



Mountain Lake Police Department

Policy Manual

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POLICY: It shall be the policy of the Mountain Lake 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. Training will be provided by the employing law enforcement agency in consultation with the prosecuting authority to officers who may exercise the use of administrative forfeiture in the performance of their assigned duties. Such training to be conducted whenever the agency policy is changed or modified based upon administrative directives, legislative statutes changes and/or relative court decisions. Training may include but not limited to agency policy, directives, electronic or traditional classroom education.

I. Definitions

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

III. Seized Property Subject to Administrative Forfeiture

- A. 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:
- B. All money, precious metals and precious stones found in proximity to:
 - 1. controlled substances.
 - 2. forfeitable drug manufacturing or distributing equipment or devices; or
 - 3. forfeitable records of manufacture or distribution of controlled substances.
- C. All conveyance devices containing controlled substances with retail value of \$100 or more if possession or sale of the controlled substance would be a felony under MN STAT Chapter 152.
- D. All firearms, ammunition and firearm accessories found:
 - 1. in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance.
 - 2. on or in proximity to a person from whom a felony amount of controlled substance is seized; or
 - 3. on the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under MN STAT Chapter 152.
- E. Situations in which forfeiture should not be pursued:
 - 1. Seizure of property not listed above must be processed, reviewed and approved by the supervisor.

IV. Processing Seized Property for Forfeiture Proceedings

- A. When any property as described in the above section is seized, the peace officer making the seizure must prepare the following:
 - 1. 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.
 - 2. A receipt for the item(s) seized.
- B. 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 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.

C. All property subject to and being processed for forfeiture through the agency must be held in the custody of the agency.

D. 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 Chief of Police within 10 days of seizure.

E. The peace officer conducting the seizure shall inform the Chief of Police of the estimated retail value of drugs found in proximity to the asset seized.

V. Cash

A. Peace officers shall not seize cash having an aggregate value less than \$100, 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.

B. All forfeitable cash seized shall be placed into the currency/evidence safe as soon as practicably possible after the seizure. Notice of deposit shall be given to a supervisor. Large amounts of currency should be counted (when possible) by two (2) officers.

C. Prior to deposit with the currency/evidence safe, 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 deposit those funds with a supervisor to be returned to the appropriate unit's buy fund account.

D. Peace officers seizing cash shall also prepare a property inventory. 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 shall also contain a detailed description of all checks, money orders and/or travelers checks or other financial instruments.

E. The peace officer conducting the seizure shall provide a copy of the completed property inventory receipt to the Forfeiture/Seized Property Reviewer.

F. It is the seizing peace officer's responsibility to secure the cash consistent with the agency policy or procedure.

VI. Jewelry/Precious Metals/Precious Stones

A. Peace officers seizing jewelry, precious metals and/or precious stones will write a detailed description of each item on the property inventory receipt prior to inventorying the items. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Forfeiture/Seized Property Reviewer.

B. Peace officers seizing jewelry, precious metals and/or precious stones shall deliver those

items to the property/evidence room as soon as practicably possible.

VII. Conveyance Device

- A. Upon seizure for forfeiture, all conveyance devices shall immediately take to a secure impound location.
- B. Peace officers shall inventory the conveyance device and its contents in accordance with policy. Peace officers shall also complete Inventory Report form.

VIII. Firearms/Ammunition/Firearm Accessories

- A. When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the property/evidence room as per agency policy/procedure.

IX. Report Writing

- A. Peace officers seizing property must complete a report. All reports must include a description of the items seized, where the property is turned-in/inventoried, the name of the individual served, the date 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.
- B. All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible.

POLICY: It is the policy of this department to render assistance to any law enforcement agency whenever possible. The safety and security of the citizens of the City of Mountain Lake dictates the need for a set of guidelines determining when such assistance is plausible.

I. Emergency Situations:

A. In the event that an agency requests assistance handling a situation that may be potentially life threatening and/or extremely hazardous (such as but not limited to an active shooter, serious injury accidents or officer needs assistance calls), the following steps shall be executed.

1. Officers who are in the scope of their duties are permitted to leave the City of Mountain Lake for but not limited to conducting traffic stops, assisting other agencies, and when requested for mutual aid.
2. Officers may be approximately twelve (12) miles outside city limits without notifying a supervisor.
 - In the event an officer is outside the City of Mountain Lake and a call for service in the city is sent to the officer, the officer shall return to the city to handle the call for service, as calls for service in the city take priority. If the Officer is unable to handle the call for service, the officer shall call or have dispatch call out an officer to handle the call for service.
3. If a replacement officer is unable to be contacted, a supervisor will be notified and called out.
4. The least amount of assistance needed shall be provided by the police department.
5. If there is more than one officer on-duty, the least amount of assistance needed shall be provided by the police department, if possible, leaving at least one unit within City limits.

POLICY: This policy is intended to provide guidelines for officers to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- To manage the risks associated with blood-borne pathogens, aerosol transmissible diseases and other potentially infectious substances.
- To assist officer in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- To protect the privacy rights of all officers who may be exposed to or contract a communicable disease during the course of their duties.
- To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

I. Emergency Situations:

A. Bloodborne Pathogen: Pathogenic microorganisms present in human blood that cause disease. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

B. Body Fluids: Body Fluids include but are not limited to blood, semen, vaginal secretions, breast milk, amniotic fluid, urine, saliva, vomit, and stool

C. Personal Protective Equipment (PPE): Personal protective equipment is specialized clothing or equipment used by workers to protect themselves from direct exposure to blood or other potentially infectious materials. It includes, but is not limited to, protective disposable gloves, masks, goggles, boots, gowns and resuscitation masks.

D. Significant Exposure: Having sustained a contact which carries a potential for a transmission of bloodborne pathogens by one or more of the following means: skin puncture by a needle or sharp object that has had contact with blood or body fluid from another person; or bodily fluids of another person in contact with the mucus membranes or eyes; contamination of open skin (cuts, abrasions, blisters, open dermatitis) by blood or body fluids, or bites that break the skin; or blood containing fluids in contact with skin longer than 5 minutes; exposure to diseases communicable by airborne transmission (including tuberculosis, chicken pox, measles, and pertussis) will be confirmed and follow-up will be determined with the help of Public Health

E. Source Individual (SI): An individual, living or dead, whose blood, tissue, or potentially infectious body fluids may be a source of bloodborne pathogen exposure to another person. Examples include, but are not limited to, a victim of an accident, injury or illness, or a deceased person

F. Universal Precautions: Precautions designed for infection control. Under Universal Precautions, blood and certain body fluids of all individuals are considered potentially infectious for HIV, HBV and other blood borne pathogens.

II. Information and Training

A. Training on the Department's Exposure Control Plan, information regarding Hepatitis B vaccinations and basic use of Personal Protective Equipment (PPE) shall be provided to all new

hire personnel in at- risk assignments within a reasonable period of time of beginning employment. Each employee will be required to take an annual Bloodborne Pathogens refresher class.

III. Employee Vaccinations

A. Hepatitis B vaccinations are available to all officers at no cost. To arrange for obtaining a vaccination, contact a supervisor.

IV. Personal Protective Equipment

A. Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures.

1. Disposable latex gloves
2. Safety glasses
3. Alcohol hand wipes
4. Tyvek Suit
5. Rescue mask with a one-way valve.

B. The protective equipment is to be kept in each squad, inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift, or as otherwise needed.

V. General Practices for Exposure Control

A. When possible, all officers shall practice Universal Precautions to reduce the risk of infection by blood borne pathogens. Universal Precautions shall be used for all activities involving contact with blood, tissue, body fluids, equipment and materials that may be contaminated by infectious disease. All officers are responsible for ensuring that the following Universal Precautions and policies are followed when interacting with any potentially infectious individuals or handling potentially infectious materials:

1. Officers shall not eat, drink or smoke in work areas or at crime scenes where bodily fluids are present or other contagious factors exist.
2. Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on countertops where blood or other potentially infectious materials are present.
3. Officers shall wash their hands and any other skin with soap and water, or flush mucus membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.
4. Contaminated needles and other contaminated sharps shall be properly disposed of

in a "sharps" container or stored in leak-proof, puncture resistant packaging if needed to preserve for evidentiary purposes.

5. Property and evidence containing blood and/or body fluids or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, transport and storage. The container used for transport or storage shall be labeled or clearly marked in such a way that it is evident that blood, body fluids or other potentially infectious materials are inside.

6. All handling or decontamination of items contaminated with blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering and generation of droplets of these substances.

7. Officers have an obligation to inform other support personnel (firefighters, ambulance crew, corrections officers, etc.) whenever a subject has blood or bodily fluids on his/her person, or if the subject has made a voluntary statement that he/she has a contagious disease.

8. Officers shall indicate in the ICR report when an individual taken into custody makes a voluntary statement that he/she has an infectious disease. A notation shall also be made in the related supplements when a subject has blood or bodily fluids on his/her person or clothing.

9. Officers shall not refuse to work with or handle any individual – victim, complainant or suspect because of the employee's fears of possible infection.

10. Officers shall not refuse to arrest or otherwise refuse to handle any person in a legitimate law enforcement context, provided that appropriate protective equipment is available.

