment.
- Assigned officers will remain at the scene until relieved by a superior officer or until the area is secured by another agency or department that will be responsible for cleanup, and when traffic and crowd control no longer requires the use of police personnel.

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- When appropriate, the assigned officers will complete the required reports for damage to property, etc.

24-35 Pollution Control Emergencies - Responsibility

The officer in charge will be responsible for assuring that all hazardous material spill scenes are handled in accordance with Department procedures. A memorandum containing the following information will be sent to the Chief of Police.

- Number of officers and total hours expended at the spill scene.
(Example - six officers at two hours giving a total of 12 man hours.)
- List any specific equipment used to secure the scene.
(Example - squads to block traffic, rope to secure boundaries, etc.)

Distribution of this memo will be made within 72 hours after the occurrence.

24-36 Warrant Service

When a St. Anthony officer comes in contact with an individual he suspects is wanted on a warrant, he shall:

- Confirm that the warrant exists by contacting the warrant office by phone, or through the dispatcher.

24-37 Arrest Reports

Offense reports should deal with specific information relating to the crime(s), such as victim, witness, suspect, and description of suspect and loss. That is, who, what, where, when, how and why.

Individual officers involved in arrest or offense will make separate follow-ups dealing with what each officer saw, heard and did.

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Additional information necessary and helpful on arrest reports – suspect information – any aliases, nicknames, former address, employment, work number – if female and married, maiden name.

Additional information necessary on offense reports – victim, place of employment and work number – witness, place of employment and work number.

24-38 Night Cap Warrant

A night cap warrant is one which is signed by a judge authorizing arrest of the party named on the warrant at any time. If the warrant is not nightcapped, a person charged with a petty misdemeanor or misdemeanor may only be arrested between 0800 and 2200, but not on Sundays or legal holidays unless on a public street or highway.

24-39 Felony Out-Of-State Warrants

Whenever an officer encounters circumstances which justify an arrest on an out-of-state warrant, he shall:

- Confirm the warrant through MINCIS or NCIC.
- Obtain a copy of the computer printout verifying the warrant.

24-40 Chemical Munitions – Safety

Chemical munitions are dangerous and should only be handled by trained and experienced police personnel. Safety will be the first consideration whether the munitions are used in a tactical situation or for training purposes. Procedures were developed to prevent injury while using chemical munitions. Any deviation from these procedures can only be made by the officer in charge.

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24-41 **Chemical Munitions – Tactical Situations**

The supervisor on duty shall be called and advised prior to the intended use of any chemical munitions and will authorize its use:

- All safety procedures used under training conditions shall be utilized.
- The fire department and an ambulance will be on standby at a safe distance near the target area.

24-42 **Hostages**

The supervisor on duty shall be notified of any hostage situation and shall proceed to the scene immediately. He/she shall take command of the situation and determine when hostage negotiators will be used and who they will be.

24-43 **Juvenile - Requests for Warrant Checks and Status Information**

All requests should be phoned to the juvenile division for information on runaways, warrants, and apprehension orders. Radio communication should not be used. During the hours when the juvenile division office is closed, warrant information (City and State) is available from the juvenile detention center.

24-44 **Juvenile - Arrest of Injured or Incapacitated (Under the Influence)**

All juveniles arrested and requiring medical treatment will be transported to the hospital. Hospital personnel shall be notified of any "police hold" on the juvenile. Arrested juveniles who are under the influence of drugs or alcoholic beverages to the point of insobriety are to be transported directly to the hospital or juvenile detention center as necessary.

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24-45 **Juvenile - Parental Notification of Arrest**

It is the responsibility of the arresting officers to notify parents, guardian, or other person having legal custody of an arrested juvenile, and, if not booked, to release the juvenile to a responsible adult. When notification is not possible, the reason for not doing so shall be included in the report. Notification will be made as soon as possible after processing.

24-46 **Juvenile - Missing & Endangered Persons - Response**

I. POLICY

It is the policy of the St. Anthony Police Department to establish guidelines and responsibilities for the consistent response to, and investigation of, all reports of missing and endangered persons as defined in Minnesota Statutes, Chapter 299C.52, subd. 1 (c) and (e) ("Minnesota Missing Children and Endangered Persons' Program" referred to as Brandon's Law). **The statutorily mandatory procedures are highlighted in bold print.**

This policy addresses investigations where the person has been determined to be both missing and endangered and includes all procedures required by Minnesota Statutes Chapter 299C.52.

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

II. DEFINITIONS

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- A. *Missing*:** "The status of a person after a law enforcement agency has received a report of a missing person, has conducted a preliminary investigation, and determined that the person cannot be located" (Minnesota Statutes, Chapter 299C.52, subd. 1 (c)).
- B. *Endangered*:** "A law enforcement official has recorded sufficient evidence that the missing person is at risk of physical injury or death. The following circumstances indicate that a missing person is at risk of physical injury or death:
- 1) The person is missing as a result of a confirmed abduction or under circumstances that indicate that the person's disappearance was not voluntary;
 - 2) The person is missing under known dangerous circumstances;
 - 3) The person is missing more than 30 days;
 - 4) The person is under the age of 21 and at least one other factor in this paragraph is applicable;
 - 5) There is evidence the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication;
 - 6) The person does not have a pattern of running away or disappearing;
 - 7) The person is mentally impaired
 - 8) There is evidence that the person may have been abducted by a noncustodial parent;
 - 9) The person has been the subject of past threats or acts of violence;
 - 10). There is evidence 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.
 - 11). Any other factor that the law enforcement agency deems to indicate that the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.
- (Minnesota Statutes, Chapter 299C.52, subd. 1 (e)).
- C. *Child*:** "Any person under the age of 18 years or any person certified or known to be mentally incompetent" (Minnesota Statutes, Chapter 299C.52, subd. 1 (a)).
- D. *NCIC*:** The National Crime Information Center
- E. *CJIS*:** The Criminal Justice Information System
- F. *DNA*:** deoxyribonucleic acid from a human biological specimen (Minnesota Statutes, Chapter 299C.52.subd. 1 (f))

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III. PROCEDURES

REDACTED

A. INITIAL RESPONSE

1. As required by Minnesota Statutes, Chapter 299C.53, subd. 1(a), Law Enforcement shall accept, without delay, any report of a missing person. Law enforcement shall not refuse to accept a missing person report on the basis that:

- (a) the missing person is an adult;
- (b) the circumstances do not indicate foul play;
- (c) the person has been missing for a short period of time;
- (d) the person has been missing for a long amount of time;
- (e) there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
- (f) the circumstances suggest that the disappearance may be voluntary;
- (g) the reporting person does not have personal knowledge of the facts;
- (h) the reporting person cannot provide all of the information requested by the law enforcement agency;
- (i) the reporting person lacks a familial or other relationship with the missing person; or
- (j) for any other reason, except in cases where the law enforcement agency has direct knowledge, that the person is, in fact, not missing, and the whereabouts and welfare of the person are known at the time the report is filed.

REDACTED

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REDACTED

8. Immediately enter the complete descriptive and critical information, regarding the missing and endangered person, into the appropriate category of the NCIC Missing Person File.

a) As required by 42 U.S.C. 5779(a) (Suzanne's Law) law enforcement shall immediately enter missing children less than 21 years of age into the NCIC.

b) As required by Minnesota Statutes, Chapter 299C.53, subd. 1(b), if the person is determined to be missing and endangered, the agency shall immediately enter identifying and descriptive information about the person into the NCIC.

REDACTED

10. Request investigative and supervisory assistance.

11. Update additional responding personnel.

12. Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. If necessary, use the National Law Enforcement Telecommunications Systems (NLETS) and the Minnesota Crime Alert Network to alert state, regional and federal law enforcement agencies.

13. Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.

REDACTED

16. Activate protocols for working with the media. (AMBER Alert, Minnesota Crime Alert Network)

17. As required by Minnesota Statutes, Chapter 299C.53, subd. 1(b), consult with the Minnesota Bureau of Criminal Apprehension if the person is determined to be an

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endangered missing person. Request assistance as necessary.

- 18.** Implement multi-jurisdictional coordination / mutual aid plan as necessary; such as when:
 - a)** the primary agency has limited resources;
 - b)** the investigation crosses jurisdictional lines; and
 - c)** jurisdictions have pre-established task forces or investigative teams.
- 19.** Based on the preliminary investigation, determine whether or not a physical search is required. If so, begin implementing the Reflex Tasking Phase of your agencies' Search Plan immediately pursuant to Minnesota Statutes, Chapter 387.03. Simultaneously, conduct an Initial Investigation.
- 20.** Contact the FBI and request response from the Child Abduction Rapid Response Team (CART).

B. INITIAL INVESTIGATION

- 1.** Conduct a neighborhood/vehicle canvas.
- 2.** Arrange for use of helpful media coverage.
- 3.** Maintain records of telephone communications/messages.
- 4.** Ensure that everyone at the scene is identified and interviewed separately.
- 5.** Search the home, building or other area/location where the incident took place and conduct a search including all surrounding areas. Obtain consent or a search warrant if necessary.
- 6.** Assign an investigator or officer whose duties will include coordination of the investigation.

C. INVESTIGATION

- 1.** Begin setting up the Command Post/Operation Base away from the person's residence. Know the specific responsibilities of the Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communication Officer, Support Unit Coordinator, and two liaison officers (one at the command post and one at the victim's residence). The role of the liaison at the home will include facilitating support and advocacy for the family.

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- 3.** Compile a list of known sex offenders in the region.
- 4.** In cases of infant abduction, investigate claims of home births made in the area.
- 5.** In cases involving children, obtain child protective agency records for reports of child abuse.
- 6.** Review records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
- 7.** Obtain the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.
- 8.** Create a Missing Persons' Profile with detailed information obtained from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.
- 9.** Update the NCIC file, as necessary with any additional information, regarding the missing person, suspect(s) and vehicle(s).
- 10.** Interview delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
- 11.** For persons' under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
- 12.** Determine if outside help is needed and utilize local, state and federal resources related to specialized investigative needs, including:
 - A.** Searches and Available Resources:
 - Ground Searches – personnel, vehicles, and/or mounted patrols/civil air patrol.
 - Canine Assisted –Tracking, Trailing, Air Scent, Disaster and Human Remains Detection K-9s
 - Water and underwater searches – Boats, cameras, sonar and dive teams.
 - Air Searches – Civil Air Patrol, National Guard helicopters, State Patrol, DNR and fixed wing.
 - Cave Searches

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B. Investigative Resources:

- Child interviewing
- Polygraph
- Profiling/behavioral analysis
- Minnesota Sex and Violent Crime Analysis Programs
- Crime analysis/computer assistance
- Crime scene and evidence processing forensic artistry/C
- Memory retrieval

C. Interpretive Services

D. Telephone Services (traps, traces, triangulation)

E. Media Assistance (Local and National)

- 13.** Secure electronic communication information such as the missing person's cell phone number, email address(s) and social networking site information.
- 14.** Appoint an officer who shall be responsible to communicate with the family/reporting party or their designee and who will be the primary point of contact for the family/reporting party or designee. Provide contact information and the family information packet (if available) to the family/reporting party or designee.
- 15.** Provide general information to the family/reporting party or designee about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute any person(s) criminally in the disappearance.

REDACTED

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24-47 **Juvenile - Arrest or Investigation at Public Schools**

When an investigation requires arrest or questioning of a student on school grounds or premises during school hours, officers shall solicit the cooperation of school administrative personnel. Assistance should be obtained prior to approaching a student inside a school.

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24-48 **Juvenile - Removing and Confiscating Clothing as Evidence**

When a juvenile's clothing is considered evidence, the juvenile shall be transported to the county juvenile detention center where the clothing shall be removed, inventoried, and returned to the officer involved.

24-49 **Juvenile - Strip Search for Evidence**

A strip search of juveniles shall only be done when specifically justified and justification will be included in the report. The search shall be conducted in the Hennepin or Ramsey County jail facility or the Hennepin or Ramsey County juvenile center.

24-50 **Juvenile - Custodial Protection for the Health and Welfare**

Officers handling a call involving obviously abused or neglected children may by law remove the child from the scene or home and transport him/her to a suitable approved shelter home or to Hennepin or Ramsey County Medical Center if medical attention appears necessary.

24-51 **Juvenile - Photographs**

Any juvenile taken into custody under the laws of arrest, may be photographed, subject to current county policy.

24-52 **Juvenile - Fingerprinting**

Court authorization or consent of the juvenile is not required.

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24-53 **Juvenile - Statements**

A written statement may be taken from a juvenile acting in the capacity of a victim or witness to an incident or offense. It is advisable to have a parent or concerned adult present when statements are taken from any juvenile.

24-54 **Death Determination**

The primary responsibility of an officer in any situation is to take all steps necessary to preserve life. Except when a person is obviously dead, it shall be the responsibility of a medical doctor or the emergency ambulance crew to determine if death has occurred.

24-55 **Ambulance Request at Scene of Apparent Death**

An ambulance shall be requested at the scene of an apparent death when:

- There is no medical doctor in attendance.
- There is a possibility, even if remote, that the person may be alive.

24-56 **Dead Bodies – Notification of Medical Examiner**

All deaths reported to police must be reported by phone to the medical examiner even if a qualified doctor is present. The medical examiner, or his assistant, will determine if they will investigate at the scene or direct the release of the body to a funeral home.

24-57 **Transportation of Dead Bodies**

A dead body shall be moved only after the medical examiner's office directs the removal. Dead bodies under the jurisdiction of the medical examiner will be removed by medical examiner personnel.

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24-58 **Notification to the Investigator**

Officers assigned a dead body call shall immediately notify the investigator when circumstances indicate the death might be a suicide, homicide, non-vehicular accident, or under suspicious circumstances.

24-59 **Dead Bodies – Offense Report**

When officers are assigned a dead body call the officers shall make an offense report titled “Death Investigation”, giving all pertinent information as to identification, probable cause of death, name of doctor, and disposition of body.

It is expected that officers will give reasonable aid and comfort to the family members present and ensure that they are able to make necessary arrangements. Services of the Police Chaplain Corps may be offered.

24-60 **Notification to Relatives of Deceased**

It is the legal responsibility of the medical examiner’s office to make proper notification to relatives of the deceased. Officers may at times decide to assume this responsibility when it might be helpful to the investigation, when the death involves a police officer or his/her family, or a speedy notification is indicated for humanitarian purposes. Officers shall inform the medical examiner’s office in these circumstances. The Police Chaplain Corps may be called upon to assist with death notifications. The death of a police officer requires immediate notification to the Chief of Police. Death notifications should be made in person.

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24-61 **Homicide Scene**

The first officer to arrive at the scene of a homicide or suspicious death shall immediately take all necessary measures to apprehend suspects and to isolate the area where the crime was committed and/or where the body was found. No one shall be permitted to approach the scene until investigating officers arrive. Possible witnesses shall be detained or identified.

24-62 **Searching Dead Bodies**

The officers in charge at the scene of a dead body shall prevent any person other than personnel from the medical examiner's office from searching the dead body for any purpose. Whenever personal effects and possessions of the deceased are taken by the medical examiner, the items taken shall be listed in the offense report. Death weapons or other property of the deceased, when taken for evidence, shall be itemized and signed for by the officers when so requested by the medical examiner.

24-63 **Gunshot Wounds**

An offense report shall be made whenever a gunshot wound is inflicted on a person.

A supervisor shall be notified immediately on all gunshot wounds.