11. Officers shall use appropriate PPE unless it is the officer's professional judgment that in a specific instance its use would prevent the delivery of public safety services or it would pose an increased hazard to the safety of the officer or a co-worker. When the officer makes this judgment, the circumstances shall be documented in ICR and reviewed by the employee's supervisor in order to determine whether changes can be instituted to prevent such occurrences in the future.

12. Officers should be aware that certain prescribed medications, such as steroids and asthma medications, can suppress their immune systems increasing their susceptibility to infectious diseases. Officers should consult with their physician if they are taking prescription drugs.

VI. Disposal and Decontamination

The following procedures will apply to the disposal or decontamination of equipment or personnel after responding to an event that involved contact with a person's blood or bodily fluids:

A. USE OF WASTE CONTAINERS

1. Officers shall dispose of biohazards with the on-scene ambulance response vehicle, at the attending clinic or hospital, with its approval, or in an appropriately marked

biohazard waste container immediately upon arrival. The biohazard waste container shall be collapsible, leakproof, red or appropriately labeled with a biohazard warning and routinely emptied.

B. DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

1. Personnel shall wash their hands immediately, on scene if reasonably possible, or as soon as reasonably possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying attention to the fingernails.
2. If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed.
3. If large areas of the employee's skin are contaminated, the employee shall shower as soon as reasonably possible, using warm water and soap. Medical treatment should be obtained. Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

C. SHARPS AND ITEMS THAT CUT OR PUNCTURE

1. All personnel shall avoid using or holding sharps (e.g., needles, blades) unless they are needed to assist an EMT or are being collected for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container. All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. If a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Use a device such as tongs, or a broom and a dustpan to clean up debris. If the material must be handheld, protective gloves must be worn.

D. DISPOSABLE PROTECTIVE EQUIPMENT

1. Contaminated disposable supplies (e.g., gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or officer's vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

E. DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

1. After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is not reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as

described in this policy.

2. Any personal protective equipment that becomes punctured, torn or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the task has not been completed. If any failure of personal protective equipment results in a contaminated non-intact skin event, decontamination as described in this policy shall be implemented.

3. Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance or officer's vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

F. DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag. Grossly contaminated non-disposable equipment items shall be transported to the Windom Area Hospital or LEC for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA). While cleaning equipment, pay close attention to handles, controls, corners, crevices and portable radios. Equipment cleaning shall not be done in the kitchen, bathrooms or areas that are not designated as a cleaning/decontamination area. Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (.25 cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces and blood clots should first be removed (e.g., using a disposable towel or other means to prevent direct contact) and then properly disposed.

G. DECONTAMINATION OF CLOTHING

1. Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and contact a supervisor for directions. The supervisor will secure a dry cleaner that is capable of cleaning contaminated clothing and will inform them of the potential contamination. This dry cleaning will be done at the Office's expense. Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

H. DECONTAMINATION OF VEHICLES

1. Contaminated vehicles and components, such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible. Contact a supervisor for any grossly contaminated vehicles as professional cleaning may be required.

I. WASTE AND MEDICAL DEBRIS USED AT CRIME SCENES AND TRAFFIC ACCIDENTS

1. MLPD Officers are responsible for removing any non-biohazard items at a crime scene or traffic accident which includes properly disposing of rubber gloves and crime scene tape.
2. Ambulance personnel are responsible for removing any medical debris from a crime scene or traffic accident. The fire department is responsible for cleaning blood and bodily fluids from public places, such as sidewalks and streets, and decontaminating the area.
3. An officer may request ambulance and fire personnel to leave the crime scene/accident scene intact during a prolonged investigation of the crime/accident scene.
4. Officers may contact the appropriate department (fire or ambulance) to return to the scene to remove medical debris, blood, or body fluids upon completion of the investigation.

J. REMOVAL OF WASTE, BLOOD, AND BODY FLUIDS FROM LOCATIONS OTHER THAN PUBLIC PLACES

1. The Police Department is not responsible for the cleaning or repair of a crime scene after it has been processed.

K. POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee(s).

1. Employee Responsibilities

2. Verbally report the incident to a supervisor as soon as practical
3. Seek an initial medical evaluation at Windom Area Hospital (WAH) Emergency room as soon as reasonably possible,
 - a) The Windom Area Hospital will follow their *WAH EMS Exposure Infection Prevention and Control Policy* if the physician determines there has been a significant exposure.

- b) If the Source Individual (SI) is receiving treatment at a medical facility or is in custody at the LEC, the medical facility will contact the source individual to obtain consent for a blood draw from the SI.
 - c) If the SI is not receiving treatment at a medical facility, the medical facility will make reasonable efforts to locate the SI and obtain consent. If the medical facility cannot identify or locate the SI, a representative from the WAH Infection Prevention and Control Department will contact the MLPD Chief of Police to inform them that the SI has not been contacted.
- 4. Complete a full written report as soon as reasonably possible following the exposure
 - 5. Complete the forms - *Contaminated Exposure Report* and *First Report of Injury*
 - 6. Employees may obtain testing, counseling and follow-up services through their own medical provider.
 - 7. Employees may be responsible for medical expenses incurred if Worker's Compensations guidelines are not followed and/or Worker's Compensation does not accept the claim.

L. Consent for Blood Draw if SI is not located

- 1. If the medical facility cannot identify or locate the SI but WPD subsequently identifies and located the SI, a consent for blood draw may be initiated by the WPD
- 2. When seeking the SI's consent for the bloodborne pathogens test, the Chief of Police (or designee) will inform the SI that:
 - a) the test results are for medical purposes only and may not be used by the department as evidence against the offender in any criminal or civil proceeding.
 - b) the test results will be reported to the requesting department employee's health practitioner by the department without the offender's name or other uniquely identifying information, and the department employee will be informed of confidentiality requirements and penalties before the employee's health care practitioner discloses any test results.
 - c) the test results cannot be used by health insurance providers to make a decision regarding providing health insurance coverage
 - d) the SI may refuse to provide a blood sample, and the SI's refusal may result in a request for a court order to require the SI to provide a blood sample.

M. Seeking a Court Ordered Blood Draw

- 1. If the Chief of Police determines that a court ordered blood draw is necessary, they shall contact the city attorney who will petition the Cottonwood County Court for a court ordered blood draw.

POLICY: It is the policy of the Mountain Lake Police Department to recognize domestic abuse as a serious problem in today's society. This agency's policy is to protect victims of domestic abuse by ensuring its peace officers understand the laws governing this area.

Peace officers will utilize this policy in response to calls when 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 the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

I. Definitions

For the purposes of this policy, the words and phrases in this section have the meanings given to them, unless another intention clearly appears.

- A. **Domestic Abuse** has the meaning given it in Minn. Stat. 518B.01, subd. 2(a), which states:
 - 1. "Domestic abuse" means the following, if committed against a family or household member by a family or household member:
 - 2. physical harm, bodily injury, or assault.
 - 3. the infliction of fear of imminent physical harm, bodily injury, or assault; or
 - 4. Threats of violence, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or
 - 5. 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.
- B. **Domestic Abuse Program** means a public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.
- C. **Child** means a person under the age of 18.
- D. **Family or Household Member** has the meaning given it in Minn. Stat. 518B.01, subd. 2(b)(1)-(7): spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they have been married or have lived together at any time, and persons involved in a significant romantic or sexual relationship. It also includes a man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.
- E. **Domestic Call** means a request for assistance to a law enforcement agency regarding domestic abuse or any other crime against a family of household member.
- F. **Qualified domestic violence-related offense (QDVRO)** has the meaning given it in Minn. Stat. 609.02, subd. 16 and includes a violation of or an attempt to violate a domestic abuse order for protection; first or second degree murder; first through fifth degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth degree criminal sexual conduct; malicious punishment of a child; threats of violence; violation of harassment restraining order; stalking; interference with an emergency call; nonconsensual dissemination of private sexual images; and violation of domestic abuse no contact order; and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

- G. If a person arrested for a domestic crime has a prior QDVRO, the new offense may be chargeable as a higher
- H. -level crime. (See Enhancement Table appended hereto.)
- I. **Order for Protection (OFP)** is an order issued under Minn. Stat. 518B.01 by a judge in civil court upon the request of the petitioner. Any family or household member of the abuser (called a respondent) may ask the court for an OFP. The relief granted to the petitioner may include an order for the respondent to stop domestic abuse, no direct or indirect contact with petitioner, temporary custody of minor children, temporary financial support, and/or counseling for the respondent. Other forms or relief are also available. Violating an OFP is a crime.
- J. **Domestic Abuse No Contact Order (DANCO)** is an order issued under Minn. Stat. 629.75 by a judge in criminal court limiting contact between a defendant and a victim of domestic abuse. DANCOs may be issued as pretrial condition of release and/or as a probationary condition of sentence.
- K. **Harassment Restraining Order (HRO)** is an order issued under Minn. Stat. 609.748 by a judge in civil court when a petitioner requests a court order preventing another person from having contact with him/her. These orders generally prohibit all contact of any kind (including, but not limited to, phone calls, letters, e-mail, social media and contact through a third party) and may limit the respondent 's ability to come within a certain distance of the petitioner's home, work, or school. This type of order can be issued no matter what the relationship between the individuals involved. Violating an HRO is a crime.
- L. **Harassment** has the meaning given to it in Minn. Stat. 609.748, subd. 1(a): a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.
- M. **Stalking** has the meaning given to it in Minn. Stat. 609.749, subd. 1: engaging in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

II. Procedure

A. DISPATCHING THE CALLS

1. **Receiving the Domestic Call:** Upon receiving a domestic call, the dispatcher will assign domestic calls a high priority and should assign an officer to the call. If only one officer is available, all reasonable attempts should be made to obtain another Deputy/Officer to assist the officer who was initially dispatched.
2. **Information to be Obtained:** The dispatcher receiving a domestic call should attempt to elicit from the caller and should communicate to the responding peace officers as much of the following information as possible:
 - i. the nature of the incident,
 - ii. the address of the incident, including apartment number, if applicable,
 - iii. the telephone numbers where the caller can be reached,
 - iv. whether weapons are involved or present in the dwelling,
 - v. whether someone is injured and the nature of the injury,

- vi. information about the suspect including whether the suspect is present, description, direction of flight, mode of travel, etc.,
 - vii. the relationship between the caller and the suspect,
 - viii. whether there have been prior calls involving these individuals,
 - ix. whether there is an order for protection (OFP), harassment restraining order (HRO) or criminal pre-trial or probationary domestic abuse no contact order (DANCO),
 - x. whether children are present at the scene, and
 - xi. whether there are non-English speaking people, or people with mobility impairments or hearing impairments at the scene.
3. If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone as long as possible and should tell the caller that help is on the way, and when the caller can expect the peace officers to arrive.
 4. If the caller is a witness to an incident in progress, the dispatcher should attempt to keep the caller on the phone and should relay ongoing information provided by the caller to the responding peace officers.
 5. If the responding peace officers are some distance away, and the dispatcher cannot remain on the telephone with the call/victim, the dispatcher should attempt to call back periodically to check on the progress of events and call again when the officers arrive at the scene. If the dispatcher finds that a victim/caller who was recently available suddenly cannot be reached by phone or there is a persistent busy signal, the dispatcher should relay that information to the officers.

B. RESPONDING TO THE CALLS

1. **Driving to the Scene:** The peace officers should respond directly and without unreasonable delay to the scene.
2. **Initial Contact with Occupants:** Upon arriving at the scene of a domestic call, 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 alleged victim. The officers should separate parties prior to taking statements. 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 officer should ensure all of the occupants are safe.
3. **Entry**
 - i. **Refused Entry** – If refused entry, the officers should be persistent about seeing and speaking alone with the subject of the call. If access to the subject is refused the officers should request the dispatcher to contact the caller.
 - ii. **Forced Entry** – If access is still refused and the officers have reason to believe that someone is in imminent danger the officers are permitted to force entry.
 - iii. **Search Warrant Entry** – If the officers are refused entry and have no legal grounds for forced entry and have reasonable grounds to believe a crime has been committed, the officers should contact the appropriate authority to obtain a search warrant.

- C. **First Aid:** After securing the scene, the responding peace officers shall provide the necessary first aid.

III. Arrest Decisions

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

Some of the evidence and statements include:

1. photos of the scene,
2. condition of clothing,
3. property damage,
4. evidence of physical injury including strangulation,
5. excited utterances of the victim and the suspect,
6. demeanor of the victim and the suspect,
7. medical records including the victim's statements to paramedics, nurses, and doctors,
8. recorded interviews of witnesses including children who may have been present,
9. evidence of any prior domestic abuse – related convictions including dates, and
10. any existing OFPs, HROs or DANCOs.

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

- B. Factors Not to be Considered in Making the Arrest:

1. ownership, tenancy rights of either party, or the fact the incident occurred in a private place,
2. belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction,
3. verbal assurances that the abuse will stop,
4. disposition of previous police calls involving the same victim or suspect,
5. denial by either party that the abuse occurred when there is evidence of domestic abuse,
6. lack of a court order restraining or restricting the suspect,
7. concern about reprisals against the victim,
8. adverse financial consequences that might result from the arrest, or
9. chemical dependency or intoxication of the parties.

- C. Predominant Aggressor and Dual Arrests: The agency shall discourage dual arrest¹. Where there are allegations that each party assaulted the other, the peace officer shall determine whether there is sufficient evidence to conclude that one of the parties is the predominant aggressor based on the following criteria and the officer's judgment:

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

¹ MN STAT 629.342 which mandates the development of a written domestic abuse arrest policy for every law enforcement agency in the state specifies that the policy "shall discourage dual arrests, include consideration of whether one of the parties acted in self-defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated."

- D. **Victim Request Not to Prosecute:** If the officer finds probable cause to believe a domestic abuse offense has been committed and intends to arrest but the victim requests no arrest or prosecution, the officer should inform the victim that the decision to arrest is the officer's and the decision to prosecute lies with the prosecutor.

IV. Authority And Types of Arrest

- A. **Warrantless Probable Cause Arrest for Fifth Degree Assault or Domestic Assault:** Although the general rule is that officers may not make probable cause arrests for misdemeanors unless the offense occurs in their presence (or a citizen who saw the crime requests an arrest) domestic assault is an exception. A peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person has, within the preceding 72 hours, assaulted, threatened with a dangerous weapon, or placed in fear of immediate bodily harm any person covered by the "family or household member" definition, even if the assault did not take place in the presence of the peace officer (Minn. Stat. 629.341). A peace officer acting in good faith and exercising due care in making an arrest pursuant to this statute is immune from civil liability that might result from the officer's action.

- V. **NOTE:** An arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with assaulting the individual's spouse or other individual with whom the charged person resides (Minn. Stat. 629.72).

- A. **Level of Arrest for Fifth Degree Assault and Domestic Assault: Misdemeanor, Gross Misdemeanor and Felony:** Assault in the Fifth Degree and Domestic Assault are deemed misdemeanor offenses. However, changes in the statutes have greatly increased the potential for arrests for these crimes at the gross misdemeanor and felony level.

1. *Gross Misdemeanors:* Minn. Stat. 609.224, subd. 2(a), Assault in the Fifth Degree, provides for an enhancement to a gross misdemeanor violation when the offense is against the same victim within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency in Minnesota, or any similar law of another state.
 - i. If the charge is Domestic Assault (Minn. Stat. 609.2242) and the current victim is a family or household member and the crime occurs within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency of any of the above offenses against any family or household member, the same gross misdemeanor enhancement applies. The prior conviction need not be against a member of the same family or household.
 - ii. If there is a prior conviction for assault or terroristic threats against any person within two years, a gross misdemeanor may also be charged.
2. *Felonies:* If a person commits Assault in the Fifth Degree against the same victim within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency, Assault in the Fifth Degree becomes a felony. The same enhancement applies to Assault in the Fifth Degree against any victim occurring within three years of the first of two or more of these convictions.
 - i. Domestic assault against a family or household member is also enhanceable under the same circumstances except that the prior convictions may be against any family or household member. According to Minn. Stat. 609.2247,

subd. 2., whoever assaults a family or household member by strangulation is guilty of a felony.

- B. **Stalking** The acts which constitute stalking according to Minn. Stat. 609.749 include several which are frequently applicable to domestic abuse situations even when no actual assault occurred.
1. *Gross Misdemeanors*: A person who stalks another by committing any of the following acts is guilty of a gross misdemeanor:
 - i. directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act.
 - ii. follows, monitors, or pursues another, whether in person or through any available technological or other means.
 - iii. returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent.
 - iv. repeatedly makes telephone calls or induces a victim to make telephone calls to the actor, whether or not conversation ensues.
 - v. makes or causes the telephone of another to ring repeatedly or continuously.
 - vi. repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistance devices for the visually or hearing impaired, or any communication made through any available technologies or other objects; or
 - vii. knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties.
 2. Also, according to Minn. Stat. 609.749., subd.1a., the State does not have to prove the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted, or intimidated. The intent of the defendant is immaterial. Obtaining a complete domestic abuse history is usually the key to making the determination that the current act, under the circumstances, constitutes the crime of stalking.
 3. *Felony/Felony Enhancements*: A person who commits any offense described in 3.a) (see above) against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony.
 4. Any of the above gross misdemeanors is enhanceable to a felony if committed within ten years of a previous QDRVO conviction or adjudication of delinquency OR if committed against a juvenile OR if committed while possessing a dangerous weapon.
 5. In addition, it is a felony to engage in a pattern of stalking conduct with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim. According to Minn. Stat. 609.749, subd. 5, a "pattern of stalking conduct" means two or more acts (convictions are not necessary) within a five-year period that constitute any of the following offenses: murder, manslaughter, threats of violence, fifth-degree assault, domestic assault, violation of domestic abuse orders for protection, violation of harassment restraining orders, certain trespass offenses, interference with an emergency call, obscene or harassing telephone calls, letter, telegram, or package opening or harassment, burglary, damage to property, criminal defamation, first- to fifth- degree criminal sexual conduct, and violations of domestic abuse no contact orders.