24-64 **Fires**

Squads shall assist the fire department with traffic and crowd control when requested.

The first officers on the scene shall attempt to determine how serious the fire is and how many officers will be needed. Officers shall take

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proper measures to assure that all hydrants are accessible to fire equipment.

On all major fires the supervisor on duty/off duty shall be notified immediately.

24-65 **Fires Extinguished – Fire Department Notified**

When officers are at the scene of a fire which has been extinguished and the fire department has not been sent, officers shall notify the police dispatcher. Notification shall be made to the fire department through the police dispatcher or through other sources.

24-66 **Arson Suspected**

When officers are at the scene of a fire and suspect arson has occurred, they shall notify the ranking fire department officer at the scene.

24-67 **Sexual Assault Investigation**

When a sexual assault complaint is received, patrol officers protocol will include:

- Determine if the suspect is still present and make the appropriate arrest. If not, inform the victim that we will notify him/her after the suspect is arrested.
- Attempt to calm and reassure the victim that the victim is now safe and that what happened was not the victim's fault.
- Determine if the victim is injured and start an ambulance if needed. Obtain a signed medical release from the victim.
- Obtain necessary information on the victim, suspect, and witnesses.

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- Broadcast suspect information to other squads.
- Secure crime scene to ensure that evidence is not lost, changed or contaminated.
- Obtain assistance of an advocate if the victim wishes.
- Interview victim and witnesses as to what has transpired. Provide an interpreter if needed.
- Officers shall not conduct an in-depth interview with a sexual assault victim under the age of 13. Sexual assault victims under the age of 13 should be taken to Children's Hospital. Interviews will be conducted by Midwest Children's Resource Center (Ramsey County) or Corner House (Hennepin County), to include victims aged 13-17 who are victim of interfamilial sexual abuse.
- When trained to do so, process the crime scene and collect all pertinent physical evidence or follow agency policy of contacting the Hennepin County or Ramsey County Sheriff's Crime Scene Unit.
- Explain to the victim the need to collect evidence such as clothing, tissues, towels, bed linens, etc, as well as not to wash, change clothes, or clean the crime scene.
- Record officer's observations of crime scene including demeanor of suspect and victim, as well as documenting any injuries or disheveled clothing.
- If officer suspects that the sexual assault was facilitated by drugs, encourage the victim not to void his/her bladder. If the victim must void, instruct him/her to void in a clean container.
- Explain to the victim the necessity to go to a medical facility for treatment and collection of evidence in cases in

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which the sexual assault happened within the past 120 hours (even if the victim has bathed).

- Accompany the victim to and from the medical facility and ask medical personnel to perform a CSC exam and a CSC kit. Regions, United, St. John's, St. Joseph's Hospitals, and Hennepin County Medical Center are all equipped to perform the required exam and all follow the same protocol.
- Collect and inventory the CSC kit as evidence.
- Explain to the victim that an investigator will contact the him/her.
- Provide the victim with a list of victim service agency phone numbers.
- The patrol officer and the investigator should evaluate cases involving children to ensure that they will not be left in a vulnerable environment. Child protection services and a shelter program may be necessary.
- To prevent losing physical evidence, an intoxicated person identifies themselves as a sexual assault victim, should be taken to a hospital for a CSC exam before being taken to Detox.
- Request a supervisor or an investigator to the scene if needed.

INVESTIGATION PROTOCOL:

- The investigator should attempt to contact the victim within 24 hours of receiving the incident report. The victim may have an advocate present during the interview with the

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understanding that the advocate cannot interject into the questioning.

- Set the victim at ease and reassure the victim that the victim is in control and that the investigation will go forward only with the victim's approval.
- Explain to the victim the importance of the interview for clarification purposes and that some questions may seem pointed but need to be asked in order to gather more evidence for the prosecutor.
- Obtain the victim's medical records.
- Visit the scene of the crime if necessary. Obtain search warrants when necessary.
- Collect CSC Kits from hospital and send to BCA for DNA identification in stranger rapes and CSC where a suspect has been identified but denies any sexual conduct.
- When necessary obtain a consent to search or execute a search warrant for a blood draw on a suspect. It is recommended that the assigned investigator witness this blood draw.
- Explain to the victim the charging process and provide the victim the investigator's work phone number and encourage the victim to call if questions arise.
- Notify the victim when the suspect has been charged and inform the victim when the law enforcement phase of the investigation is complete and when the prosecutor's phase of the case begins. In the event of the case being declined by the County Attorney, inform the victim of the reason for the declination. If the victim has further questions, refer the victim to the charging attorney.

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- Explain the Consent for Future Contact Form and obtain the victim's permission and signature.
- If fact scenario warrants, have victim tested for "date rape drugs" (GHB, Rohypnol). Some of these chemicals can be detected for as long as 14 days after ingestion.

THE FOLLOWING FACTORS MAY BE DOCUMENTED, BUT WILL NOT BE USED AS AN EXCUSE TO AVOID A THOROUGH INVESTIGATION.

1. Belief that the victim will not cooperate with the criminal prosecution or that an arrest may not lead to a conviction.
2. Disposition of previous police calls involving the same victim.
3. Chemical dependence or intoxication of the victim.

24-68 **Sex Offender Registration and Community Notification**

This policy is intended to ensure that this agency complies with the requirements of Minnesota Statutes 243.166, 244.052 and 244-10 and Chapter 13 to provide for the registration of sexual offenders and other predatory offenders and to provide community notification relative to the release of certain of those offenders, while maintaining the legally required privacy and other rights of those offenders.

POLICY

The State of Minnesota has found as a matter of policy, "If members of the public are provided adequate notice and information about a sex offender who has been or is about to be released from custody and who lives or will live in or near their neighborhood, the community can develop constructive plans to prepare themselves and their children for the offender's release."

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In order to implement this policy, it is the policy of this agency to facilitate the registration of sexual and other predatory offenders. It is further the policy of this agency to provide community notification relative to the release of those offenders as designated by statute, while preserving the legal rights of those offenders.

It is the policy of this agency to provide the maximum information authorized by law, consistent with the requirements of public safety and the legal rights of the offender.

STATUTORY AUTHORITY

Minnesota State Statute 243.166 - Sex Offender Registration

Minnesota State Statute 244.10 - Community Notification (Prison)

Minnesota State Statute 244.053 - Community Notification (Non Prison)

Minnesota Statute Chapter 13 - Minnesota Government Data Practices Act

DEFINITIONS

- A. Accepted for Supervision - Accepted from another state under a reciprocal agreement under the interstate compact authorized by Minnesota Statute 243.16.
- B. Confinement - Confinement in a state correctional facility or a state treatment facility.
- C. Law Enforcement Agency
 - 1. For the purposes of community notification, a law enforcement agency is defined as the agency having primary jurisdiction over the location where the offender expects to reside upon release, and/or where the offender is likely to be encountered.
 - 2. For all other purposes under this policy, the definition of law enforcement agency includes all agencies which carry on a law enforcement or prosecutorial function including, but not limited to,

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local, state and federal agencies; and parole, probation and court services agencies.

- D. Sex Offender or Offender
 - 1. For the purposes of sex offender registration, a sex offender is an adult or juvenile required to register under Minnesota Statute 243.166, subdivision 1.
 - 2. For the purposes of community notification, a sex offender is an adult or certified juvenile who has been convicted of an offense for which registration under section 243.166 is required, or a person who has been committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, regardless of whether the person was convicted of an offense.
- E. Likely to Encounter - 1) the organizations or community members are in a location or in close proximity to a location where an offender lives or is employed, or which an offender visits or is likely to visit on a regular basis, other than the location of the offender's outpatient treatment program; and 2) the types of interaction which ordinarily occur at that location and other circumstances indicate that contact with an offender is reasonably certain.
- F. Residential Treatment Facility - A residential facility that is licensed as a residential program, as defined in Minnesota Statute 245A.02, subdivision 14 by the Commissioner of Human Services under Minnesota Statute Chapter 254A, or the Commissioner of Corrections under Minnesota Statute 241.021; and the facility and its staff are trained in the supervision of sex offenders.
- G. Day Care Establishments - An establishment licensed by the State of Minnesota, or its agents, to provide day care services for children.
- H. Public and Private Educational Institutions - An elementary, secondary, and post secondary educational

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institution authorized or licensed by the State of Minnesota.

- I. Registration Period - That period of time that is defined by Minnesota Statute 243.166, subdivision 6. That statute provides a person required to register as a sex offender or predatory offender shall continue to comply with registration requirements until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register who is committed under Minnesota Statute 253B.185, the ten-year registration period does not include the period of commitment.

- J. Risk Level Assessment - That level of danger to the community established by the End of Confinement Review Committee of the Minnesota Department of Corrections. There are three risk levels:
 - 1. Level I - Risk Level I is an offender whose risk assessment score indicates a low risk of re-offense.

 - 2. Level II - Risk Level II is an offender whose risk assessment score indicates a moderate risk of re-offense.

 - 3. Level III - Risk Level III is an offender whose risk assessment score indicates a high risk of re-offense.

- K. New living address - A new living address does not necessarily mean legal residence, but includes where a person spends a significant amount of time and maintains a significant amount of their personal property.

PROCEDURES

I. REQUIRED REGISTRATION

An offender must register under Minnesota Statute 243.166, if the offender was charged with, or petitioned for, a felony violation of or attempt to violate any of the following crimes;

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and convicted of, or adjudicated delinquent for that offense or of another offense arising out of the same circumstances:

The offense the offender was charged with or convicted of is:

1. First Degree Murder - Minnesota Statute 609.185, subd. 2;
2. Kidnapping, Involving a Minor - Minnesota Statute 609.25;
3. First Degree Criminal Sexual Conduct - Minnesota Statute 609.342;
4. Second Degree Criminal Sexual Conduct - Minnesota Statute 609.343;
5. Third Degree Criminal Sexual Conduct - Minnesota Statute 609.344;
6. Fourth Degree Criminal Sexual Conduct - Minnesota Statute 609.345;
7. Fifth Degree Sexual Conduct (Felony) - Minnesota Statute 609.3415;
8. Predatory Crime under the Patterned Sex Offender Statute AND offender sentenced as a patterned sex offender, Minnesota Statute 609.1352;
9. Predatory Crime under the Patterned Sex Offender Statute AND the court has found the crime to be a part of a predatory pattern of behavior that had criminal sexual conduct as its goal;
10. Using a Minor in a Sexual Performance, Minnesota Statute 617.246;
11. Possession of Pictorial Representations of Minors, Minnesota Statute 617.247;
12. False Imprisonment of a Minor - Minnesota Statute 609.255.
13. Soliciting minor to engage in Prostitution - Minnesota Statute 609.322-824.
14. Soliciting a minor to engage in Sexual Conduct - Minnesota Statute 609.352.
15. Felony Indecent Exposure to a Minor under 16 years of age - Minnesota Statute 617.23.
16. Committed as a Sexual Psychopath or Sexually Dangerous Person, under Minnesota Statute

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253B.185 or 526.10, whether convicted of a crime or not;

17. Comparable Federal offense;
18. Comparable offense in another state within the last ten years.

A. Registration Process

Minnesota Statute 243.166 requires an offender to register. The central repository for registration records is the Minnesota Bureau of Criminal Apprehension.

1. Sex Offenders that are on State or Federal Probation, parole, or supervised release are required to register with a corrections agent as soon as one is assigned. Copies of the registration form are forwarded to the following:
 - a. Bureau of Criminal Apprehension (original and one copy), and (The Bureau of Criminal Apprehension shall forward this information to the law enforcement agency with primary jurisdiction over the location where the offender expects to reside.)
 - b. Corrections Agent, and
 - c. Department of Corrections - Sex Offender/Chemical Dependency Services Unit, if appropriate, and
 - d. Offender
2. If an offender does not currently have a Minnesota or Federal Corrections Agent because the offender is no longer under supervision, they shall register with the law enforcement agency with primary jurisdiction over the location in which they reside. Copies of the Registration form as provided by the Bureau of

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Criminal Apprehension shall be provided within two working days as follows:

- a. Bureau of Criminal Apprehension (original and copy), along with a completed finger print card (as provided by the Bureau of Criminal Apprehension), and a photograph, and
- b. Agency files, and
- c. Offender

B. Change of Address Requirements

Minnesota State Statute 243.166 requires an offender who starts living at a new address including living in another state, to give written notice of the new living address to the assigned correctional agent or to the law enforcement authority with which the person currently is registered. The offender must make this notice at least five days before beginning to live at the new address.

1. Sex Offenders that are on State or Federal Probation, parole, or supervised release are required to register with their assigned corrections agent. The corrections agent shall forward the Change of Address Form as provided by the Minnesota Bureau of Criminal Apprehension to the Bureau of Criminal Apprehension within two working days. Copies of the registration form are forwarded to the following:
 - a. Bureau of Criminal Apprehension, original and one copy and, (The Bureau of Criminal Apprehension shall forward this information to the law enforcement

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agency with primary jurisdiction over the location where the offender expects to live.), and

- b. Corrections Agent, and
- c. Department of Corrections - Sex Offender/Chemical Dependency Services Unit, if appropriate, and
- d. Offender

2. If an offender does not currently have a Minnesota or Federal corrections agent because the offender is no longer under supervision, they shall register their address change with the law enforcement agency with primary jurisdiction over the location in which they reside. Copies of the Change of Address Form as provided by the Bureau of Criminal Apprehension shall be provided within two working days as follows:

- a. Minnesota Bureau of Criminal Apprehension (original and a copy), and
- b. Law Enforcement Agency with primary jurisdiction over the location in which the offender intends to reside, and
- c. Agency file, and
- d. Offender

C. Offenders from Other States

1. When the state accepts an offender from another state under a reciprocal agreement under the interstate compact authorized by Minnesota Statute 243.16, or under any authorized interstate agreement, the acceptance is conditional on the offender agreeing to maintain a current registration

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under this section while the offender lives in Minnesota.

2. Offenders who have been convicted or adjudicated, or released from confinement in another state of a comparable offense requiring registration within the last ten years, even if they are no longer under supervision, are required to register if they have moved to Minnesota after July 1, 1995 and remain longer than thirty (30) days. They are to register with the law enforcement agency with primary jurisdiction over the location in which they live. The original and one copy of the Registration Form, along with a completed finger print card (as provided by the Bureau of Criminal Apprehension) and a photograph, is to be forwarded to the Bureau of Criminal Apprehension.
3. The offender will be advised of the requirements of Minnesota Statute 609.3461, subd. 3, which requires offenders under supervision from another state to make arrangements with their supervising agent to provide a biological sample for purposes of DNA testing. The cost for obtaining the biological specimen is the responsibility of the supervising agency.

D. Registration Period

1. An offender must comply with the registration requirement until ten years have elapsed since the person was initially registered for the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later.

E. Registration Verification

1. Each year, within 30 days of the anniversary date of the person's initial registration, the Bureau of Criminal Apprehension shall mail a

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verification form to the last reported address of the person.

2. The person shall mail the signed verification form back to the Bureau of Criminal Apprehension within ten days after receipt of the form, stating on the form the current and last address of the person.
3. If the person fails to mail the completed and signed verification form to the Bureau of Criminal Apprehension within ten days after receipt of the form, the person shall be in violation of this section.

F. Criminal Penalty

1. If an offender is required to register under this section, and the offender violates any of its provisions; or intentionally provides false information to a corrections agent or law enforcement officer, the offender is guilty of a gross misdemeanor. Any violation of this section may be prosecuted where the offender resides or where the person was last assigned to a Minnesota corrections agent.
2. An offender who fails to provide change of address information may also be subject to an additional five year period of registration.
3. Subsequent convictions for failure to register are a felony.