6. The stalking statute makes it more important than ever to document not just the facts of the current police call but also the history of abuse or stalking.
7. Venue (Minn. Stat. 609.749, subd. 1b.): If a suspect commits acts of stalking in different counties, the acts may be consolidated and prosecuted in any county in which one of the acts was committed. If the conduct that constitutes stalking is done through use of a wireless or electronic communication device, the conduct can be prosecuted in the county where either the suspect or victim resides.

- C. **Probable Cause Warrantless Arrest:** The domestic abuse arrest statute (Minn. Stat. 629.72) provides an officer may not issue a citation in lieu of arrest in harassment/stalking, domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order cases. According to Minn. Stat. 629.34, subd.1(c)(5) an officer may also make a warrantless probable cause arrest even if the offense did not occur in the officer's presence if the officer has reasonable cause to believe the offense was a gross misdemeanor or felony (no 72-hour restriction).
- D. **Probable Cause Felony Arrests for Other Crimes:** At a domestic call peace officers shall consider whether other felonies have been committed including but not limited to, burglary, felony assault, threats of violence, kidnapping, false imprisonment, and witness tampering.

NOTE: An Assault 5 may be chargeable as burglary in the first degree even if the home is also the offender's if the entry is made without consent of the victim and in violation of an OFP barring the offender from the premises.

- E. **Violation of Court Orders:** The peace officer shall verify whether any of the following orders exist before or during an arrest. The peace officer or someone acting at the officer's direction may make this verification. Methods of verification include personally seeing a copy of the order or obtaining verification from the court or law enforcement agency that has the actual order. The police report shall include identifying information of the specific court order violated, including county of origin, the file number, and the provision allegedly violated.
- F. **Order for Protection (OFP):** A peace officer shall arrest and take into custody without a warrant a person who the peace officer has probable cause to believe has violated any condition of an OFP granted pursuant to Minn. Stat. 518B.01, subds. 6, 7, and 9. Such an arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, if the officer can verify the existence of the order.

NOTE: Minn. Stat. 518B.01, subd. 18(a)(2), states that an OFP is not voided even if the respondent was invited back to the residence by the petitioner, and there is no hour limitation for a warrantless arrest for a violation of an OFP.

1. A violation of an OFP is a misdemeanor but is enhanceable to a gross misdemeanor if the offense occurs within ten years of discharge from sentence for conviction of violation of an OFP or for any conviction of assault, terroristic threats, violation of a harassment order or harassment/stalking. It is enhanceable as a felony if it occurs within ten years of discharge of the first of two or more such convictions.
 2. OFPs and DANCOs can be verified on the State MNJIS system, also known as the Hot Files. HROs are not in the Hot Files system at this time but are still enforceable.
- G. **Harassment Restraining Order (HRO):** A peace officer shall arrest and take into custody a person who the peace officer has probable cause to believe has violated a harassment restraining order pursuant to Minn. Stat. 609.748, subds. 4 and 5, if the officer can verify the existence of the order.

NOTE: A person who violates an HRO is guilty of a misdemeanor if the violator knows of the order. This offense is enhanceable to a gross misdemeanor if it occurs within ten years of a previous qualified domestic violence- related offense conviction or adjudication of delinquency. Per Minn. Stat. 609.748, subd. 6, (d), it is enhanceable to a felony if the person knowingly violates the order:

1. within 10 years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency. because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability (as defined in section 363A.03), age, or national origin. by falsely impersonating another.
2. while possessing a dangerous weapon.
3. with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.414, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or
4. against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

H. **Domestic Abuse No Contact Order (DANCO)** (Minn. Stat. 629.75): A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a DANCO, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer.

1. The pretrial DANCO is sometimes continued at the time of sentencing with a new, probationary DANCO issued as a condition of probation. This DANCO may be valid for the full probationary period indicated in the order.
2. The court may rescind a DANCO at any time. However, a victim's production of a copy of an apparently valid court order, absent contrary evidence, provides prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.

I. **Other Misdemeanors:** At a domestic call, the peace officer shall consider whether other crimes have been committed including but not limited to trespassing, criminal damage to property, disorderly conduct, witness tampering, or assault.

VI. Assistance, Staying at The Scene, Crime Victim Rights, and Services

A. **Staying at the Scene:** If no arrest is made 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. State. 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 the witnesses, are non-English speaking, are hearing-impaired, or have other communication disabilities. The officer should avoid the use of friends, family or neighbors serving as the primary interpreter for the investigation.

- C. **Notice of Crime Victims' Rights:** The peace officer shall give the victim of a domestic call a copy of the agency's crime victim notification form.

NOTE: It is important to routinely review these forms to ensure that they are current, in compliance with the law, and contain the name of the local domestic abuse program. The Department of Public Safety, Office of Justice Programs, produces the crime victim's rights notice and serves as the contact for the victim's rights information.

- D. **Services:** The peace officer should contact the local domestic abuse program by phone as soon as possible on all arrest situations and provide the name and address of the victim and a brief factual account of events associated with the action. This section 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 a Minor. The officers shall also attempt to verify whether there has been an Order for Protection (Minn. Stat. 260C.201). If the child has been injured, the officer should escort the child to the nearest hospital for treatment.

VIII. Reports and Forms

- A. **Written Report:** 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:
 1. detailed statements from the victim, suspect and witnesses.
 2. description of injuries.
 3. information about past abuse.
 4. description of the scene.
 5. predominant aggressor.
 6. existence of language barriers.
 7. presence of elderly victims or those with disabilities; and
 8. documentation of evidence.

IX. Further Investigation

- A. A domestic call shall be turned over to the appropriate investigator for further follow-up if appropriate. If there is an arrest, the investigator shall determine the defendant's criminal record, and if there is evidence 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.

Enhancements Table

Conviction means a plea of guilty or verdict of guilty accepted by the court (Minn. Stat. § 609.02, subd. 5).

Discharge from Offense means the time between conviction and the end of 5 years following discharge from sentence for that offense.

QDVRO means a “Qualified Domestic Violence Related Offense” which includes a violation of or an attempt to violate a domestic abuse order for protection; first or second-degree murder; first through fifth-degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth-degree criminal sexual conduct; malicious punishment of a child; terroristic threats; violation of harassment restraining order; stalking; interference with an emergency call; nonconsensual dissemination of private sexual images; and violation of domestic abuse no contact order (DANCO); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories. (Minn. Stat. 609.02, subd. 16)

Offense	Victim of Offense	Time Limit	Prior Conviction	Offense Level
Assault 5	Same Victim	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of discharge of 1 st of 2 or more convictions	QDVRO	Felony
	Any Victim	w/in 3 years of conviction	QDVRO	Gross Misdemeanor
		w/in 3 years of 1 st of 2 or more convictions	QDVRO	Felony
Domestic Assault	Family/Household Member (as defined in Minn. Stat. 518B.01, subd. 2.)	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of 1 st of 2 or more convictions for Domestic Assault or Assault 5	QDVRO	Felony
Malicious Punishment	Any Victim	w/in 5 years of discharge	Assault 1-5, Domestic Assault, Malicious Punishment, Criminal Sexual Conduct 1-4, or Terroristic Threats	Felony
Violation of Order for Protection or Harassment Restraining Order	Any Victim	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of discharge of 1 st of 2 or more convictions	QDVRO	Felony
Stalking	Any Victim	w/in 10 years of conviction	QDVRO	Felony
Interference w/ Privacy	Any Victim	None	Interference w/ Privacy or Stalking	Gross Misdemeanor

Example of Enhancement Reach back:	
Arrest for Assault 5 & Malicious Punishment	1/1/2013
Plea (Accepted) to Assault 5 & Malicious Punishment (Conviction)	6/1/2013
Sentence of 2 years of probation	8/1/2013
Expiration of reach back for any victim for Assault 5	6/1/2016
Discharge from sentence	8/1/2015
Expiration of reach back for any victim for Malicious Punishment	8/1/2020
Expiration of reach back for same victim for Assault 5	6/1/2023

POLICY: It is the policy of the Mountain Lake Police Department to reaffirm our commitment to impartial policing and to reinforce procedures that serve to assure the public we are providing service and enforcing laws in a fair and equitable manner to all.

I. Definition

- A. Racial profiling has the meaning given to it in Minnesota Statute 626.8471, Subd. 2. which states:
 - 1. "Racial profiling" means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:
 - a) the behavior of that individual; or information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.
 - 2. Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

II. Procedures

- A. Policing impartially, not racial profiling, is standard procedure for this agency meaning:
 - 1. investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by peace officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution and peace 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;
 - 2. except as provided in paragraph 3., peace officers shall not consider race, ethnicity, national origin, gender, sexual orientation, and religion in establishing either reasonable suspicion or probable cause; and
 - 3. peace officers may take into account the descriptors in paragraph 2. based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals and this information may be used in the same manner officers use specific information regarding age, height, weight, or other physical characteristics about specific suspects.
- B. In an effort to prevent the perception of biased law enforcement peace officers shall:
 - 1. be respectful and professional.
 - 2. Introduce or identify themselves to the citizen and state the reason for the contact as soon as practical unless providing this information will compromise officer or public safety.
 - 3. Ensure the detention is no longer than necessary to take appropriate action for the known or suspected offense.