G. Data Practices

1. All Sex Offender Registration Data contained on the Minnesota Sex Offender Registration Form is PRIVATE DATA to be used for law enforcement purposes.
2. However, data provided by the Department of Corrections and data obtained from sources other than the Minnesota Sex Offender

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Registration form may be disclosed for the purpose of community notification as described in parts II, III, and IV below.

H. Reports

1. An incident report must be completed on all sex offenders reported to this agency. This report is to contain all data with respect to their past criminal record including MO's, if known.
2. This agency will assist an offender in completing a Sex Offender Notification and Registration Form and/or Sex Offender Change of Address Notice for any offender registering with our agency.
3. These completed forms must be promptly mailed to the Minnesota Bureau of Criminal Apprehension, Attn: SOR Unit, 1246 University Avenue, St. Paul, Minnesota; A copy will be retained for agency records.

II. COMMUNITY NOTIFICATION – RELEASE FROM PRISON OR TREATMENT FACILITY

- A. Receipt of notice of end of confinement review committee meeting.
1. Prior to the release of a sex offender covered by notification, the DOC is required to convene an End of Confinement Review Committee to assign the offender a risk level.
 2. The DOC will notify the law enforcement agency responsible for the charge resulting in confinement of the time and place of the end of Confinement Review Committee meeting and that the agency may provide information in writing that may be relevant to the offender's risk level.
 3. Upon receipt of the notice from the department of corrections, the agency should respond by providing the End of Confinement Review Committee the

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additional information the agency believes is relevant to the risk level assignment or respond to the End of Confinement Review Committee that no additional information is currently available. In any case, a response to the End of Confinement Review Committee should be made promptly.

B. Receipt of End of Confinement Review Report and Records

1. Pursuant to Minnesota Statute 244.052, subdivision 3(f); not less than sixty (60) days before an offender is released from confinement by the Commissioner of Corrections or Commissioner of Human Services, the State End of Confinement Review Committee is required to provide to the appropriate law enforcement agency all relevant information the Commissioner has concerning the offender, including information on the risk factors in the offender's history and the risk level to which the offender was assigned. Except when an offender is imprisoned in a Minnesota Department of Corrections facility for less than 90 days, the report and relevant data will be provided as soon as it becomes available (Minnesota Statute 244.052, subdivision 5).
 - a. Upon receipt of assessment and data, the agency will open a file in the offender's name. The data contained in this file will be treated as public data, except for those portions designated by the Department of Corrections or other responsible authority with some other classification.
 - b. As soon as reasonably possible upon receipt of the assessment and data, but not more than 30 days, the agency which was responsible for the charge resulting in confinement shall review and determine whether or not to request the committee conduct a re-assessment of the assigned risk level. In making the determination, the agency may consult with other appropriate law enforcement and prosecutorial agencies. A request for re-assessment shall list facts and circumstances

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arising after the initial assignment or facts and circumstances known to law enforcement, but not considered by the committee.

- c. If the agency determines to seek re-assessment, a written request for re-assessment, along with all supporting data, shall be forwarded to the Director of the Sex Offender/Chemical Dependency Services Unit as soon as reasonably possible.
 - d. Once the requested review is completed, or if the agency accepts the original risk level assessment, the agency shall proceed with preparation of the community notification plan, consistent with the offender's assigned risk level.
2. Within five days after receiving the offender's approved release plan from the office responsible for adult releases, the appropriate department shall give to the law enforcement agency having primary jurisdiction where the offender plans to reside, all relevant information the department has concerning the offender, including information on risk factors in the offender's history and the risk level to which the offender was assigned.
3. Community Notification Plan
- a. For each offender who falls within Section IIA. 1 and 2 of this policy, a community notification plan will be established. Upon receipt of the information described in Section A of this policy, a good faith effort shall be made to complete the plan at least fourteen (14) days after the receipt of the offender's confirmed address.
 - b. The notification plan will be consistent with the risk level assessment established by the Department of Corrections and include the preparation of an Offender Fact Sheet or the

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use of the fact sheet(s) provided by the Department of Corrections.

- c. Offender Fact Sheet – An offender fact sheet shall, at minimum include:
1. The date the fact sheet was issued.
 2. The Minnesota State Identification Number.
 3. The agency responsible for the fact sheet.
 4. Legal authority under which the fact sheet was prepared.
 5. A method of contacting the Law Enforcement Agency for further information.
 6. A statement of the Offender's Rights.
 7. The name, date of birth, and physical description of the offender.
 8. A recent photograph, if available.
 9. A Statement of the Offense for which the offender was convicted, or other legal basis for the offender's confinement.
 10. A brief description of the facts of that offense. This description should be written in a manner so as to not unreasonably arouse the anger of those who review it, or jeopardize the safety of the offender. The agency may use the offense summary information provided by the End of Confinement Review Committee for the offense summary.
 11. The Department of Corrections Assigned Risk Level.

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12. The address at which the offender intends to reside. In most circumstances, this should not include the specific street number of the residence.
13. The scope of the Community Notification Law.

NOTE: To meet the above provisions, the agency may use a fact sheet similar to Addendum 1 of this policy or the one provided by the Department of Corrections.

C. Law Enforcement Disclosure of Information to Public

1. The law enforcement agency in the area where the sex offender resides, expects to reside, is employed, or is regularly found, shall disclose to the public any information regarding the offender contained in the report forwarded to the agency under Section II. A. 1 and 2 of this policy, if the agency determines that disclosure of the information is relevant and necessary to protect the public and to counteract the offender's dangerousness. The extent of the information disclosed and the community to whom disclosure is made must relate only to, and include, all of the following: 1) the level of danger posed by the offender, and 2) the offender's pattern of offending behavior, and 3) the need of the community members for information to enhance their individual and collective safety.

D. Level I – For a Risk Level I Offender, a fact sheet may be distributed as follows:

1. Mandatory Disclosure

a. Victims

The fact sheet shall be given by the law enforcement agency responsible for the community notification, to person or by phone

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if possible, to the victims of the offense committed by the offender, who have requested disclosure if that request has been made known to the agency, and if the agency is provided an address and/or the telephone number for the victim with which to communicate the information.

b. Offender

The fact sheet shall be mailed to the offender.

2. Discretionary Disclosure – The fact sheet may be given to:

a. Any witnesses to the offense committed by the offender, who have requested disclosure if that request has been made known to the agency, and if the agency is provided an address for the witness(es) with which to communicate the information.

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

3. Offender criminal history records may be disclosed to the extent such a record is classified as public data and as authorized under Section V. of this policy.

4. Requests for data not contained in the Fact Sheet shall be provided in accordance with Section II. B. of this policy.

E. Level II – For a Risk Level II Offender who is placed in a Residential Facility, disclosure shall be as follows:

1. Mandatory Disclosure

a. Disclosure shall be made to all persons and entities to which Level I disclosure would be made.

2. Discretionary Disclosure

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- a. Additional Level II disclosure may not be made until the head of the facility notifies the Commissioner of Corrections or the Commissioner of Human Services that the offender's placement or residence in the facility is scheduled to end. Upon receipt of this notification, the agency may make disclosures as authorized in paragraph (E) below.
- F. Level II – For a Risk Level II Offender Not Placed in a Treatment Facility, a Fact Sheet may be distributed as follows:
- 1. Mandatory Disclosure
 - a. Disclosure shall be made to all persons and entities to which Level I disclosure would be made.
 - 2. Discretionary Disclosure
 - a. Additional disclosure may be made to the following groups and agencies the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care when they are on or near the premises of the institution.

In determining the public and private educational institutions, day care establishments, and other establishments and organizations, if any, who will be given the fact sheet under this provision, the agency may consider the offender's prior history, offense characteristics, employment, recreational, social, and religious interests, and the characteristics of likely victims. The agency should consult with any other law enforcement agencies with primary jurisdiction over which the offender is likely to be encountered.

The agency may also disclose the information to individuals the agency believes are likely to

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be victimized by the offender. The agency's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the Department of Corrections or Human Services. For example, those groups may include:

1. Public and Private Educational Institutions including staff members.
 2. Day Care Establishments including staff members.
 3. Establishments and Organizations that primarily serve individuals likely to be victimized by the offender.
3. Offender criminal history records may be disclosed to the extent such a record is classified as public data and as authorized under Section V. of this policy.
 4. Requests for data not contained in the Fact sheet shall be provided in accordance with Section II. B. of this policy.
- G. Level III – For a Risk Level III Offender who is placed in a Residential Facility, disclosure shall be as follows:
1. Mandatory Disclosure
 - a. Disclosure shall be made to all persons and entities to which Level I disclosure would be made.
 2. Discretionary Disclosure
 - a. Additional Level III disclosure may not be made until the head of the facility notifies the Commissioner of Corrections or the Commissioner of Human Services that the offender's placement or residence in the facility is scheduled to end. Upon receipt of this notification, the agency may make disclosures as authorized in paragraph H below.

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- H. Level III – For a Risk Level III Offender not placed in a treatment facility, a Fact Sheet may be distributed as follows:
1. Mandatory Disclosure
 - a. Disclosure shall be made to all persons and entities to which level I and Level II disclosure would be made.
 2. Discretionary Disclosure
 - a. Additional disclosure of the fact sheet may be made to any other members of the community the offender is likely to encounter.
 1. In determining the establishments and organizations who will be given the fact sheet under this provision, the agency may consider the offender's prior history, offense characteristics, employment, recreational, social, and religious interests; and the characteristics of likely victims. The agency should consult with any other law enforcement agencies with primary jurisdiction over which the offender is likely to be encountered.
 2. The agency shall meet with community members including a public meeting, as defined by Minnesota Statute 471.705, in the area where the sex offender will reside or is likely to be found. If a public meeting is determined not to be appropriate in a specific case, the reason the meeting was not held will be documented in the agency's case files.
 3. The agency shall make reasonable efforts to notify members of the community through appropriate use of public information resources, including the news media.

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4. In conducting a community notification meeting, the agency will give due regard to, and address the essential components of, the community notification fact sheet created under this policy. The agency will consider and use as appropriate a variety of informational approaches, which may include:
 - a. Description of the Community Notification Law and Sex Offender Registration Law
 - b. Relevant information concerning the offender who is subject to the notification
 - c. Information which will promote public safety and protection from other offenders who may not be subject to notification
 - d. An explanation of the rights of the offenders to be free of illegal harassment
 - e. Assistance of community leaders, other officials and relevant professional disciplines
 - f. Information relevant to the scope of notification for the offender who is subject to notification
 - g. Information about what to do or who to call if the offender is encountered, or concerning the offender's activities
 - h. General personal safety and crime prevention tips, fact sheets, or related materials

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- i. Information concerning general sex offender and predatory offender characteristics

I. Exchange of information between law enforcement agencies

The agency may provide any data in its possession obtained under the Community Notification or Sex Offender Registration statutes to another law enforcement agency which is initiating or conducting an investigation, or to assist that law enforcement agency in conducting community notification or sex offender registration.

J. Re-notification

1. When an offender notifies an agency of the intent to move from the jurisdiction, or within the jurisdiction, the agency shall:
 - a. Assist the offender in completing the Sex Offender Change of Address Notice. Once completed, a copy of the form shall be sent to the Chief Law Enforcement Officer of the jurisdiction which the offender intends to move, and the Minnesota Bureau of Apprehension. A copy will be retained for the agency's files.
 - b. Upon the request of the agency in the jurisdiction to which the offender intends to move, the agency shall provide the agency with all information pertaining to the offender in its possession which is requested.
2. An agency shall periodically review all community notification files to determine if re-notification of the community is appropriate. In making that determination, the agency should consider the nature and characteristics of the community, including the extent of changes in its population and membership.

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3. Upon receipt for the Department of Corrections of a reclassification of an offender risk level, the agency shall proceed with the development and distribution of a Community Notification Plan as set forth in paragraphs II (A)(2) above.

**III. COMMUNITY NOTIFICATION – SENTENCING GUIDELINES
DISPOSITIONAL DEPARTURES**

- A. Pursuant to Minnesota Statute 244.10, subdivision 2a, in any case in which a person is convicted of an offense which requires registration under Minnesota Statute 243.166, and the presumptive sentence under the sentencing guidelines is commitment to the custody of the Commissioner of Corrections, if the court grants a dispositional departure, the probation or court services officer assigned to supervise the offender shall provide in writing to the agency the fact that the offender is on probation and the terms and conditions of probation.
- B. Upon receipt of notice from a court services or probation officer under this provision, a file in the offender's name will be opened. The data contained in this file is classified as public data.
- C. Community Notification Plan
 1. For each offender who falls within the scope of this policy, a community notification plan will be established. A good faith effort shall be made to prepare the notification of the plan as soon as reasonably possible.
 2. The notification plan shall be developed in consultation with the court services or probation officer and prosecuting authority, and shall include the preparation of an Offender Fact Sheet.
 3. Offender Fact Sheet – An offender fact sheet shall consist of public data unless otherwise authorized by court order or consent of the offender, and at minimum shall include:

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- a. The date the fact sheet was issued.
 - b. The Minnesota State Identification Number (if available).
 - c. The agency responsible for the fact sheet.
 - d. The legal authority under which the fact sheet was prepared.
 - e. A method of contacting the Law Enforcement Agency for further information.
 - f. A statement of the offender's rights.
 - g. The name, date of birth, and age of the offender.
 - h. A recent photograph, if available.
 - i. A statement of the offense of which the offender was convicted.
 - j. A brief description of the facts of that offense. This description should be taken from court records and written in a manner which protects the identify of the victim and witnesses to the offense to the extent it is reasonably possible to do so. The description of the offense should be written in a manner so as to not unreasonably arouse the anger of those who review it, or jeopardize the safety of the offender.
 - k. The scope of the Community Notification Law.
 - l. To meet the above provisions, the agency may use a fact sheet similar to Addendum 2 of this policy.
- D. Distribution of the Offender Fact Sheet
1. A copy of the fact sheet shall be mailed to the offender.

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2. Disclosure may be made to the following groups and agencies the offender is likely to encounter. For example, these groups may include:
 - a. Public and Private Educational Institutions
 - b. Day Care Establishments
 - c. Establishments and Organizations that primarily serve individuals likely to be victimized by the offender.

In determining the establishments and organizations who will be given the fact sheet under this provision, the agency may consider the offender's prior history, offense characteristics, employment, recreational, social, and religious interests; and the characteristics of likely victims.

IV. COMMUNITY NOTIFICATION – ALL OTHER REGISTERED OFFENDERS

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

V. CRIMINAL HISTORY CONVICTION DATA

- A. Minnesota Statute 13.87 classifies certain conviction data for adult and certified juvenile offenders as public data and requires the Bureau of Criminal Apprehension to allow a member of the public to inspect that data at its offices at no charge.

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- B. Data which is not conviction data is classified as private data and may not be disclosed except as authorized by the Minnesota Government Data Practices Act and the data practices policy of this agency.
- C. Conviction data is classified as public only until 15 years has elapsed since the offender was discharged from the sentence imposed for the conviction. Following that time, conviction data is classified as private data.
- D. The following data obtained from Bureau of Criminal Apprehension records for conviction offenders for which less than 15 years have passed since expiration of sentence may be disclosed as public data:
 - 1. Offender name and date of birth
 - 2. Charged offense and conviction offense and level of offense (felony or misdemeanor)
 - 3. Arresting agency and case number
 - 4. Court of conviction and court file number
 - 5. Sentence which was imposed
 - 6. Institution of confinement, if any
 - 7. Minnesota State Criminal History (SID) Number

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ADDENDUM 1

SEX OFFENDER INFORMATION FACT SHEET
LEVEL _____ NOTIFICATION OF RELEASE
(LAW ENFORCEMENT AGENCY)

Minnesota State Identification # _____

AGENCY CASE NUMBER:

DATE:

The (agency) is releasing the following information pursuant to Minnesota Statute 244.052, which authorizes law enforcement agencies to inform the public of a sex offender's release from prison or a secure treatment facility when: the agency believes the release of information will enhance public safety and protection.

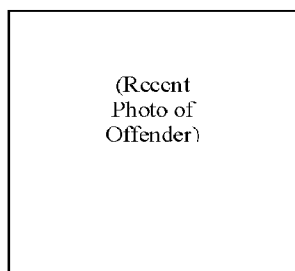
The individual who appears on this notification has been convicted of a sex offense or other offense that requires registration with the law enforcement agency which has jurisdiction over their residence.

This offender has served the sentence imposed by the courts and will be living in the location below. THIS OFFENDER IS NOT WANTED BY THE POLICE AT THIS TIME. THIS NOTIFICATION IS NOT INTENDED TO INCREASE FEAR. IT IS OUR BELIEF THAT AN INFORMED PUBLIC IS A SAFER PUBLIC.

The (agency) has no legal authority to direct where an offender may or may not live. Unless court ordered restrictions exist, an offender is constitutionally free to live wherever the offender chooses. Further, their previous criminal history places them in a classification level which reflects the potential to re-offend.

Sex offenders have always lived in our communities; but it was not until the passage of the Community Notification Act and Registration Act that law enforcement even knew where they were living. In many cases, law enforcement is now able to share information with you. Abuse of this information to threaten, intimidate or harass registered offenders will not be tolerated and may be a crime. Further, such abuse could potentially end law enforcement's ability to do community notifications. We believe the only person who wins if community notification ends is the sex offender, since sex offenders derive their power through secrecy.

The (agency) is available to help you by providing you with useful information on personal safety. The (agency) may be reached at (_____) - _____.
If you have information regarding current criminal activity of this or any other offender, please call 9-1-1.



(Recent
Photo of
Offender)

(Name and Date of Birth of Offender)

(Age of Offender)

(Physical Description of Offender)

(Statement of Offense of which the offender was convicted, or other legal basis for the offender's confinement.)

(Description of the facts of the offense)

(General Address of the Offender)

This notice is intended to provide you with information concerning this offender. The Community Notification Act does not apply to all persons who are sexual offenders, but as a result of that Act and registration laws, law enforcement is now better able to locate and be better aware of activities of thousands of such offenders.

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ADDENDUM 2

SEX OFFENDER INFORMATION FACT SHEET
NOTIFICATION OF PROBATION
(LAW ENFORCEMENT AGENCY)
SEX OFFENDER REGISTRATION DETAIL

Minnesota State Identification # _____

AGENCY CASE NUMBER:

DATE:

The (agency) is releasing the following information pursuant to Minnesota Statute 244.10, subdivision 2a, which authorizes law enforcement agencies to inform the public of a sex offender who was placed on probation rather than imprisoned or presumed to be the appropriate sentence under the Minnesota Sentencing Guidelines. This disclosure is limited by statute to allow release of information classified as public data, and is allowed when in the discretion of the agency, the release of information will enhance public safety and protection.

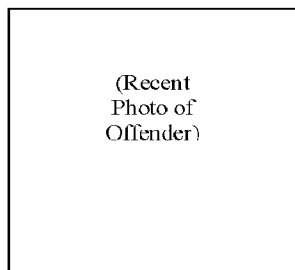
The individual who appears on this notification has been convicted of a sex offense that requires registration with the law enforcement agency which has jurisdiction over their residence.

This offender has advised the (agency) that he will be living in the community. THIS OFFENDER IS NOT WANTED BY THE POLICE AT THIS TIME. THIS NOTIFICATION IS NOT INTENDED TO INCREASE FEAR. IT IS OUR BELIEF THAT AN INFORMED PUBLIC IS A SAFER PUBLIC.

The (agency) has no legal authority to direct where an offender may or may not live. Unless court ordered restrictions exist, an offender is constitutionally free to live wherever the offender chooses.

Sex offenders have always lived in our communities; but it was not until the passage of the Community Notification Act and Registration Act that law enforcement even knew where they were living. In many cases, law enforcement is now able to share information with you. Abuse of this information to threaten, intimidate or harass registered offenders will not be tolerated and may be a crime. Further, such abuse could potentially end law enforcement's ability to do community notifications. We believe the only person who wins if community notification ends is the sex offender, since sex offenders derive their power through secrecy.

The (agency) is available to help you by providing you with useful information on personal safety. The (agency) may be reached at () - .
If you have information regarding current criminal activity of this or any other offender, please call 9-1-1.



(Recent
Photo of
Offender)

(Name and Date of Birth of Offender)

(Age of Offender)

(Statement of Offense of which the offender was convicted)

(Description of the facts of the offense, as established by the Court record)

This notice is intended to provide you with information concerning this offender. The Community Notification Act does not apply to all persons who are sexual offenders, but as a result of that Act and registration laws, law enforcement is now better able to locate and be better aware of activities of thousands of such offenders.

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24-69 **Criminal Conduct on School Bus**

Purpose

To establish uniform guidelines to handle criminal conduct on school buses.

Policy

This department recognizes that it is the responsibility of this agency to respond to reports to criminal conduct occurring on school buses. All complaints will be reviewed following the criteria outlined in state statute and appropriate action will be taken by the recipient police officer.

Procedure

Any officer receiving a complaint of possible criminal conduct occurring on a school bus will complete a written report, attaching a case number (ICR) to the incident.

The officer will review the report and make a determination as to whether any criminal conduct did, in fact, take place. In the event that criminal conduct did occur, the report shall be handled in a manner consistent with department procedures governing the handling of criminal investigations.

The report shall also be filed in accordance with department policies governing the handling of offense reports.

24-70 **Infectious Disease Exposure Control Plan**

Exposure Control Plan

I. Exposure Risk

Employees determined to be at increased risk of infectious disease exposure are as follows:

- Police Officers
- Police Reserve Officers
- Community Service Officers

An increased risk of the transmission of infectious diseases exists when department personnel have contact with the following groups:

- Alcohol abusers

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- Illegal drug users
- Sexually promiscuous individuals
- Hemophiliacs
- Persons with open or infected wounds
- Persons who state that they have hepatitis, HIV or AIDS

Employees may encounter situations where there is a high risk of the transmission of the infectious disease. They are:

- Anytime body fluids are present
- Homes with unsanitary conditions
- Death scenes, especially those situations where body fluids may be oozing from the corpse
- Combative situations, especially those situations where bleeding occurs
- Body cavity searches
- Crime scenes – specific dangers include knives, needles, and razor blades
- Extradition at auto accidents

Employees must judge the risk level of groups and situations not listed above.

I. Methods of Compliance

- Universal Precautions

Universal precautions will be observed when employees are exposed to blood or other potentially infectious materials. Documented exposures to infections have not resulted from feces, nasal infections, sputum, sweat, tears, urine, or vomit. Since any body fluid may transmit infectious diseases if it contains traces of blood, employees are

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directed to treat all blood and body fluids as infectious materials.

- **Hand Washing**

Hands and other skin surfaces must be washed thoroughly as soon as possible if contaminated with blood or other potentially infectious materials to which universal precautions apply.

Hands should always be washed after gloves are removed even if the gloves appear intact. Hand washing should be completed using appropriate facilities such as utility or rest room sinks. Hands must not be washed in a sink where food preparation may occur. Hand washing should be done with warm water and soap. The application of hand lotion after hands are dried is advisable. Waterless antiseptic hand cleaner is provided to employees when hand washing facilities are not available. Employees are advised to wash their hands at the earliest opportunity after using the waterless antiseptic cleaner.

- **Protective Clothing**

Employees at risk will be provided disposable gloves, goggles, and face masks. Disposable gowns and disposable impervious shoe coverings will be available for unusual cases where great volumes of blood or other potentially infectious materials may be

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present, such as at the scene of homicides, violent assaults, autopsies, etc....

Disposable gloves must be worn when employees can anticipate hand contact with blood or other potentially infectious materials (e.g. when involved with emergency patient care). Where multiple patients are present, the employee shall change gloves, if possible, after caring for one patient and beginning care on the next.

Eye wear and face masks must be worn in cases where splashing of blood or other potentially infectious materials may be anticipated and may come into contact with eyes, nose, or mouth.

The employee must use personal protective equipment except in rare and extraordinary circumstances. Such circumstances occur when, in the employee's professional judgment, the use of personal protective equipment would have prevented the delivery of health care or public safety services, or would have posed an increased hazard to the safety of the employee or other associates.

When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

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Contaminated disposal items must be discarded in a leak proof plastic bag that is red in color or marked with an international bio-hazard symbol.

In most instances, police personnel can give their bio-hazardous materials to ambulance personnel for disposal. Officers will properly dispose of such material in all other cases.

- **Laundering of Clothing**

The uniform issued to police employees and non-uniform clothing worn by other employees is not considered protective clothing. Contaminated uniform and non-uniform items should be handled by employees wearing gloves, bagged in a leak proof plastic bag red in color, or marked with the international bio-hazard symbol. Soiled uniform items may be decontaminated by laundering according to the manufacturer's instructions.

Boots and leather may be scrub brushed with soap and hot water to remove contamination.

Employees whose uniform or other clothing is soiled by blood or other potentially infectious material shall change from the contaminated uniform or clothing to a clean uniform or clothing as soon as possible. Certain materials (i.e. leather) can not be decontaminated if saturated and should be disposed

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of in an authorized manner. Employees should contact a supervisor if unsure.

Employees should avoid handling personal items, such as combs and pens, while wearing contaminated gloves. Contaminated gloves should be removed as soon as possible and discarded in a leak proof bag.

- **Resuscitation Equipment**

Employees are discouraged from giving mouth to mouth resuscitation to a non-breathing victim. Pocket masks with one-way valves, disposable airways, or resuscitation equipment are the preferred methods of treatment.

Durable equipment, such as face masks and resuscitation equipment must be thoroughly washed and cleaned with a disinfectant mix of 10% bleach available in the police department booking room.

- **Needles and Sharp Objects**

Employees shall take precaution to prevent injuries caused by needles, knives, broken glass, razor blades, or other sharp instruments, devices or debris which can puncture or lacerate the skin.

Police employees must use caution when searching prisoners for weapons or contraband, or when

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searching small areas or crevices in containers, vehicles, and buildings.

Sharp objects that are located and inventoried by the police department must be placed in a puncture resistant container, or packaged in such a manner as to render the sharp object harmless to those handling it. Evidence containers or sheathing material must be labeled with the bio-hazard warning label, or color coded, or both.

- Housekeeping

All equipment or work areas shall be cleaned and decontaminated after contact with blood or other potentially infectious materials with 10% bleach solution. The work area shall be cleaned with an appropriate disinfectant as soon as possible after a spill of blood or any other potentially infectious materials.

Wastebaskets and receptacles that are visibly contaminated shall be cleaned immediately.

Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.

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- Laundry

Contaminated laundry, such as blankets and towels, shall be handled as little as possible. Contaminated laundry shall be placed in bags or containers bearing the bio-hazard label or color coded to alert others of the potential danger. The St. Anthony Fire Department has facilities to launder contaminated clothing.

Hepatitis B Vaccination

Hepatitis B vaccination will be made available to all employees who have occupation exposure risks.

Employees may decline to accept the vaccination by signing a waiver which includes a statement that the employee acknowledges the risks associated with contracting Hepatitis B have been explained.

Employees who initially decline the Hepatitis B vaccination, but at a later date decide to accept the vaccination, must be allowed to receive the Hepatitis B vaccination at that time.

Significant Exposure

A significant exposure occurs when blood or infectious materials come into direct contact with eyes, nose, mouth, into an open cut, or by a puncture injury, however ANY exposure should be

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evaluated by medical personnel to determine the extent of the exposure.

If an employee experiences significant exposure of blood or potentially infectious materials, or experiences a situation where a significant exposure is likely to have occurred, the employee/agency will follow the below listed guidelines per Minnesota State Statute 144.7401 – 144.7415:

- Report the incident to a supervisor as soon as possible. The employee will complete the First Report of Injury Form describing the incident completely. The report will document specifically the method of potential transmission of the infectious disease (e.g. “blood splattered into open cut on left hand”)
- The supervisor will complete the Supervisor’s Report on a Work Related Injury
- The employee will report to either HCMC or Regions Hospital Emergency Room and advise the hospital staff of the exposure or potential exposure and complete the Communicable Disease Exposure Report (the emergency room should have these reports)
- Identify the source individual and attempt to get voluntary consent to a blood test. If the source

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individual is not at the hospital that is evaluating the exposed employee, the department will locate and notify the hospital of the source individual's location. It is the hospital's responsibility to contact the source individual once his/her location is known.

- If there is no blood available from the source individual, or the source refuses to take a blood test, the department will petition the court to obtain a court order for test.
- When the source individual is already known to be infected with a communicable disease, testing the source individual's blood need not be repeated.
- Results from the source individual's testing shall be made available to the exposed, and the employee shall be informed of the applicable laws and regulations concerning disclosure of the identity and the infectious status of the source individual.
- The exposed employees' blood shall be collected as soon as feasible, and tested, after consent is obtained. If the employee consents to base line blood collection, but does not give consent for HIV testing, the sample should be preserved for at least 90 days. If, when in 90 days of the exposure incident the employee elects to have the base line

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sample tested, such testing shall be done as soon as feasible.

- Pre-test and post-test counseling will be provided to employee upon request.

A copy of Appendix A – “Procedures Following a Significant Exposure” – will be distributed to all existing and new employees and posted at the police department

Training

The city shall provide training regarding the spread of infectious diseases to all personnel with the potential for occupational exposure. Training will be provided on an annual basis.

Record Keeping

- Medical Records
Medical records are confidential and are not released without an employee’s expressed written consent to any person within or outside of the city, except as required by rule or law.

Medical records must include a copy of the employee’s Hepatitis B vaccination record including dates of vaccination or copies of refusal forms.

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- Training Records

The city will keep a record of all training provided to its personnel. The training records will include the date and content of training and a roster of employees in attendance. The training records will be maintained for a minimum of three years from the date of training.

Responsibility Under the Plan

- Employees

It is the responsibility of the employee to be aware of the types of infectious diseases that can be transmitted by blood or body fluid. The employee is responsible for participating in training provided by the city and is responsible for using protective equipment provided by the city as necessary.

- Supervisors

It is the supervisor's responsibility to monitor the activity of employees determined to be at risk to be certain that the provisions of this policy are obeyed.

Any supervisor observing an infraction of this policy or observing a hazardous condition involving infectious disease control must report that condition to his or her supervisor.

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Supervisors are also responsible for maintaining the appropriate level of personal protective equipment and regular inspections of said equipment.

- **City Administration**

It is the responsibility of members of city administration to provide personal protective equipment to those employees with occupation exposure risks. The exposure control plan for the city will be reviewed annually. The exposure control plan will also be posted in a conspicuous location within the city.