4. Attempt to answer any relevant questions the citizen may have regarding the citizen/officer contact including relevant referrals to other agencies when appropriate.
 5. Provide their last name and badge number when requested
 6. Explain and/or apologize if it is determined the reasonable suspicion was unfounded (e.g. after an investigatory stop).
- C. Supervisors shall ensure all personnel in their command are familiar with the content of this policy and are in compliance.

III. Duty to Report

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

IV. Violations

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

Policy: This policy provides the procedures for towing a vehicle by or at the direction of the Mountain Lake Police Department and under the authority of Minn. Stat. § 168B.035.

I. Impounding Vehicles:

- a. All Impounded or Towed vehicles shall have:
 - i. An IR completed (if applicable)
 - ii. Citation issued (if applicable)
 - iii. Copy of signed tow bill
- b. Vehicles on public property may be towed and impounded in accordance with state statute 168B.035:

II. Removal of Vehicle Disabled in a Traffic Collision

- a. When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, an appropriate company will be selected by the officer.
- b. If the owner is incapacitated or for any reason it is necessary for the department to assume responsibility for a vehicle involved in a collision, the officer shall request the tow and complete the Vehicle Impound/Inventory Form if the department will be assuming custody of the vehicle in the city Impound lot.

III. Towing at Arrest Scenes

- a. Whenever a person in charge or in control of a vehicle is arrested, it is the policy of the Department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, the vehicle would present a traffic hazard if it were not removed, or the vehicle is located in a high-crime area and is susceptible to theft or damage if left at the scene.
- b. The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:
 - i. Traffic-related warrant arrest.
 - ii. Situations where the vehicle was not used to further the offense for which the occupant was arrested nor may be subject to forfeiture proceedings.
 - iii. Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene or in the care of a passenger at the scene.
 - 1. In such cases, the handling employee shall note in the report that the owner was informed that the department will not be responsible for

theft or damages.

IV. Vehicle Inventory

- a. All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle impound form. This includes the trunk and any compartments or containers, even if they are closed. Officers conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.
- b. Vehicles towed for parking violations or insurance shall be released to the tow operator. A tow sheet shall be provided to the tow operator.

V. Security of Vehicles and Property

- a. Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phones, prescriptions) that are not considered evidence or contraband.
- b. If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

VI. Private Property

- a. A vehicle legally parked on private property may be towed only under the following conditions:
 - i. The vehicle has been reported stolen.
 - ii. The vehicle is involved in a crime.
- b. Officers shall advise parties seeking tows from private property for illegally parked vehicles that they must make their own arrangements with a private towing service.

Purpose and Scope: The purpose of this policy is to inform all employees and the public of procedures for reporting, receiving, investigating and disposition of complaints regarding the conduct of licensed peace officers of the Mountain Lake Police Department. The provisions of this policy are applicable only to the investigation and the disposition of allegations of administrative misconduct. This policy does not apply to a criminal investigation.

I. Policy

It is the policy of the Mountain Lake Police Department to accept and to fairly and impartially investigate all complaints of misconduct to determine the validity of allegations; and to impose any corrective actions that may be justified in a timely and consistent manner.

II. Definitions

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

- A. **Administrative Investigation:** An internal investigation conducted in response to a complaint with the goal of determining whether an employee engaged in misconduct.
- B. **Chief Law Enforcement Officer** means the chief of police, sheriff, state law enforcement director or designee. Within this model policy, the chief law enforcement officer will be referred to as CLEO.
- C. **Law Enforcement Officer** means an individual who holds a peace officer license in the State of Minnesota. Within this model policy, a law enforcement officer will be referred to as LEO.
- D. **Complainant** means a person who submits a complaint to the Agency or CLEO alleging misconduct by an agency member.
- E. **Complaint** means a statement alleging behavior that constitutes misconduct.
- F. **Member** means all voluntary and compensated personnel of the agency.
- G. **Discipline** means any of the following or combination thereof:
 - 1. Oral Reprimand
 - 2. Written Reprimand
 - 3. Suspension
 - 4. Demotion
 - 5. Discharge
- H. **Unfounded** means there is no factual basis for the allegation. The act or acts alleged did not occur.

- I. **Exonerated** means a fair preponderance of the evidence established that either:
 - 1. the agency member named in the complaint was not involved in the alleged misconduct; or
 - 2. the act(s) that provided the basis for the complaint occurred; however, the investigation revealed that such act(s) were justified, lawful or proper.
- J. **Not Sustained** means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.
- K. **Sustained** means a fair preponderance of the evidence obtained in the investigation established that the LEO's actions constituted misconduct.
- L. **Policy Failure** means that the complaint revealed a policy failure. The allegation is factual and the LEO(s) followed proper agency procedure, however, that procedure has proven to be deficient.
- M. **Respondent** means an individual who is the subject of a complaint investigation.
- N. **Misconduct** means:
 - 1. a violation of an agency policy or procedure governing conduct of agency members;
 - 2. conduct by a peace officer that would be a violation of POST Standards of Conduct per Minn. Rules 6700.1600
- O. **Policies and Procedures** mean the administrative rules adopted by the agency regulating the conduct of agency members.
- P. **Receiving Authority** means the entity who receives and is required to investigate the complaint when the subject of the complaint is a CLEO.

III. Procedure

A. ACCEPTANCE AND FILING OF COMPLAINTS

- 1. Complaint forms must be made available through agency personnel, at designated public facilities, and online.
- 2. Complaints may be received either in person, over the telephone, in writing, or via the internet. A complainant may remain anonymous. The complainant should be advised that remaining anonymous may affect the investigation of the complaint.
- 3. A complainant may be accompanied by an attorney or other representative at the time a complaint is filed or at any other stage of the process.
- 4. Employees must provide assistance to individuals who express the desire to lodge complaints against any employee of this agency.
- 5. The complainant must be advised of the procedures for submitting the complaint and provided with a copy of their submitted complaint.

6. The complainant should be asked to verify by signature if the complaint is a complete and accurate account. If the complainant elects not to sign, this fact must be documented and the complaint processed according to procedure.
7. The CLEO will forward a copy of the written complaint to the respondent only after it is determined that the complaint does not allege a criminal violation and the notification will not impede a criminal investigation.
8. A CLEO or Receiving Authority may delegate the duties and responsibilities required of a CLEO by this policy to an appropriate designee(s).
9. Any complaint made against a chief of police must initially be made to the city administrator, manager or mayor. Any complaint made against a sheriff must initially be made to the county attorney, the county administrator or the board of county commissioners.
10. The city administrator, manager, mayor, county attorney, county administrator or board of county commissioners must refer investigations of alleged misconduct against a CLEO to an outside law enforcement agency or criminal justice agency that has no discernible conflict of interest.

B. INVESTIGATION OF A COMPLAINT

1. Upon receipt of the complaint, the CLEO must make an initial determination as to whether or not the facts alleged require an administrative investigation. If the CLEO decides that an investigation is not required, the disposition of the complaint must be cleared as “unfounded”, “not sustained”, or “exonerated.” The complainant and the respondent will be notified of this decision and the basis for determination. If the complainant supplies additional information within thirty (30) days of that initial determination, the CLEO may reverse this decision and order an administrative investigation.
2. If the CLEO determines an administrative investigation is required, an appropriate designee will be assigned to investigate the complaint. When the CLEO believes an external investigation is appropriate or when the CLEO is the subject of the complaint, the investigation will be assigned to an external agency that has no discernible conflict of interest.
3. The investigator must inform the complainant of his or her name, business phone number and the status of the complaint as soon as possible after being assigned the investigation.
4. The investigator must thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation. If the investigation reveals potential misconduct by another agency member, the investigator must report that fact to the CLEO or, in the case of a complaint against a CLEO, the appropriate city administrator, manager, mayor, county attorney, county administrator or board of county commissioners.
5. All agency members must cooperate with the investigation. When the respondent is a licensed peace officer, the investigation must comply with the requirements of MNSTAT 626.89 and acts amendatory thereto.
6. The investigator must prepare a report that contains all relevant information organized into the following three (3) sections:

a) *Allegations*: An itemized summary of the acts of misconduct alleged in the

complaint. Reference must be made to those rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations are taken as true.

- b) *Investigation*: A chronological summary of the investigation including all pertinent facts obtained through interviews with the complainant, accused agency member(s), and all available witnesses. Written statements, descriptions and analysis of any physical evidence, and all other relevant information must be included.
- c) *Conclusions*: The investigator's findings and conclusions as to whether any misconduct occurred and the underlying reasons for the findings and conclusions.

- 7. The investigation must be completed within thirty (30) days of the filing of the complaint unless the CLEO or Receiving Authority determines there is good cause to grant an extension. The complainant and respondent must be informed of any extension.