The city administration will make certain that each significant exposure incident is evaluated to determine if the significant exposure could have been avoided. An evaluation of the circumstances will be conducted to determine if policies, procedures, or protective equipment should be amended or changed to avoid future significant exposure incidents.

Appendix A – Procedures Following a Significant Exposure

Definition

A significant exposure occurs when blood or infectious material come into **direct contact** with eyes, nose, mouth, into an open cut, or by puncture injury. Any exposure should be evaluated by medical personnel.

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Procedures

1. Employee reports the incident to the supervisor on duty as soon as possible. The employee completes the First Report of Injury Form for worker's compensation. The incident should be described completely, including specific method of potential transmission of the infectious disease (e.g. "blood splattered into an open cut on left hand").
2. Supervisor completes the supervisor's report on a Work-Related Injury.
3. Employee reports to either Hennepin County Medical Center or Regions Hospital (emergency rooms) to receive treatment.
4. The hospital tests the blood of the source individual for communicable diseases after obtaining consent. If consent is not required by law, the source individual's blood, if available, shall be tested. When the source individual is already known to be infected with a communicable disease, testing need not be repeated.
5. Results of the source individual's testing shall be made available to the exposed employee and the employee shall be informed of applicable laws and regulations concerning disclosure of this information.

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6. The exposed employee's blood shall be collected and tested as soon as feasible after consent is obtained. If the employee consents to blood collection, but not HIV testing, the sample should be preserved for at least 90 days in case the employee wishes to consent at a later date.

7. Pre-test and post-test counseling will be provided to employee upon request.

8. Identify the source individual and attempt to get voluntary consent to a blood test. If the source individual is not at the hospital that is evaluating the exposed employee, the department will locate and notify the hospital of the source individuals location. It is the hospital's responsibility to contact the source individual once his/her location is known.

9. If there is no blood available from the source individual, or the source refuses to take a blood test, the department will petition the court to obtain a court order for test.

Training to all employees with occupational exposure must be completed annually.

Hepatitis B vaccination must be provided to all employees with occupational exposure risk who desire the vaccination.

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The city administration will be responsible for assuring that medical records are kept for the required retention schedule.

The Police Chief (or designee) will be responsible for assuring that training records are kept for the required retention schedule.

24-71 **Bike Patrol**

1. Bicycle Patrol: To establish guidelines for management and use of police bicycles and equipment. Police bicycles may be used for traffic enforcement, patrol activities, and designated special events.
 - A. It is recognized that there will be different uniform and equipment requirements for officers patrolling on bicycles. Use of a bicycle helmet and protective eyewear is required whenever an officer is patrolling or training on a department bicycle.
 - B. Prior to becoming a member of the Bike Patrol Unit, each officer must complete a department approved training program before taking out a department bicycle on patrol.
 - C. Officers shall be in reasonably good physical condition with basic cardiovascular fitness.
 - D. Before each use of the bike, officers shall conduct an inspection of the bike and confirm the bike is in good working order. If repair is necessary, the bicycle is to be taken out of service and sent in for repairs.

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- E. Non-trained police department personnel should not handle or use department bicycles. Bike Patrol Officers shall not modify or change equipment without authorization.

- F. If necessary, the bicycle may be used as an emergency impact weapon and either run into or thrown at a suspect. This shall be consistent with the Use of Force Policies of the department.

- G. Officers on bikes must operate police bikes in conformance with MS 169.222 and other applicable statutes. Police bicycles are not legal emergency vehicles, however there may be situations where officers need to violate statutes in the course of police duties. If operating in such a manor, officers shall use extreme caution and care. Reference MS 169.222, Subdivision 11.

- H. The use of police bicycles by Bike Patrol Officers is at the discretion of the shift supervisor (appropriate shift coverage, weather, specific details). Bike Patrol Officers shall not perform bike patrol duties without prior scheduling or on-duty supervisor approval.

24-72 Deaf or Hearing Impaired

It is the policy of the St. Anthony Police Department to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This agency has specific legal obligations under the Americans with

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Disabilities Act to communicate effectively with people who are deaf or hard of hearing. To carry out these policies and legal obligations, the agency instructs its officers and employees as follows:

- People who are deaf or hard of hearing are entitled to a level of service equivalent to that provided to other persons.
- Effective communication with a person who is deaf or hard of hearing involved in an incident – whether as a victim, witness, suspect, or arrestee – is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
- In many circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communicating with people who are deaf or hard of hearing. In other circumstances, a qualified sign language or oral interpreter may be needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication.
- To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Officers should find out from the person who is deaf or hard of hearing what type of auxiliary aid or service he or she needs. Officers should defer to those expressed choices, unless:
 - There is another equally effective way of communicating, given the circumstances, length, complexity, and

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importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing; or

- Doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden.

- People who are deaf or hard of hearing must not be charged for the cost of an auxiliary aid or service needed for effective communication.

- The agency will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed.

- Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality.

TTY and Relay Services

- In situations when a nondisabled person would have access to a telephone, officers should provide persons who are deaf or hard of hearing the opportunity to place calls using a teletypewriter (TTY, also known as a telecommunications device for deaf people, or TDD). Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.

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- A TTY phone is available in the booking room and may be transported throughout the building as needed.

Techniques for Officers to Communicate Effectively

- Officers may utilize the following auxiliary aids, when available, to communicate effectively:
 - Use of gestures;
 - Use of visual aids;
 - Use of notepad and pen or pencil (save to case file);
 - Use of a computer or typewriter;
 - Use of an assistive listening system or device;
 - Use of a teletypewriter (TTY);
 - Use of a qualified oral or sign language interpreter.
- Communicating with People Who Are Deaf or Hard of Hearing:
ADA Guide for Law Enforcement Officers and interpreter resources will be posted on the department's intranet site.

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25-0 **DOMESTIC OR FAMILY PROBLEMS**

25-1 **Divorce Evidence**

It is not Department policy to assist persons involved in divorce suits or to obtain information pertaining to adultery situations. Officers shall not demand that a hotel registry be displayed or assist a party in entering a hotel room for the purpose of obtaining divorce information. Persons with domestic problems should be advised to seek the assistance of a private agency or attorney.

25-2 **EVICTION OF SPOUSE**

A home is community property. Neither party can be forced to leave. The best solution is for the officer to advise one or the other to leave the home for the night. If one party is locked out of the house by the other, the complainant will be advised to contact his attorney as the matter is an eviction and wholly civil in nature. The officer will not break in. A person may be advised or assisted in leaving a home for her/his own personal safety and may be referred to community resources for assistance.

If one spouse is intoxicated, disorderly, or quarrelsome in his own home, the officer can take no action unless an arrest can be made for criminal charges. Officers may advise the other party to seek a civil restraining order by filing for a legal separation or divorce to keep the spouse out of the home.

25-3 **Removing Personal Effects**

Officers may enter a home at the invitation of one spouse who is separating while that spouse removes personal effects from the

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residence. The officers' responsibility is to ensure that neither party violates the law.

When there is a dispute as to what property may be removed, the officer shall inform the persons to contact their private attorneys, as violation of community property rights is a civil matter. If one of the parties claims that a theft has been committed, the officer should explain that community property rights are a civil matter and that separate ownership must be established by civil action to determine whether there are grounds for a criminal complaint.

25-4 **Custody of Children**

Custody of children generally rests with either of the natural parents, and only a court of record can take a child from the custody of one or both of its natural parents.

If the officer is fairly certain that the child is in no particular danger as to health and welfare, the complaining party should be advised to contact his attorney relative to commencing civil contempt action.

In the event of threats or actual physical violence, the officer shall take whatever police action is necessary to assure protection of the child.

25-5 **Domestic Abuse**

I. **INTRODUCTION AND PURPOSE OF THE POLICY**

A. Introduction

The City of St. Anthony and its police department recognizes domestic abuse as a serious problem in today's society. This agency's policy is to protect victims of domestic abuse by making an arrest whenever it is authorized and by ensuring

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that its peace officers have a complete understanding of the law governing this area.

Peace officer will utilize this policy in response to calls where there may be domestic abuse. This policy prescribes courses of action peace officers should take in response to a domestic call. This agency will aggressively enforce these laws without bias and prejudice based on race, marital status, sexual orientation, social class, age, disability, gender, religion, creed, or national origin.

B. Purpose

The principal purpose of this policy is to establish guidelines and procedures to be followed by peace officers in law enforcement's response to domestic abuse. Additionally this policy intends:

1. To prevent future incidents of domestic abuse by establishing arrest rather than mediation as the preferred law enforcement response to domestic abuse;
2. To afford maximum protection and support to victims of domestic abuse through a coordinated program of law enforcement and victim assistance;
3. To ensure that the same law enforcement services are available in domestic abuse cases that are available in other criminal cases;
4. To reaffirm peace officers' authority and responsibility to make arrest decisions in accordance with established probable cause standards;

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5. To promote peace officer safety by ensuring that they are as fully prepared as possible to respond to domestic calls;
6. To complement and coordinate efforts with the development of domestic abuse prosecution plans, so that law enforcement, prosecution and advocacy will be more efficient and successful;
7. To promote law enforcement's accountability to the public in responding to domestic abuse; and,
8. To document allegations of domestic abuse so there can be meaningful prosecution and delivery of victim services.

II. DEFINITIONS

For the purpose of this policy, the words and phrases in this section have the meanings given to them, unless another intention clearly appears.

- A. **Domestic Call** means a request for assistance to law enforcement agency in general regard to: (i) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (ii) criminal sexual conduct, within the meaning of Minn. Stat. SS 609.342, 609.343, 609.344, or 609.345, committed against a minor family or household member by an adult family member or household member.
- B. **Domestic Abuse Program** means a public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.

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- C. **Child or Minor** means a person under the age of 18.
- D. **Family or Household Members** means spouses, former spouses, parents, and children, persons related by blood and person who are presently residing together or who have resided in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. It also includes 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.

III. RESPONDING TO THE CALLS

A. Driving to the Scene

The peace officers should respond directly and without unreasonable delay to the scene of a domestic call.

B. Initial Contact with Occupants

Upon arriving at the scene of a domestic call, and being met, the responding officers should identify themselves as peace officers, explain their presence, and request entry into the home. The officers should ask to see the person who is the subject of the call. If the person who called the law enforcement agency is someone other than the subject of the call, the officer should not reveal the caller's name. The officers should ensure all of the occupants are safe.

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C. Entry

- Refused – If refused entry, the officers should be persistent about seeing and speaking alone with the subject of the call. If access to the subject is refused, the officers should request the dispatcher to contact the caller or witness if the information for the contact is available.
- Forced Entry - If access is still refused and the officers have reason to believe that someone inside is in imminent danger, officer may force entry.
- Search Warrant Entry - If the officers are refused entry and have no legal recourse to force entry and they have reasonable grounds to believe a crime has been committed, they should contact their supervisor and request permission to obtain a search warrant.

D. First Aid

After securing the scene, the responding peace officers shall provide the necessary first aid.

IV. ARREST DECISIONS

A. Making Arrests

After securing the scene and providing any first aid, the peace officers will begin a criminal investigation to determine if there is evidence and probable cause to believe that a crime has been committed based upon the evidence and not upon the victim's apparent wishes regarding arrest. Some of the evidence and statements may include:

- Visible injuries

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- Condition of clothing
- Property damage
- Excited utterances of the victim and the suspect
- Demeanor of the victim and the suspect
- Medical records including the victim's statements to paramedics, nurses and doctors
- Interviews of witnesses including the children who may have been present

Note: When determining probable cause, peace officers should consider their observations as well as any statements made by parties involved or witnesses.

B. Consideration Factors in Making the Arrest

Arrests should be made without consideration of:

- Marital status, sexual orientation, race, or cultural, economic, social, political or professional position.
- Ownership, tenancy rights of either party, or the fact the incident occurred in a private home.
- Belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction.
- Verbal assurances that the abuse will stop.
- Disposition of previous police calls involving same victim or suspect.
- Denial by either party that the abuse occurred when there is evidence of domestic abuse.
- Lack of court order restraining or restricting the suspect.
- Concern about reprisals against the victim.

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- Adverse financial consequences that might result from the arrest.
- Chemical dependence or intoxication of the parties.

C. Primary Aggressor and Dual Arrest

The agency shall proceed cautiously, where there are allegations that each party assaulted the other. The peace officer shall try to determine whether there is sufficient evidence to conclude that one of the parties is the primary aggressor based on the following criteria and the officer's judgment:

- Comparative extent of any injuries inflicted.
- Fear of physical injury because of past or present threats.
- Actions taken in self-defense or to protect oneself.
- The history of domestic abuse perpetrated by one party against the other.
- Existence or previous existence of orders for protection.

V. AUTHORITY AND TYPES OF ARREST

A. Warrantless Probable Cause Arrest for Fifth Degree Assault

Notwithstanding Minn. Stat. 629.34 or any other statute or rule, a peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person within the preceding 24 hours has assaulted,

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threatened with a dangerous weapon, or placed in fear of immediate bodily harm the person's spouse, former spouse, or other person whom the person resides or has formerly resided though the assault did not take place in the presence of the peace officer (Minn. Stat. 629.341). A peace officer acting in good faith and exercising due care in making an arrest pursuant to Minn. Stat. 629.341, subd 1 is immune from civil liability that might result from the officer's action.

B. Other Crimes

At a domestic call, peace officers shall consider whether there is probable cause to believe a felony may have been committed, including but not limited to: assault in the first, second, or third degree, and the crime of terroristic threats. Also, the peace officer shall consider whether misdemeanors have been committed including but not limited to: trespassing, criminal damage to property, disorderly conduct, witness tampering or assault, as well as enhanced misdemeanor assault charges.

C. Violation of Court Orders

The peace officer shall verify whether any of the following orders exist prior to or during an arrest. This verification may be made by the peace officer or someone acting at the officer's direction. Methods of verification may include personally seeing a copy of the order or reviewing an agency's file which indicates the

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existence of such an order. If the verification is made at the direction of the peace officer, the peace officer shall document the name of the person verifying the type of order. In a police report, the officer shall document actions taken to identify and verify the specific court order (e.g. order for protection), indicate the exact provision(s) an alleged violation is based upon, and specify the file number on the order.

Note: Ex Parte Temporary Orders for Protection are valid for a fixed period of time, not to exceed 14 days from issuance unless extended by the court. Orders for Protection (non-temporary) are valid for a fixed period of time, not to exceed one year except when the court determines a longer fixed period is appropriate.

1. Order for Protection

A peace officer shall arrest and take into custody without a warrant, a person whom the peace officer has probable cause to believe has violated the restraints or exclusion section of an order for protection granted pursuant to Minn. Stat. 518B.01, subds 6, 7, or 9. Such arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer.

Note: There are three key points related to the order for protection: 1) The law requires an arrest

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regardless of whether or not the excluded party was invited back to the residence. 2) There is no hour limitation for a warrantless arrest for a violation of an Order for Protection. 3) If there is evidence that an individual has violated another provision of an Order for Protection, other than the restraint or exclusion clauses, a police report should be submitted to the prosecutor indicating that the order was violated.

2. Harassment Restraining Order

A peace officer shall arrest and take into custody a person whom the peace officer has probable cause to believe has violated a harassment restraining order pursuant to Minn. Stat. 609.748, Subds 4 or 5, if the existence of the order can be verified by the officer.

3. No Contact Order

A peace officer having probable cause to believe that a released defendant has violated the conditions of release, may, if it is impracticable to secure a warrant or summons as provided by Minnesota Rule of Criminal Procedure 6.03, arrest the defendant and take the defendant forthwith before the court. In a misdemeanor case, a citation shall be issued in lieu of arrest or continued detention unless it reasonably appears that the arrest or detention is necessary to prevent bodily harm to the accused or another, or to prevent further criminal conduct, or there is a

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substantial likelihood that the defendant will fail to respond to the citation.

VI. ASSISTANCE, STAYING AT THE SCENE, CRIME VICTIM RIGHTS, AND SERVICES

A. Staying at the Scene

If an arrest does not occur, the peace officers should remain at the scene of the disturbance until they believe that the likelihood of further imminent abuse has been eliminated. If a domestic abuse intervention program is available, the peace officer should make contact for immediate intervention.

Note: Minn. Stat. 629.342 provides that when a peace officer does not make an arrest, the peace officer must provide immediate assistance to the victim, including obtaining necessary medical treatment and providing the victim with the notice of rights pursuant to Minn. Stat. 629.341, Subd 3.

B. Assistance to Non-English Speaking Victims or Victims with Communication Disabilities

The peace officer shall use the resource list established by the law enforcement agency to contact a person to assist in those cases where the participants in the domestic call, including witnesses, are non-English speaking, are hearing-impaired, or have other communication disabilities. The officer should avoid the

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use of friends, family, or neighbors to serve as primary interpreter for the investigation.

C. Notice of Domestic Abuse Victim Rights

1. Tell the victim whether a shelter or other services are available in the community per Minn. Stat. 629.341, Subd 3.
2. Immediately give the victim a notice of legal rights and remedies, per Minn. Stat. 629.341, Subd 3.
 - a. The notice must include furnishing the victim a copy of the following statement: **"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE,"** you can ask the city or county attorney to file a petition requesting an order for protection from domestic abuse. The order could include the following:
 - 1) an order restraining the abuser from acts of abuse;
 - 2) an order directing the abuser to leave your household;
 - 3) an order preventing the abuser from entering your residence, school, business, or place of employment;
 - 4) an order awarding you or the other parent custody of or visitation with your minor children; or,

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- 5) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.”
 - b. The notice must also include the telephone number for the area battered women’s shelter as designated by the Department of Corrections.
 - c. The notice must also include available local community resources, which may include victim advocacy services, court services (i.e. prosecutor’s office, where to apply for an Order for Protection), medical services, important police numbers, etc.
3. If a formal statement is taken by a peace officer, the victim should be provided the notice of basic crime victim rights. This notice is developed by the Department of Public Safety in consultation with the Crime Victim and Witness Advisory Council according to Minn. Stat. 611A.02 Subd. 2. In the event the responding peace officer determines that criminal charges will be pursued and that no further investigation will result, the peace officer should at that time provide these rights to the victim.

D. Services

The peace officer should contact the local domestic abuse program, if available, by phone as soon as

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possible on all arrest situations and provide the name and address of the victims and a brief factual reconstruction of events associated with the action. This section shall not apply if prohibited by the Minnesota Government Data Practices Act. Minn. Stat. 13.82, Subd 10.

VII. CHILDREN

A. Child Victims

If a child is present at the scene of a domestic call or is the victim of domestic abuse, the peace officer should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, and comply with the requirements of Minn. Stat. 626.556, Reporting of Maltreatment of Minors. The officer shall also attempt to verify whether there has been an Order for Protection issued Minn. Stat. 260.133. If the child has been physically injured, the officer should escort the child to the nearest hospital for treatment.

B. Child Present and Care

If the legal parent or guardian of a child can no longer provide care (for example, when the parent is hospitalized), the officer should consult with the legal guardian to determine the disposition of the child and should make a good faith attempt to follow the request of the legal guardian or parent.

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If the peace officer reasonably believes that the child's immediate surroundings or conditions endanger the child's health and welfare, the officer may take the child into immediate custody pursuant to Minn. Stat. 260.165, subd 1 (c) (2).

VIII. REPORTS AND FORMS

A. Written Report

Whether there is an arrest or not, peace officers shall make a report after responding to a domestic call. If the officer did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of the reasons for the officer's decision not to arrest must be documented. The report should include the following: detailed statements from the victim; suspect, and witnesses; description of injuries; information about past allegations of abuse; description of the scene; if and how a determination of primary aggressor was made; existence of language barriers; presence of elderly victim, children, or those with disabilities; and documentation of evidence.

B. Data Collection Form

For domestic calls where the victim is a woman, the law enforcement agency shall complete and submit the Domestic Abuse Cases Law Enforcement Data Collection form supplied by the Commissioner of Corrections (Minn. Stat. 611A.36 subd. 2), when requested by the Commissioner.

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IX. FURTHER INVESTIGATION

- A. If appropriate, the report shall be turned over to the designated investigator for further follow-up. If there is an arrest, the investigator shall determine the defendant's criminal record, and if there is proof of a previous conviction, the peace officer should advise the prosecutors of any enhanced criminal sanctions which may be available.

- B. Notwithstanding the fact that the officer has decided not to arrest one of the participants in the domestic call, the peace officer shall thoroughly document all relevant information in the report and shall refer the report to the appropriate prosecutor for review and consideration of criminal charges.

25-6 **Repossessions**

In many commercial transactions, the buyer of personal property does not immediately become the absolute owner until he has made full payment. Title to the property remains in the name of the seller. If the buyer defaults in his payment, the seller may repossess the property. Often, in the contract of sale, the buyer agrees to a repossession of the property by the seller without judicial process. However, the seller must make repossession without breaching the peace. If this is not possible, he must then proceed by court action.

A reposessor, in an instance of this type, must assert his/her right in a peaceful manner. Any act of force or violence, or any act calculated to provoke a breach of peace, will nullify his/her right to retake the

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property at that time. An officer should allow continued possession by the party he finds in possession of the property upon his/her arrival if that party will not agree to give up possession peacefully. Any party dissatisfied with the result should be advised that he/she must take civil action for recovery. Any repossession requiring force against the will of the possessor must be done by court action.

Officers encountering a situation where there is conflict or disagreement should:

- Advise persons attempting to repossess property without the aid of judicial process that they will be civilly or criminally liable for their negligence or mistake.
- Refrain from giving legal advice in the matter, except with regard to criminal violations. Police officers do not enforce or interpret contracts between private parties except when they are directed to do so by a court of law.
- Make arrests for any attendant criminal violations including breaches of the peace. Either party may breach the peace in these cases.
- Realize that in some cases where a repossession has taken place, reports of the property having been stolen may be anticipated. The police officer, having knowledge of the facts in a given case, should act to minimize confusion of this nature.
- Note that it is illegal for private investigators or patrol agencies to repossess any property without proper authorization from the legal owner or for these agencies to solicit the recovery of property they have seen or located.

Questions regarding repossessions should be directed to the supervisor.

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25-7 **Landlord – Tenant Dispute**

When a landlord has a problem evicting a holdover tenant or a tenant who is behind in his/her rent payments, officers should advise the landlord to obtain a court order rather than resorting to self-help. Officers should not give either party an opinion as to which one is right. Those involved should be advised to consult with their own private attorneys.

When a landlord or tenant is in violation of criminal law, officers may make arrests or issue citations.

25-8 **Landlord's Seizure of Tenant's Personal Property**

In the absence of a court order, a landlord has no lawful authority to take possession of a tenant's personal property. A court order is required even where the tenant has fallen behind in his rent payments or has remained on the property after his lease has expired.

The landlord must seek judicial relief and obtain a court order. An unlawful detainer hearing in municipal court is the only recourse for removing tenants.

Unlawful ouster or exclusion is a misdemeanor and landlords should be so advised, per State Statute.

25-9 **Lock-Outs**

Officers called to a situation where a tenant alleges a lock-out, should be sure that the landlord or caretaker is cognizant of the law. If the person in charge of the property continues the lock-out, the tenant should be referred to the City Attorney's office for a complaint and, if needed, to the Welfare Department's temporary aid office for emergency assistance.

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If the tenant desires to make a citizen's arrest and there is corroboration for the tenant's allegations, the citizen's arrest procedure may be followed, including the issuance of a citation in accordance with court rules. Tenants may sometimes be accompanied by representatives of a tenant's union. Tenant's union representatives may act only in an advisory capacity.

Officers are not allowed to make forced entry into a building or unit to defeat a lock-out.

25-10 **Mentally Ill**

Officers shall familiarize themselves with the Minnesota Statutes, Chapter 253B.05, Civil Commitment Act (emergency admissions), Sections 1, 2, 2A, 3, and 4.

Section 4 (253B.05) deals with "Emergency Hospitalization of Mentally Deficient Persons."

Subdivision 2. Peace or health officer hold.

- (a) A peace or health officer may take a person into custody and transport the person to a licensed physician or treatment facility if the officer has reason to believe, either through direct observation of the person's behavior, or upon reliable information of the person's recent behavior and knowledge of the person's past behavior or psychiatric treatment, that the person is mentally ill or mentally retarded and in imminent danger of injuring self or others if not immediately restrained. A peace or health officer or a person working under such officer's supervision, may take a person who is believed to be chemically dependent or is intoxicated in public into custody and

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transport the person to a treatment facility. If the person is intoxicated in public or is believed to be chemically dependent and is not in danger of causing self-harm or harm to any person or property, the peace or health officer may transport the person home. Written application for admission of the person to a treatment facility shall be made by the peace or health officer. The application shall contain a statement given by the peace or health officer specifying the reasons for and circumstances under which the person was taken into custody. If imminent danger to specific individuals is a basis for the emergency hold, the statement must include identifying information on those individuals, to the extent practicable. A copy of the statement shall be made available to the person taken into custody.

- (b) A person may be admitted to a treatment facility for emergency care and treatment under this subdivision with the consent of the head of the facility under the following circumstances: a written statement is made by the medical officer on duty at the facility that after preliminary examination the person has symptoms of mental illness or mental retardation and appears to be in imminent danger of harming self or others; or, a written statement is made by the institution program director or the director's designee on duty at the facility that after preliminary examination the person has symptoms of chemical

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dependency and appears to be in imminent danger of harming self or others or is intoxicated in public.

- **Subdivision 2a. Transportation.** Insofar as it is practicable, a peace officer who provides transportation for a person placed in a facility under subdivision 1 should avoid being in uniform and avoid using a vehicle visibly marked as a law enforcement vehicle.

- **Subdivision 3. Duration of hold.**
 - (a) Any person held pursuant to this section may be held up to 72 hours, exclusive of Saturdays, Sundays, and legal holidays, after admission unless a petition for the commitment of the person has been filed in the court of the county of the person's residence or of the county in which the treatment facility is located and the court issues an order pursuant to section 253B.07, subdivision 6. If the head of the treatment facility believes that commitment is required and no petition has been filed, the head of the treatment facility shall file a petition for the commitment of the person. The hospitalized person may move to have the venue of the petition changed to the court of the county of the person's residence, if the person is a resident of Minnesota.

 - (b) During the 72-hour hold period, a court may not release a person held under this section unless the court has received a written petition for release and

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held a summary hearing regarding the release. The petition must include the name of the person being held, the basis for and location of the hold, and a statement as to why the hold is improper. The petition also must include copies of any written documentation under subdivision 1 or 2 in support of the hold, unless the person holding the petitioner refuses to supply the documentation. The hearing must be held as soon as practicable and may be conducted by means of a telephone conference call or similar method by which the participants are able to simultaneously hear each other. If the court decides to release the person, the court shall issue written findings supporting the decision, but may not delay the release. Before deciding to release the person, the court shall make every reasonable effort to provide notice of the proposed release to: (1) any specific individuals identified in a statement under subdivision 1 or 2 or in the record as individuals who might be endangered if the person was not held; and (2) the examiner whose written statement was a basis for a hold under subdivision 1 or the peace or health officer who applied for a hold under subdivision 2.

- (c) If a treatment facility releases a person during the 72-hour hold period, the head of the treatment facility shall immediately notify the agency which employs the peace or health officer who transported

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the person to the treatment facility under this section.

- **Subdivision 4. Change of Status.** Any person admitted pursuant to this section shall be changed to the informal status provided by section 253B.04 upon the person's request in writing and with the consent of the head of the treatment facility.

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26-0 **PROPERTY AND EVIDENCE CONTROL** Revised 04/01/2012

I. DEFINITIONS

1. Evidence Room: Facilities used to store property and evidence, including temporary storage.
2. Temporary Storage: Lockers provided to officers who inventory property and evidence, coolers for biological evidence and bulk garage storage.
3. Evidence Custodian: Agency member accountable for the control and maintenance of all property and evidence accepted by, or stored in the agency's evidence room.
4. Evidence: All those physical items which would tend to prove or substantiate other non-physical evidence, in a criminal or civil case.
5. Property: All items in the care and control of this agency, whether found property or held for safekeeping.
6. Authorized personnel are the evidence custodian, the full-time investigator, the supervisor of investigations, and the Chief of Police.

II. PURPOSE

The purpose of this policy is to establish guidelines for maintaining the integrity of the evidentiary chain of custody, and the security of the property & evidence.

It is the policy of this law enforcement agency to insure that property and evidence in its custody can be properly secured and stored, readily retrieved, and that

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any changes in its custody have been properly and fully documented.

26-1 FACILITY SECURITY

Revised 03/02/2015

It is the department's policy to limit access to the evidence room to authorized personnel.

- I. Keys/Card access shall be limited to authorized personnel and shall be strictly monitored by the Chief of Police.
- II. Keys/card access shall be changed whenever there is a change in personnel, a lost key, or if the security of the evidence room may have been compromised.
- III. An enhanced security section inside the evidence room will require four authorized personnel with their own unique keys, to be able to access guns, narcotics, or potentially high value items. The four authorized personnel with paired keys are the supervisor of investigations and evidence custodian and the Chief of Police and head investigator.

26-2 STAFFING

- I. This department will assign qualified personnel to the evidence room.
- II. This agency places the highest importance on evidence control.
- III. This agency will insure that the evidence custodian be afforded appropriate time and resources to effectively manage the prescribed tasks.

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- IV. Continuity of personnel in the evidence custodian position is desirable, and will help insure the integrity of the evidence control process.
- V. Proper training should be provided to the evidence custodian.
- VI. It is the primary responsibility of the evidence custodian to properly account for, using the electronic recording system, all items in the evidence room, items purged, returned, or transferred to an outside agency.
- VII. It is the responsibility of the investigator and supervisor to properly account for and document those items they transfer, return, or purge.

26-3 **Responsibility for Inventory of Property and Evidence**

Officers coming into possession of property/evidence shall place such property/evidence in temporary storage and secure it prior to the completion of their shift.

26-4 **Property and Evidence Report**

All property or evidence taken into custody by members of the department will be inventoried using the electronic records system.

26-5 **Marking Evidence/Packaging Evidence**

It is the policy of this department to establish packaging requirements that protect items from cross contamination and prevent loss of evidentiary value while permitting efficient storage and retrieval.

- I. Procedure: All recovered evidence must be properly marked or labeled in order to assure its proper identification at some later date. The date of recovery, case control number, officers badge number, initials, and

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similar identifying information should be affixed to the evidence whenever possible.

Marking and packaging of evidence shall be in conformance with the Property Inventory Guidelines and electronic records system. Each item of evidence must be placed in a separate container.

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II. Right of Refusal: The evidence custodian will have a "Right of Refusal" for any improperly submitted items.