C. ADDITIONAL INVESTIGATION, REVIEW AND DISPOSITION

- 1. Upon completion of the investigation, the investigator must submit the report, case file and all investigative notes to the CLEO or Receiving Authority. The CLEO or Receiving Authority may require additional investigation or make one of the following decisions:
 - a) Unfounded
 - b) Exonerated
 - c) Not Sustained
 - d) Sustained
 - e) Policy Failure
- 2. The CLEO or Receiving Authority may postpone making a decision until any related criminal charges are resolved. The complainant and respondent must be informed of this decision.
- 3. If the decision is "unfounded," "exonerated," "not sustained" or "policy failure" the CLEO or Receiving Authority must immediately notify the complainant and the respondent of the decision.
- 4. If the complaint is "sustained" the CLEO or Receiving Authority will:
 - a) Issue findings of fact including a summary of the acts constituting misconduct and the specific statutes, policies, regulations and procedures violated; and
 - b) Take appropriate remedial and/or disciplinary action.
 - c) Advise the complainant of any public information regarding the disposition
- 5. Prior to the implementation of remedial and/or disciplinary action the respondent will be provided with a copy of the findings of fact. The CLEO, Receiving Authority and/or designee must review the findings of fact with the respondent and explain the reasons for the remedial and/or disciplinary action.
- 6. The investigation may be re-opened by the CLEO or Receiving Authority at any time if substantial new evidence is discovered concerning the complaint.
- 7. When a "sustained" disposition is final the respondent may appeal the disposition pursuant to the rules and law governing the accused member's employment.

D. MAINTENANCE AND DISCLOSURE OF DATA

- 1. Disclosure to the public, complainant and respondent of data collected, created or received by the agency in connection with this policy and procedure must be governed by the provisions of the MN Government Data Practices Act. Retention of data collected or maintained in connection with this policy must be retained in accordance with the agency's "Record Retention Schedule."

2. All data collected, created or received by the agency in connection with this policy and procedure must be maintained in accordance with the agency's "Record Retention Schedule."
3. The placement of the disposition report or other data in an employee's personnel file must be governed by the agency's personnel policy.
4. Access to data collected, created, or received in connection with this policy and procedure may only be authorized by the CLEO or the agency's Data Practices "Responsible Authority," and as provided by Chapter 13, the "Minnesota GovernmentData Practices Act," or valid court order.

E. POST BOARD REPORTING REQUIREMENTS

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

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

I. Definitions

A. For the purpose of this policy the following definitions apply:

1. **Vehicle:** means a motor vehicle or watercraft owned, leased or otherwise the property of the State of Minnesota or a political subdivision.
2. **Lights:** refers to headlights, taillights and marine navigational lighting as referenced in MN STAT 84.87, 84.928, 169.48 to 169.65 and 86B.511.

II. Procedure

A. A peace officer may not operate a vehicle without lights contrary to MN STAT 169.541. LIGHTING EXEMPTION FOR LAW ENFORCEMENT; STANDARDS. under conditions of limited or reduced visibility as defined in MN STAT 84.87, 84.928, 169.48 to 169.65 and 86B.511:

1. on an interstate highway.
2. at speeds greater than what is reasonable and prudent under existing weather, road and traffic conditions.
3. faster than the posted speed limit.
4. in situations where the peace officer is an active participant in the pursuit of a motor vehicle in violation of MN STAT 609.487.

POLICY

It is the policy of the Mountain Lake 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 MN STAT Chapter 299C.52, subd. 1 (c) and (d) (“Minnesota Missing Children and Endangered Persons’ Program” referred to as Brandon’s Law).

This policy addresses investigations where the person has been determined to be both missing and endangered and includes all procedures required by MN STAT 299C.52.

The Mountain Lake 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 Model Policy.

I. Definitions

A. *Missing* has the meaning given it in MN STAT 299C,52, subd. 1 (d), “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”.

B. *Endangered* has the meaning given it in MN STAT 299C,52, subd. 1, (c), “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; or
- 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.

C. *Child* has the meaning given it in MN STAT 299C,52, subd. 1 (a), “Any person under

the age of 18 years or any person certified or known to be mentally incompetent”.

D. NCIC means The National Crime Information Center.

E. CJIS means The Criminal Justice Information System.

F. DNA means “DNA” has the meaning given it in MN STAT 299C,52, subd. 1 (b), Deoxyribonucleic acid from a human biological specimen.

II. Procedures

A. This agency will respond according to the following six types of general procedures:

- 1) Initial Response
- 2) Initial Investigation
- 3) Investigation
- 4) 30 Day Benchmark
- 5) Prolonged Investigation, and
- 6) Recovery/ Case Closure

B. INITIAL RESPONSE

- 1) As required by MN STAT 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:
 - 2) the missing person is an adult.
 - 3) the circumstances do not indicate foul play.
 - 4) the person has been missing for a short amount of time.
 - 5) the person has been missing for a long amount of time.
 - 6) there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance.
 - 7) the circumstances suggest that the disappearance may be voluntary.
 - 8) the reporting person does not have personal knowledge of the facts.
 - 9) the reporting person cannot provide all of the information requested by the law enforcement agency.
- 10) the reporting person lacks a familial or other relationship with the missing person; or
- 11) 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.
- 12) Dispatch an officer, to the scene, to conduct a preliminary investigation to determine whether the person is missing, and if missing, whether the person is endangered.
- 13) Obtain interpretive services if necessary.
- 14) Interview the person who made the initial report, and if the person is a child, the child’s parent(s) or guardian(s).
- 15) Determine when, where, and by whom the missing person was last seen.
- 16) Interview the individual(s) who last had contact with the person.
- 17) Obtain a detailed description of the missing person, abductor, vehicles, etc. and ask for recent photo of missing person.
- 18) Immediately enter the complete descriptive and critical information, regarding the missing and endangered person, into the appropriate category of the NCIC Missing Person File.
- 19) 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.

- 20) As required by MN STAT 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.
- 21) Enter complete descriptive information regarding suspects/vehicle in the NCIC system.
- 22) Request investigative and supervisory assistance.
- 23) Update additional responding personnel.
- 24) Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. If necessary, use The International Justice & Public Safety Network (NLETS), the Minnesota Crime Alert Network, and MNJIS KOPS Alert to alert state, regional and federal law enforcement agencies.
- 25) Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.
- 26) Secure the crime scene and/or last known position of the missing person and attempt to identify and interview persons in the area at the time of the incident.
- 27) Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
- 28) Activate protocols for working with the media. (AMBER Alert, Minnesota Crime Alert Network)
- 29) As required by MN STAT Chapter 299C.53, subd. 1(b), consult with the Minnesota Bureau of Criminal Apprehension if the person is determined to be an endangered missing person. Request assistance as necessary.
- 30) Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:
 - 31) the primary agency has limited resources.
 - 32) the investigation crosses jurisdictional lines; or
 - 33) jurisdictions have pre-established task forces or investigative teams.
 - 34) Based on the preliminary investigation, determine whether or not a physical search is required.

C. INITIAL INVESTIGATION

- 1) Conduct a canvas of the neighborhood and of vehicles in the vicinity.
- 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.

D. 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.
- 2) Establish the ability to "trap and trace" all incoming calls. Consider setting up a separate telephone line or cellular telephone for agency use and follow up on all leads.
- 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:
 - 13) Available Search and Rescue (SAR) resources
 - 14) Investigative Resources
 - 15) Interpretive Services
 - 16) Telephone Services (traps, traces, triangulation, etc.)
 - 17) Media Assistance (Local and National)
 - 18) Secure electronic communication information such as the missing person's cell phone number, email address(s) and social networking site information.
 - 19) 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.
 - 20) 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.

III. Missing For Over 30 Days

- A.** If the person remains missing after 30 days from entry into NCIC the local law enforcement agency will be contacted by the BCA Missing and Unidentified Persons Clearinghouse to request the following information (if not already received):
 - B.** DNA samples from family members and, if possible, from the missing person.
 - C.** Dental information and x-rays.
 - D.** Additional photographs and video that may aid the investigation or identification.
 - E.** Fingerprints.
 - F.** Other specific identifying information.
 - G.** This information will be entered into the appropriate databases by BCA Clearinghouse personnel. If the person is still missing after 30 days, review the case file to determine whether any additional information received on the missing person indicates that the person is endangered and update the record in NCIC to reflect the status change.

IV. Prolonged Investigation

- A.** Develop a profile of the possible abductor.
- B.** Consider the use of a truth verification device for parents, spouse, and other key individuals.
- C.** Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videotapes, re-interview key individuals and re-examine all physical evidence collected.
- D.** Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified in the investigation.
- E.** Periodically check pertinent sources of information about the missing person for any activity such as phone, bank, internet or credit card activity.
- F.** Develop a timeline and other visual exhibits.
- G.** Critique the results of the on-going investigation with appropriate investigative resources.
- H.** Arrange for periodic media coverage.
- I.** Consider utilizing rewards and crime-stoppers programs.
- J.** Update NCIC Missing Person File information, as necessary.
- K.** Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.
- L.** Maintain contact with the family and/or the reporting party or designee as appropriate.

V. Recovery/Case Closure

A. Alive

- 1) Verify that the located person is the reported missing person.
- 2) If appropriate, arrange for a comprehensive physical examination of the victim.
- 3) Conduct a careful interview of the person, document the results of the interview, and involve all appropriate agencies.
- 4) Notify the family/reporting party that the missing person has been located. (In adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family/reporting party may be informed of this information.
- 6) Dependent on the circumstances of the disappearance, consider the need for reunification assistance, intervention, counseling, or other services for either the missing person or family/reporting party.
- 7) Cancel alerts (Minnesota Crime Alert, AMBER Alert, etc.), remove case from NCIC (as required by MN STAT 299C.53. subd 2) and other information systems and remove posters and other publications from circulation.
- 8) Perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate.

B. Deceased

- 1) Secure the crime scene.
- 2) Contact coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
- 3) Collect and preserve any evidence at the scene.
- 4) Depending upon the circumstances, consider the need for intervention, counseling or other services for the family/reporting party or designee.
- 5) Cancel alerts and remove case from NCIC and other information systems, remove posters and other publications from circulation.

- 6) Perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate.

POLICY: This policy establishes the acceptable use of mobile computer (MC) technology used by the Mountain Lake Police Department. As in the case with all department-owned equipment MC's are provided to enhance the capabilities of employees in the furtherance of department goals and objectives. The MC accesses records from the State of Minnesota, Bureau of Criminal Apprehension (BCA) databases. Employees using the MC shall comply with all appropriate federal and state rules and regulations.

I. Mobile Computer Use

- A. The MC shall be used for official police communications only. Messages that are of a sexual, racist or offensive nature or are otherwise critical of any member of the department are strictly forbidden. MC use is subject to the City of Mountain Lake's Acceptable Use Agreement for Electronic Mail and Internet Access.
- B. Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.
- C. Only authorized department employees shall be allowed access to MC's.
- D. Employees will not:
 - 1. Install any software on MC's without prior permission from the Chief of Police or Computer Technology staff. All software will be installed by Computer Technology staff or an authorized member of the department.
 - 2. Use another employee's ID to gain access to department computers.
 - 3. Transmit or receive violent, threatening, obscene, illegal or immoral materials unless required to do so as part of an ongoing criminal investigation.
 - 4. Use the MC's for personal business while on or off duty including using the internet to access personal email accounts and social media unless specifically authorized to do so by a supervisor for official purposes.

II. Use While Driving

- A. Use of the MC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read message that are likely to contain information that is required for immediate enforcement, investigative or safety needs.
- B. Short transmissions, such as a license plate check, are permitted if it reasonable appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

Predatory Offender Registration and Community Notification

Effective Date: 8/15/2024

MN STAT 243.166, 243.167, 244.10, 244.052, 244.053 and MN STAT Chapter 13

POLICY: It is the policy of the Mountain Lake Police Department to protect the public by disclosing information on predatory offenders residing in this agency's community. This agency will decide what information to disclose and who to disclose it to based on the level of danger posed by the offender, the offender's pattern of offending behavior and the needs of community members to enhance their individual and collective safety.

I. Definitions

A. *Predatory Offender Registration and Community Notification* refers to the Minnesota law that requires certain predatory offenders to register with the Minnesota Department of Public Safety Predatory Offender Unit. The law also provides for community notification about certain adult predatory offenders who have been incarcerated by the Minnesota Department of Corrections (DOC) or confined by the Minnesota Department of Human Services (DHS).

B. *Offender Risk Levels* means the level of notification is governed by the level of risk assigned by the DOC. Three possible risk levels can be assigned to an offender. They are:

1. Level 1 – low risk of re-offending
2. Level 2 – moderate risk of re-offending
3. Level 3 – high risk of re-offending

Note Some offenders who are required to register as predatory offenders are not assigned a risk level because their sentence was completed prior to predatory offender legislation or because they have not spent time in state or federal prison. These offenders are not subject to community notification.

II. Registration Procedures

For questions concerning predatory offender registration refer to the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration website at www.dps.state.mn.us/bca for detailed information or contact the Predatory Offender Unit (BCA-POR) by calling (651) 793-7070 or 1-888-234-1248.

A. When an offender arrives to register with this agency, determine what state the offense was committed in and if the individual is required to register by reviewing the list of registrable offenses on the POR website.

1. If the offender is required to register, contact the BCA POR to verify the offender is already registered and a DNA sample has been submitted.
2. If the offender is already registered, complete a *Change of Information Form* included on the BCA's website at www.dps.state.mn.us/bca.
3. If the offender is not registered, complete a *Predatory Offender Registration Form*

included on the BCA's website at www.dps.state.mn.us/bca.

4. If the offender is from another state, contact the state (information for each state is listed on the BCA's website at www.dps.state.mn.us/bca) and request a copy of the offender's original registration form, criminal complaint, and sentencing documents.

B. The department will conduct quarterly checks to verify the addresses of all offenders living in Mountain Lake.

1. If the offender is not living at the registered address, contact the BCA-POR to determine if a *Change of Information Form* was submitted. If it was not, the offender may be charged with failure to notify authorities of a change in residence. To make this charge, contact the BCA-POR to request a prosecution packet. Submit the packet to the county attorney's office to file a formal charge.

Note: It must be verified that the offender is no longer residing at his/her last address prior to submitting the prosecution packet for charging. Depending on the county attorney, formal statements may be needed from friends, co-workers, neighbors, caretakers, etc.

III. Community Notification Procedures

For questions regarding community notification or the risk level assigned to an offender contact the Risk Assessment/Community Notification Unit of the Department of Corrections (DOC RA/CN Unit) at 651- 361- 7340 or at notification.doc@state.mn.us. The DOC will answer questions about the notification process and agency responsibilities. The DOC is also available to assist agencies in conducting public notification meetings when an offender subject to notification moves into a law enforcement jurisdiction.

Attached to this policy are examples of forms that are provided to law enforcement agencies by the DOC to assist them in performing community notifications:

1. CONFIDENTIAL - Fact Sheet - Law Enforcement Agency Use Only
2. Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota-Risk Level Two
3. Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota-Risk Level Three
4. Law Enforcement Fact Sheet - Health Care Facility Notification - Information on a Registered Offender Not for Distribution to Facility Residents
5. Law Enforcement Fact Sheet - Health Care Facility Notification - Information on a Registered Offender for Distribution to Facility Residents
6. VICTIM DATA - CONFIDENTIAL - For Law Enforcement Agency Use Only

A. Notification Process

Law enforcement agencies receive information from the BCA and DOC pertaining to the risk levels of offenders. The duty of law enforcement to provide notification depends on the risk level assigned as described below. Public notification must not be made if an offender is placed or resides in one of the DOC licensed residential facilities

(halfway houses) operated by RS-Eden, Alpha House, 180 Degrees, Damascus Way, or Bethel Work Release. Do NOT disclose any information until the law enforcement agency is notified the offender will move to a residential location.

2. **Level 1** – Information maintained by law enforcement and may be subject to limited disclosure.

See attachment 1: Confidential Fact Sheet – For Law Enforcement Agency Use Only.

a) Mandatory disclosure

(1) Victims who have requested disclosure

b) Discretionary disclosure

(1) Other witnesses or victims

(2) Other law enforcement agencies.

3. **Level 2** – Information subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution. *See attachment 2: Law Enforcement Agency Fact Sheet – Notification of Release in Minnesota – Risk Level 2.*

a) In addition to Level 1 disclosures, the law enforcement agency may disclose information to:

(1) Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.

(2) Individuals likely to be victimized by the offender.

b) Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by DOC or DHS.

4. **Level 3** – Information subject to disclosure, not only to safeguard facilities and protect the individuals they serve, but also to protect the community as a whole. *See attachment 3: Law Enforcement Agency Fact Sheet – Notification of Release in Minnesota.*

a) In addition to Level 2 disclosures, law enforcement shall disclose information to other members of the community whom the offender is likely to encounter, unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.

b) A good faith effort must be made to complete the disclosure within 14 days of receiving documents from DOC.

c) The process of notification is determined by the agency. The current standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary information. Assistance is available from DOC RA/CN Unit.

B. Health Care Facility Notification

1. Upon notice that a registered predatory offender without a supervising agent has been admitted to a health care facility in its jurisdiction, law enforcement shall provide a fact sheet to the facility administrator with the following information: name and physical description of the offender; the offender's conviction history, including the dates of conviction; the risk level assigned to the offender, if any; and the profile of likely victims. *See attachment 4: Law Enforcement Agency Fact Sheet - Health Care Facility Notification Information on a Registered Offender Not For Distribution to Facility Residents & attachment 5: Law Enforcement Agency Fact Sheet - Health Care Facility Notification Information on a Registered Offender For Distribution to Facility Residents.*

C. Specialized Notifications

1. Offenders from Other States and Offenders Released from Federal Facilities Subject to Notification

- a) If a local law enforcement agency learns that a person under its jurisdiction is subject to registration and desires consultation on whether or not the person is eligible for notification, the agency must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform law enforcement that it may proceed with community notification in accordance with the level assigned by the other state.
- b) If DOC determines that the governing law in the other state is not comparable, community notification by law enforcement may be made consistent with that authorized for risk level 2.
- c) In the alternative, if a local law enforcement agency believes that a risk level assessment is needed, the agency may request an end-of-confinement review. The local law enforcement agency shall provide to the DOC necessary documents required to assess a person for a risk level.