III. Biological Evidence: All biological evidence of a potentially hazardous nature shall be dried and placed in a paper evidence bag, and clearly marked as a biological hazard. Evidence to be dried will be secured in the large temporary storage area.

26-6 **Storage**

The evidence custodian will remove property and evidence submitted by officers to temporary storage and place in the evidence room.

Firearms, narcotics and items of high intrinsic value will be stored in the enhanced security area. Felony level narcotics will be stored in the enhanced security area immediately upon receipt by the evidence custodian. Misdemeanor level cases can be held in normal storage, but should not exceed 20 cases.

Any cash exceeding \$100 not needed as evidence, will be turned over to the Finance Department as soon as practical, and receipts for the transaction will be scanned into the electronic records system. Cash

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exceeding \$100 needed as evidence will be stored in the enhanced security area.

Revised 05/14/12

26-7 **Disposition of Property/Responsibility of Officers**

Policy: It is the policy of this agency to dispose of items held in the evidence room in a legal and timely manner.

The evidence custodian is responsible for purging property and evidence in accordance with established rules and retention schedules.

Items purged from the enhanced security area will require two-person signature in the records management system.

It is the responsibility of officers coming into possession of property (i.e. jail bookings, property for safe keeping) to make every effort to locate and notify the owner of the location of their property. The notification will include advisement that the property will be considered abandoned after six months. Officers must document their efforts to include (if possible):

1. A verbal notification at the time of recovery
2. A copy of any letter sent scanned into the electronic records system
3. An explanation of their inability to notify an owner

It is also the responsibility of officers coming in to possession of found property to advise the finder of their right to claim, if the rightful

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owner is not located, and to document the advisement to include that if the property is not claimed within six months it will be disposed of.

Any property purged from the evidence room is prohibited to be acquired by any employee of this department, except through legal public auction.

All firearms not returned to owners will be destroyed upon removal from the evidence room. Exceptions to this include weapons kept for display, use by this department, or transfer to another government agency.

26-8 **Reviews and Audits**

Revised 04/01/12

It is the policy of this agency to perform periodic reviews and/or audits of the evidence room to determine compliance with established policy and procedures.

Reviews should be performed automatically when there is:

- A change in authorized personnel;
- Information suggesting a procedure or security breach has occurred.

Periodic reviews of the evidence procedure in the principles and practices manual should also be performed, as well as an accounting of various keys.

The results of the review/audit should be provided to the chief law enforcement officer, and any issues disclosed during the review/audit should be remedied.

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Review/audits (internal, peer, or external) may include:

- Randomly selecting case files and tracing items from the files through the tracking system to the current location of the items;
- Randomly selecting items in the property and evidence room and tracing the items back to the case files to verify the documentation for the items;
- Verifying items in the enhanced security area back through the case files to verify the documentation for the items;
- Selecting a closed or inactive file and tracing items from the file through the tracking system to the location of the property, or if final disposition of the property has occurred, verifying the documentation about the property's disposition;
- Reviewing the organization and inventory level of the property and evidence room;
- Reviewing compliance with packaging and safety requirements.

26-9 **Evidence Retention**

Revised 10/01/10

Evidence Retention - Felonies

I. Unsolved/uncharged/untried

- A) Homicides/CSC/kidnapping/suspicious death/ missing person – permanent;
- B) All other felonies – 6 years
(exception: property crimes – 3 years)
- C) Early destruction needs prosecutor's consent;
- D) 5th Degree controlled substance – destroy 60 days after closure;

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- E) Non contraband evidence with known owner can be photographed and released (per 609.523)

II. Convictions

- A) Retain until expiration of sentence;
B) Early destruction need prosecutor's consent;
C) Non contraband evidence with known owner can be photographed and released (per 609.523)

III. Acquittal

- A) Dispose of evidence with prosecutor's consent;
B) 5th Degree controlled substance – destroy 60 days after acquittal;
C) Non contraband evidence with known owner can be photographed and released (per 609.523)

*Special consideration shall be given to the Ramsey and Hennepin County Evidence Retention Policies.

Evidence Retention – Gross Misdemeanor/Misdemeanor

In addition to general property/evidence rules for felonies, the following evidence retention schedule may be followed:

- Controlled substances – 2 years
- Traffic offenses – 2 years
- Property offenses – 2 years

*Variations of this schedule may occur on a case by case basis as agreed upon by the evidence custodian and the Chief of Police.

Non-Evidence/Non - Contraband

- A) Non evidence, non contraband property will be held for six months if no owner can be determined or if the owner

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does not reclaim the held property within six months, it will be destroyed;

- B) Property of little to no appreciable value wherein no owner can be determined can be disposed of in 30 days;
- C) Recovered bicycles will be disposed of in 30 days if no owner can be determined.

26-10 **Chain of Evidence**

The first officer seizing an item of evidence should be the only one to handle the evidence until it is placed into temporary storage. Items taken as evidence shall be sufficiently marked to enable identification by the officer at a later date.

26-11 **Forfeited Property**

Revised 12/27/10

It shall be the policy of the St. Anthony Police Department that all employees of the agency, all employees assigned to another law enforcement agency's task force and all employees assigned from an outside law enforcement agency to a task force in which this agency serves as the fiscal agent, shall follow all state and federal laws pertaining to the processing of property seized for forfeiture.

DEFINITIONS

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.

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Conveyance Device: a device used for transportation and 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 is in fact, itself 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, etc.

Forfeiture: the process by which legal ownership of an asset is transferred to a government or other authority.

Jewelry/Precious Metals/Precious Stones: The term "precious metals/precious stones" includes items of jewelry, such as rings, necklaces, and watches, which 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.

Forfeiture/Seized Property Reviewer: an Agency employee responsible for reviewing all forfeiture cases and is the liaison between the Agency and prosecutor's office.

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Seizure: the act of law enforcement officials taking property, including cash, vehicles, etc. that has been used in connection with or acquired by illegal activities.

The following property may be seized and is presumed under MN STAT 609.5314 to be subject to administrative forfeiture if the item has a retail value of \$50,000.00 or less:

All money, 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 distribution of controlled substances.

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 chapter 152.

All firearms, ammunition, and firearm accessories found:

- In a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
- On or in proximity to a person from whom a felony amount of controlled substance is seized; or
- On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale

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of the controlled substance would be a felony under chapter 152.

Seizure of property not listed above must be processed per Department Policy under 26-0.

When any property as described in the above section is seized, the peace officer making the seizure must prepare the following:

- The proper Notice of Seizure and Intent to Forfeit Property form. This form must be completed to include the following: a list describing each item seized, the name of the individual served with the Notice, location, and the date of seizure. Administrative forfeiture notices are NOT to be given for assets seized under MN STAT 609.5314 if the retail value of the asset exceeds \$50,000.00.
- A receipt for the item(s) seized.
- A property inventory report ("article" and "evidence" in records management system).

The Notice form also contains information in English, Hmong, Somali and Spanish concerning the right to obtain judicial review and the procedure under MN STAT 609.5314 to follow to obtain it. The form must be dated and signed by the peace officer conducting the seizure. An agency case number must be included on the form. The individual from whom property is seized must be given an opportunity to sign the seizure notice form. If the person refuses, the peace officer conducting the

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seizure must check the appropriate box indicating the refusal to sign. If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the seizure form must be given to the individual served.

All property subject to and being processed for forfeiture through the agency must be held in the custody of the agency.

The peace officer conducting the seizure shall forward the original and pink copy of the seizure notices, seized property processing worksheets, property receipts and reports to the Forfeiture/Seized Property Reviewer by the end of the seizing officer's shift, unless supervisory approval for an extension is received.

The peace officer conducting the seizure shall inform the Forfeiture/Seized Property Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

Cash

Peace officers should not seize cash having an aggregate value less than \$300, unless pre-recorded buy funds are included in the cash seized. Cash shall be recounted and the amount verified by another employee of the Agency. The property bag and/or inventory receipt shall then be co-signed when cash is involved.

All forfeitable cash seized will be turned over to property/evidence room by the end of the officer's shift.

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Prior to deposit with the Forfeiture/Seized Property Reviewer, peace officers shall examine all cash seized to determine whether it contains any buy funds. Peace officers shall document the recovery of all buy funds and separately place those funds in the property evidence locker, to be returned to the department's buy fund.

If cash is seized from multiple individuals, a property inventory receipt will be completed for each individual. The property inventory receipt shall specify the total amount of cash seized from each individual. The agency property inventory report also contains a detailed description of all checks, money orders and/or travelers checks or other financial instruments.

It is the seizing peace officer's responsibility to secure the cash consistent with department policy under 26-0.

Jewelry/Precious Metals/Precious Stones

Peace officers seizing jewelry, precious metals, and/or precious stones will write a detailed description of each item on the property inventory report/receipt prior to inventorying the items. Photographs of seized jewelry, precious metals, and precious stones should be taken and included with the officers report to the Forfeiture/Seized Property Reviewer.

Peace officers seizing jewelry, precious metals, and/or precious stones shall deliver those items to the property/evidence room by the end of the officer's shift.

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Conveyance Device

Upon seizure for forfeiture, all conveyance devices (having a retail value of more than \$2,000) shall immediately be either taken to a secure designated area or to an agency approved impound facility.

Peace officers shall inventory the conveyance device and its contents in accordance with agency policy. Peace officers shall also complete applicable report forms and distribute them appropriately.

Firearms/Ammunition/Firearm Accessories

When firearms, ammunition, or firearms accessories are seized, they shall be inventoried and delivered to the property/evidence room as per department policy under 26-0.

REPORT WRITING

Peace officers seizing property must complete an incident report. All reports must include a description of the items seized, where the property is turned in/stored, the name of the individual served, the date that the seizure form was served, the name of the serving peace officer, and whether or not the individual signed the Notice of Seizure and Intent to Forfeit Property form.

All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible.

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27-0 **TRAFFIC CONTROL AND ACCIDENTS**

27-1 **Attorney or Claim Adjuster Referrals – Accidents**

Officers shall not refer a citizen to any private attorney, insurance agent, or claim adjuster. If such citizen is in need of assistance, he/she should be referred to the Hennepin or Ramsey County Bar Association or the telephone directory. Those incidents which involve a violation of law should be referred to the City Attorney or other proper authority.

27-2 **Subpoenas and Trial Notices**

All subpoenas shall be distributed to the officers by a supervisor or his/her designee. Particular attention should be made to see that the officer is available on the court date and notified within a reasonable time. Trial notices issued by the City or County Attorney shall be accepted and processed as for subpoenas.

When a subpoena or trial notice is cancelled by lawful authority, the employee receiving the message shall leave a cancellation notice for the officer, contact him/her personally, or notify his/her superior officer.

27-3 **Fee for Investigative Interview**

Officers shall not be interviewed by private persons while on duty. It must be clearly understood that any interview agreement is entered into by mutual consent of the parties involved. It is not mandatory for any officer to discuss any accident case with anyone except by court order, nor does it imply that an attorney or adjuster or their agencies are under any obligation to reimburse an officer for his/her time, nor is it intended in any way to interfere with any legal process. If an officer talks to one person in the accident, he/she must make himself/herself

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available to all other parties involved on the same terms. Officers may be reimbursed only for the time expended for the interview.

27-4 **Vehicle Towing – Traffic Accident**

Officers should tow vehicles only when necessary. When a responsible person can remove a vehicle within a reasonable time, a tow should not be used.

If it is necessary to tow a vehicle from the scene of a personal injury accident (driver to hospital, obstructing traffic, etc.), the officer shall make out an impound report.

Vehicles in plain view that were involved in fatal or in probable fatal accidents shall be towed to the city garage.

27-5 **Traffic Tags**

When an officer needs a tag book, he/she must sign it out in the tag book log alongside the number series for that book. This entry shows the name and date that he/she drew the book.

If a traffic tag or any portion of a tag book is lost or missing, the officer should make a written memorandum to the supervisor so that the tags can be removed from the officer's accountability.

When a traffic tag is issued, the defendant should be made fully aware of the violation and how he/she is to proceed in processing the tag. Do not quote any traffic fines, but refer the defendant to the instructions on the tag.

27-6 **Traffic Tag Dismissals**

An officer who makes out a traffic tag and subsequently wants it dismissed, may request dismissal if any of the following exists:

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- Vehicle previously tagged for the same violation (show previous tag number on request).
- Tag issued and defendant subsequently was arrested (attach all copies of the tag, except the pink, to the form used to show facts of the arrest).
- Where no violation existed or there may be extenuating circumstances.
- An incomplete tag (state reason why tag was not completed on dismissal request).
- Tag issued in error.

Officer must fill out the proper form and submit it to a supervisor for authorization. Form and tag copies must be sent to the City Attorney.

27-7 Hand-Held Radar

Officers will adhere to the following operating procedures when using the department's hand-held radar unit:

- (1) The operator will turn the unit off when it is not in use;
- (2) If the unit has a stand-by mode, the operator will use this mode except when measuring a vehicle's speed;
- (3) The operator will not allow the antenna to rest against the operator's body while it is in operation; and
- (4) The operator will always point the antenna unit away from the operator and any other person in very close proximity to the unit.

These procedures have been established to reduce exposure to microwave radiation.

27-8 Juvenile Traffic/Status and Criminal Offenders

See handout on procedures for these offenders.

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27-9 **Crash Investigations**

ACCIDENT INVESTIGATIONS

Accident reports will be made on all personal injuries, fatalities, hit and run situations, and accidents involving governmental property. A report will be made involving governmental property regardless of the value of damages. If a police vehicle is in an accident, in addition to the regular state report, the involved officer will fill out a detailed "Damage to City Property" form.

The statement is to be completed prior to the end of the officer's duty period.

Personal injury and fatal crashes which occur off the public streets shall be investigated and processed in the same manner as any other accident.

27-10 **Crash Packets – Property Damage**

Officers called to the scene of an accident shall determine if there are injuries to parties involved or if any city, state, or county property is involved. If none of the above criteria exists, officers shall check the licenses of the drivers to determine if they are valid. Officers shall then give drivers a packet which includes a questionnaire in the envelope. Each driver will complete the questionnaire, and these will be exchanged between the drivers. Officers shall check the questionnaire to determine the validity of the information. Drivers will then be advised that inside the packet is an information sheet advising them of their responsibilities and two copies of the white State accident form. Parties shall also be advised that if the total damage to all vehicles is in excess of \$1,000, one copy of the accident report must be completed and submitted to the State. The other copy should be made out and retained by the individual.

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Officers shall remain at the scene until damaged vehicles which interfere with traffic are removed.

27-11 Traffic Fatalities

The first squad at the scene of a traffic fatality is responsible for the complete processing of the accident unless relieved by a supervisor.

- Notify supervisor.
- Notify Medical Examiner.
- Request an accident reconstructionist and crime lab to scene.
- Obtain all information necessary for a complete report.

27-12 Hit and Run – Fatalities

If the victim is a pedestrian, all the victim's clothing shall be property inventoried as soon as possible, marking the items of clothing as evidence. The report shall note from whom the clothing was obtained (nurse, doctor, orderly, or morgue attendant).

A complete description of the hit and run vehicle and driver shall be broadcast as soon as possible.

Statements shall be taken from all witnesses and parties involved as soon as possible after the crash.

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28-0 **VEHICLE IMPOUND PROCEDURES/PROPERTY**

The arresting officer shall be responsible for the safekeeping of personal property (including motor vehicles and its contents) of all persons arrested and taken into physical custody.

The decision to tow a vehicle is to be made by the officer, or his/her superior, at the scene.

28-1 **When to Impound a Vehicle**

Vehicles may be impounded in the following circumstances:

- When the vehicle belongs to or is in the possession of an arrestee at the scene of a custodial arrest if the vehicle has evidentiary value or cannot be properly safeguarded.
- When a vehicle has been used in the commission of a crime.
- When there is probable cause that evidence or fruits of the crime are in or on the vehicle.
- When the owner is not present at the time a stolen vehicle is recovered.
- At the scene of an accident when the owner or his/her representative is unable to provide for prompt removal for a disabled vehicle which is improperly parked.
- When authorized by a pick up and hold order.

28-2 **Towing Procedure – General**

Prior to impounding a vehicle, an officer shall check the vehicle identification number and license number through the dispatcher to ascertain proper registration and ownership

Officers involved in the impounding of a vehicle shall complete a tow sheet and wait for the arrival of the towing vehicle.

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Officers shall determine that the vehicle identification number and license plates affixed to the vehicle correspond with the registration on file with the Department of Motor Vehicle Registration.

28-3 City Impounds

Officers shall impound vehicles to the police garage in the following situations:

- When directed by an investigator or when used in the commission of a crime, and the purpose for impounding is to preserve evidence, for latent fingerprint examination, or for the execution of a search warrant.

28-4 Towing Vehicles from Private Property

A vehicle illegally parked on private property may be towed only under the following conditions:

- The vehicle has been reported stolen.
- The vehicle is wanted by an investigative division.
- The vehicle was involved in a crime.

Officers shall advise parties seeking tows from private property for any other reason that they must make their own arrangements with a private towing service.

28-5 Responsibility for Arrestee's Vehicle

Arresting officers shall be responsible for the care and inventory of articles in the immediate physical possession of the arrestee.

28-6 Financial Responsibility for Impounded Vehicles

Vehicles towed to the City garage for department purposes (prints, photographs, blood scrapings, etc.) are paid for from department funds. Vehicles towed to a contract lot are generally not impounded for

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department purposes, and the impounding fees are usually paid for by the vehicle owner. If an investigative officer feels the department should pay for the tow, he/she shall forward a memorandum giving the reasons. The request will be signed by the investigating officer and his/her superior and forwarded to the Chief of Police

28-7 **Stalled Vehicles**

When the operator of a vehicle stalled on a city street desires assistance for repairs or removal of his/her vehicle and no telephone facilities are reasonably available, he/she shall be informed of the following:

- A request for assistance will be relayed for him/her to an agency of his choosing, or if he/she has no preference, an officer shall notify an official police impounding agency.
- Neither the department nor an individual officer will assume responsibility for the reliability or cost of services rendered.
- Officers should not push or pull any stalled vehicle with a police vehicle.

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29-0 **EMERGENCY RESPONSE PROCEDURES**

When a major emergency occurs within the City or when department personnel of the St. Anthony police department are requested to assist other municipalities in an emergency, a plan of rapid mobilization of personnel is necessary.

Every member of the department shall be fully aware of the emergency response procedures described in the Minnesota Incident Command System.

29-1 **Patrol Objectives**

There are four basic patrol objectives:

- Arrest Criminal Offenders
- Prevent Crime
- Solve On-Going Problems
- Increase the Overall Quality of Life for our Citizens

One person patrol operations depend upon three basic premises:

- TEAMWORK and COORDINATION
- CLEAR and PRECISE COMMUNICATIONS
- AGGRESSIVE and CONSPICUOUS PATROL

Aggressive team-coordinated patrol activities reduce the opportunities for crime. Additionally, they provide a continuous and conspicuous police presence.

29-2 **Preparation for Patrol Duty**

Each officer shall be fully equipped

Determine that the patrol vehicle is in peak mechanical condition prior to beginning patrol activities.

- Check both vehicle and contents. Using the department checklist

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Every officer must be physically and mentally ready to assume an assignment.

- One person patrol places a strong emphasis on teamwork and coordinated efforts.
- All officers must be in good physical condition to meet the complex demands of patrol. Physical conditioning promotes:
 - Confidence
 - Reflex conditioning
 - Eagerness and responsiveness
 - Alertness and observation
 - Stamina
- Every officer must possess a mental attitude of self-reliance and confidence to accept the challenge of one person patrol operations. Each officer must:
 - Be capable of operating on his/her own.
 - Accept the responsibility for proper performance in policing his/her assignment.
 - Accept the responsibility for his/her own conduct and personal actions.
 - Possess respect and dedication to fellow officers and their efforts.
 - Officer aptitude and attitude are reflected in your every action.
 - In your appearance
 - In your mannerisms
 - In your speech and voice
 - In your driving
 - In your performance
 - Be professional

29-3 **Patrol Procedures**

All officers shall familiarize themselves with their assignments, areas of assignment and the City in general, in order to work effectively and safely.

- Every officer should know his district and draw a mental image of his district in relationship to:
 - Driving restrictions and physical environment
 - Street and special lighting
 - Road construction and other temporary problems
 - Pedestrian and traffic density patterns

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- Unique local characteristics such as shopping areas, railway routes, criminal activity patterns, etc.
- Every officer shall be familiar with procedures used, particularly those wherein assistance is provided other squad units.
- In providing a roll-by assist, the responding squad shall drive slowly past the scene making his/her presence known. The roll-by squad should again either drive past slowly or stop within sight and be available for further assistance.
- Every officer should have a keen understanding of good driving practices.
 - Good driving habits provide a greater degree of safety for the public, the officer and for other responding officers.
 - One person patrol allows for, but one pair of eyes for observation.
- Eliminate unnecessary high speed driving. Alone, an officer must prepare for the emergency call and concentrate on high speed driving technique. The risk and psychological drain will not justify any act of carelessness that will prevent you from reaching scene.
- Driver fatigue is constant and increases with driving speeds.
- Extreme caution is the rule when responding to all calls. There are no routine calls. Know the circumstances and the nature of any urgency. Respond according to the traffic conditions. Know your driving capacity and limitations.
- Patrol the district in its entirety.
 - Give total coverage as each area is equally important.
 - Do not follow obvious routes and patterns.
 - Patrol in a conspicuous manner, but in a fashion that no one knows where you will be next. Double back occasionally.

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- Regulate the speed of the squad vehicle. Trial and error will determine a speed which allows an officer to make effective observations while driving safely.
- Be alert and be curious.
 - An alert officer will observe suspicious activity.
 - The curious officer will investigate same.

29-4 **General Procedures for One Person Operations**

Remember always:

- BE ALERT. The unexpected can occur at any time, any place.
- NEVER leave the squad without first informing the dispatcher.
- KNOW WHERE YOU ARE at all times. Know the street name and block number before stopping any vehicle or suspicious person.
- NEVER leave the keys in an unattended squad vehicle.
- ALWAYS REQUEST A BACK-UP squad when stopping a suspicious person or vehicle.
- NEVER search the interior of a suspect's vehicle while alone. Wait for a back-up unit.
- NEVER transport by yourself, an unruly or belligerent person or one whose actions indicate that he/she may become aggressive. If in doubt, request a back-up unit.

Stopping any moving vehicle requires extra caution!

- Anticipate trouble. You do not know who you are stopping.
- You do not know what you have interrupted. Be prepared!
- Notify the dispatcher.
 - State your location and direction of travel.
 - Transmit the license number of the vehicle.
 - When appropriate, notify the dispatcher of the number of occupants and why you are stopping them.
 - Request a back-up unit or a roll-by assist.
- Choose your location if possible.
 - Choose a well lighted spot.
 - Consider crowded areas and advantages.
 - Consider the traffic conditions.

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- Do not drive alongside of any suspect vehicle to be stopped.
 - Position the squad directly behind the vehicle to be stopped.
 - Activate emergency lights.
 - Attract the driver's attention with your horn. Siren may be used when necessary.
 - Be alert! Note any unusual actions and/or movements of the occupants.

- Having stopped the vehicle, position the squad properly behind same.
 - Stop the squad 8 to 15 feet behind the suspect vehicle, extending the left side of the squad 2 to 3 feet into traffic, past the left rear of the stopped vehicle. This position allows you to observe both the interior movements of persons and the driver's door. Leave headlights on to illuminate the suspect vehicle.

- Approaching the stopped vehicle.
 - The most critical time for the officer is while approaching the vehicle on foot.
 - Use caution. The traffic violator may also be an escapee, a felon, or mentally unstable.
 - Watch the occupants of the car as you approach. If in doubt as to their movements, stop and consider awaiting a back-up unit.
 - While approaching the vehicle, check the passenger area even when the driver appears to be alone. Check the rear seat area also.
 - Keep your gun hand free.
 - If the driver is seated, stand slightly to his rear but where you can observe both his movements and the rest of the car interior.
 - When asking the driver to exit his car, do not allow the door to be used as a weapon. Stand clear and observe movements.
 - Follow the driver and occupants to the curb, do not lead or turn your back to them. Keep an appropriate distance between you and others while walking and observe them at all times.

- Extra precautions with felons, suspects and prisoners.

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- On first observing the suspect, notify the dispatcher immediately.
- Give the license number, vehicle description and include occupants when appropriate.
- Notify the dispatcher of suspect's direction of travel and present location.
- Request a back-up unit.
- If in a moving vehicle, make the decision to either stop the suspect or continue to follow until arrival of back-up unit.
- Prior to stopping the vehicle, record the license.
- Once stopped, exit the squad on the driver's side and remain behind the squad door for cover. Order the suspect to remain in his/her car until the back-up arrives. Continue to observe the car and occupants at all times.
- When back-up arrives, the officer shall approach from the right side and join the stopping officer. Never violate a crossfire position.
- The stopping, or contact officer now takes command and removes the driver and/or occupants one at a time, by command, from a cover position.
- Both, or all officers will then, as a team, search and handcuff the appropriate persons.
- When approaching a pedestrian suspect, notify the dispatcher immediately, stating location and direction of travel.
- To stop the suspect, get close enough to have a chance should a foot chase ensue.
- Stop the squad behind the suspect, or when meeting the suspect headlong, stop far enough in front of him to allow yourself time before he/she passes the squad vehicle. Always try to be on the same side of the street as the suspect.
- When exiting the squad to approach, walk towards the suspect using the car for cover. Observe his/her hands and movements at all times.
- Once stopped, NEVER stand face to face with any suspect person, but rather at a slight angle with your weapon side away from him/her.
- NEVER sit the suspect in the squad while making a warrant or other check. Avoid allowing him/her to overhear any radio conversations.
- Do not sit in the squad while making a radio or digital check. The disadvantage is then yours!

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- **NEVER** turn your back to the suspect when alone. Stay alert and be conscious of where the suspect is in relation to your weapon.
- Prisoner searches are two-fold in purpose.
 - Protection for the officer, others, and the preservation of evidence.
 - The wall search affords several advantages. it places the suspect off balance and unlikely to resist. The wall search also allows the officer control of the suspect or several suspects until a back-up arrives.
 - The wall search places the suspect on his toes and fingertips, with feet well back from the wall or vehicle, and spread-eagled.
 - The spread-eagled prone position search is also to be considered by the single officer as it allows him/her visual control and a limited search of several suspects. if in doubt, observe suspects in prone position until arrival of back-up unit.

29-5 **Responding to Dispatches**

- Use caution when responding to all calls. There are no routine calls when operating a one person patrol unit.
 - Remain alert for your own protection and consider all details given you regarding all calls.
 - NEVER rush into any unassessed situation.
 - You are in the best position to know when and if assistance is needed. Do not hesitate to request a back-up squad if in doubt.
 - Cancel any unnecessary assistance when practical.
- When assigned a call which may involve a potential danger, survey the situation and wait for back-up when practical.
 - Some calls and situations may require that immediate action be taken. The fact that back-up unit is required does not relieve the officer of his/her responsibilities:
 - TO PROTECT LIFE
 - TO ASSIST VICTIMS IN IMMEDIATE PHYSICAL DANGER
 - TO RESPOND TO CALLS FOR HELP
 - TO ADMINISTER FIRST AID
 - TO CALL FOR MEDICAL ASSISTANCE
 - TO APPREHEND AN ESCAPING CRIMINAL

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- Give careful consideration to the interiors of all call locations.
 - Other persons present may present a threat.
 - Suspects or arrested persons may be more familiar with the interior.
 - Do not allow any arrested person to walk about or stall within the interior of the building. Do not allow them to get coats, hats, etc. If necessary, get it for them, observing them at all times, and search the clothing requested.
 - When alone and outnumbered in any inside situation, place yourself between the group and the exit doorway and remain in that portion of the room.

- The officer receiving the original call, regardless of the number of units responding, shall be responsible for the completion of the assignment and making of required reports.
 - Obtain adequate and accurate information prior to clearing from the call or leaving the call location.
 - All reports must be completed and submitted prior to the end of shift or tour of duty, on the day of occurrence.

29-6 **Cover and Search of Building**

To be effective, all searches must be organized.

- One person should be in charge of organizing the search. The officer assigned the call is in charge of the search and cover of a building unless relieved of the responsibility by a superior officer.
 - The assigned officer shall make a preliminary appraisal and notify the dispatcher of needed assistance. Include the number of personnel needed and any canine assistance.
 - The assigned officer should then position him/herself at the corner of the building, in the rear, and advise the dispatcher of his/her location.
 - Arriving back-up units may then be directed to cover opposite corners of the building to observe all sides.
 - With sufficient help, the building may then be searched in a systematic manner with direction from the assigned officer.

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- Communications should be maintained between search party, cover officers and the dispatcher.

29-7 **Contingencies**

No procedure or rules can cover every possible situation. The resourcefulness of the officer in charge of any situation and his/her team must be relied upon in determining the many responses to circumstances and situations. The flexibility of the team will determine the results of the one person operation.

- Never act alone and without notifying the dispatcher.
 - Always take a portable radio with you when exiting the squad.
- Request back-up assistance and await their arrival when applicable.
- Respond immediately to the requests of other officers and team members when directed to do so.
- Keep the dispatcher informed. Remain in your district unless assigned as back-up or roll-by for another team member.

29-8 **Communications**

The Communications function is essential to all aspects of the police response. The goals of Communications are threefold:

- To maintain the vital link between the Communications Center and various field units.
- To receive and relay information rapidly, accurately and consistently.
- To promote officer safety through coordinated response.

The objectives of Communications are:

- To provide and maintain specific communications procedure and policy.
- To provide through training, a dependable and professional communications operational function.
- To assist in the training of all officers in communications technique, procedure and use of communication equipment.

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General Communications Procedures.

- Patrol officers shall maintain radio communications at all times.
- Officers shall answer their call sign promptly and acknowledge all calls.
- Officers shall announce, or type, arrival times.
- Officers shall not refuse to take a call assignment from dispatcher.
 - If disputed, call shall be first handled, and complaint processed through supervisory levels, at a later time.
- All calls assigned to a specific squad unit will be handled by that unit unless a change is acknowledged by the dispatcher.
- Personal or non-police business shall not be conducted on any computer or radio frequency at any time.
- All radio transmissions shall be kept brief and concise.
- All officers shall obtain informational checks via computer or main radio's secondary channel when possible.
- All police personnel using a portable radio shall prefix all radio transmissions with the words, "Portable Number".

Supervisory responsibility and procedure.

- On-scene supervisors shall order unneeded squads returned to service status as soon as is practical.