2. Victim Notification

- a) Law enforcement agencies in the area where a predatory offender resides, expects to reside, is employed, or is regularly found shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and counteract the offender's dangerousness.
- b) DOC will provide victim contact information to the law enforcement agency when there is a victim who has requested notification. *See attachment 6: VICTIM DATA – CONFIDENTIAL – For Law Enforcement Agency Use Only.*
- c) Law enforcement personnel may directly contact the victim. Community victim advocacy resources may also be available to assist with locating a victim and with providing notification. Assistance is also available from the DOC Victim Services staff.
- d) Law enforcement also may contact other victims or witnesses as well as other individuals who are likely to be victimized by the

offender.

4. Homeless Notification Process

a) If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should include as much specificity as possible, for example “in the vicinity of”. These offenders are required to check in with local law enforcement on a weekly basis.

I. Policy

It is the policy of the Mountain Lake Police Department to investigate circumstances that suggest an officer has engaged in unbecoming conduct and impose disciplinary action when appropriate.

II. Procedure

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

A. PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

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.

Rules

- Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
- Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
- 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.
- Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

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

- Peace officers shall carry out their duties with integrity, fairness and impartiality.
- 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.
- Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official

nature.

- Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- Peace officers must obey lawful orders, but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.
- Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

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

Rationale: Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

Rules

- Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
- Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation, or age.

E. PRINCIPLE FOUR

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

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

- Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in c).
- Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
- 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.
- Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors,

engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.

- Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
- Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.
- Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.
- Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

F. 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

- Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.
- 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.
- Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

G. PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial or political gain.

Rationale: For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

(a) Rules

- Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.
- 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.
- Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- Unless required for the performance of official duties, peace officers shall not,

while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.

- Peace officers shall:
 - not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise.
 - maintain a neutral position regarding the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity.
 - not make endorsements of political candidates while on duty or while wearing the agency's official uniform.
- This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

H. PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

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

(b) Rules

- Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
- Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
- A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

I. 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 agency's commitment to preserving such confidences.

(c) Rules

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

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

(d) **I. APPLICATION**

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by *MN RULES* 6700.2000 to 6700.2600.

POLICY: This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

I. Evidence Room Security

A. The evidence room shall maintain secure storage and control of all property, including, but not limited to, controlled substances, currency, computers and computer equipment, firearms, found property, physical evidence pertaining to a gross misdemeanor or felony crime, or property taken for safe keeping. The evidence room shall consist of a temporary storage room and permanent storage area.

II. Property Handling

A. Any officer, who comes into possession of property fitting the evidence room criteria, shall place the property in an intake locker located in the temporary storage area. The item shall have an evidence barcode placed on the evidence bag after entering the item in the records management system.

The item shall then be locked in the intake locker until an evidence officer becomes available to move the item to permanent storage.

B. Special Precautions

1. **Explosives:** Officers who encounter a suspected explosive divide shall promptly notify the Chief of Police/Assistant Chief of Police of the situation. A Bomb Squad will be called to handle explosive- related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives. Explosives will not be retained in the evidence room. Fireworks that are considered stable and safe, road flares or similar signaling devices may be stored in evidence but shall be stored in proper containers and in an area designated for the storage of flammable materials.

2. **Perishable Items:** All perishable items will be kept in an appropriate refrigerated storage area within the evidence area.

3. **Biological Evidence:** All biological evidence will be clearly marked as a biohazard prior to any officer placing an item in the evidence storage area. Needles and Syringes shall be stored in specifically designed Sharps transport tubes.

4. **Electronic Media Devices:** All electronic media devices should be stored in an area free from magnetic fields or an environmental condition that may damage the device. A faraday bag or similar device should be used when possible to protect data.

5. **Currency, Drugs, Valuable Jewelry:** The two-person rule will be used when counting, opening or transferring any of these items. Currency shall have a cash count listed by denomination and total, specifically noting any counterfeit bills or buy funds.

6. **Firearms:** Firearms will be unloaded before submitting to the evidence room and tagged as inspected and unloaded.

7. **Toxic, Flammable, or Hazardous Materials:** Alternate arrangements by a supervisor will be made for these items to be kept at an alternate site.
8. **Alcoholic Beverages:** A suspected alcoholic beverage in its original container shall be properly inventoried when it is evidence of any crime.
 - a) The original container and its contents shall be inventoried in the condition which they were recovered.

III. Evidence Officer Staffing

- A. The department supervisor will designate two specific officers who will serve as Evidence Officers. Their duties may include receiving, documenting, storing, securing, preserving, disposing and tracking the chain of custody for the property and evidence under the custody of the department. Evidence Officers will also be responsible for the general housekeeping of the evidence area.
- B. Officers assigned as Evidence Officers are the only personnel, except supervisory staff, who have access to the Permanent Evidence Room and are the only Officers who shall have access to the keys to the Permanent Evidence Room. Patrol Officers may enter the evidence room if instructed to do so by a Supervisor and accompanied by a Supervisor.
- C. After notification that an item has been placed in a temporary storage locker, when practical and during the normal duty hours of the Evidence Officer, evidence room personnel will:
 1. Remove the item from temporary storage and verify that it is packaged and identified properly.
 2. Place the item in a permanent evidence location and document its location in the evidence management system.

IV. Disposition of Property

- A. Evidence Officers shall dispose of items held in the property and evidence room in a legal and timely manner.
 1. Evidence room personnel shall review evidence records quarterly to determine if there are any items ready for final disposition.
 2. All department officers shall notify the Evidence Officer(s) of any final disposition of a case or a change in the legal status of the property (i.e. Convictions, Appeals, etc.)

B. Authorization for Disposition

1. No disposition of administratively forfeited property should be made until certification is received from the County Attorney
2. In all other cases, the signature of the investigating officer and/or prosecutor, or a court order, shall be obtained prior to disposition.

C. Currency

1. Currency shall be placed into the currency/evidence safe. Notice of deposit shall be given to a supervisor. Large amounts of currency should be counted (when possible) by two (2) officers.

D. Unclaimed/Abandoned Property

1. Unclaimed or abandoned property will be kept for a period of 60 days. If unclaimed by owner within 60 days, the item will be disposed of or sold at public auction according to city ordinance.
2. If the owner is known; evidence officers will make at least two attempts to contact the owner prior to the end of the 60-day waiting period.
3. These items will be kept in a separate area of the permanent evidence storage for ease of retrieval.

E. Stolen Property Returned to Owner

1. Consistent with State Statute, once an offender is convicted, recovered stolen property must be returned to the owner.
2. Property may be returned to the owner under the conditions listed in State Statute 609.523 s.1-4.

F. Sale of Property

1. All items of value shall be sold at public auction. Sale of forfeited items is prohibited to officers, the officer's relatives, or an employee of this department. After items are sold at public auction the Evidence Officers shall be provided with proof of sale and a receipt from the appropriate entity showing deposit of the sale proceeds.

G. Destruction of Property

1. Both evidence officers will oversee any destruction of property. A supervisor may do random inspections of drug packages prior to destruction. Any items destroyed at a destruction site need to have a confirmation of destruction from the destruction site.

H. Property Held as Evidence

1. Following any applicable state statutes, all property held as evidence shall be held until after trial and the expiration date for all associated appeals, unless otherwise specified in a court order. Generally, a criminal defendant has 90 days after sentencing to appeal a felony or gross misdemeanor sentence or conviction and 30 days to appeal a misdemeanor or petty misdemeanor case, but this may be extended by 30 days. After the trial and the expiration date of all associated appeals the property must be returned to the owner, any person entitled to possess it, destroyed, or otherwise disposed of under the direction of the court.
2. Any Biological Evidence relating to the identification of a defendant used to secure a conviction in a criminal case must be retained until expiration of sentence, unless authorized by court order. Only the portion of the evidence that contains the biological

sample must be retained.

I. Property Retained for Agency Use

1. Forfeited property, except for money, can be retained by the department if it is to be used for official law enforcement purposes.

J. Statute of Limitations

1. Evidence Officers should be aware of any evidence brought in that may potentially be part of a criminal case where charges may be pressed at a later date. Officers should refer to State Statute 628.26 regarding the Statute of Limitations to determine when such evidence may be disposed.

V. Reviews and Audits

A. Unannounced inspections may be made at the discretion of the Chief or Asst. Chief of Police.

B. Yearly inspections will be conducted to confirm compliance with evidence room access security and procedures for disposing of property and evidence.

C. A review shall be performed anytime a new Evidence Officer is appointed, a new Chief of Police, or information suggesting a security or procedure breach has occurred

D. A review or inspection may be conducted by the Chief or Asst. Chief of Police.

E. Reviews may include:

1. Inspecting the access logs for compliance with access control procedures.

2. Conducting an inventory of keys and a review/audit of the key log, and monitoring that keys were changed when warranted.

3. Randomly selecting case files and tracing items from the files through the tracking system to the current location of the items.

4. Randomly selecting items in the property and evidence room and tracing the items back through the case files to verify the documentation for the items.

5. Tracing items in the enhanced security area back through the case files to verify the documentation for the items.

6. 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.

7. Reviewing the cleanliness and inventory level of the property and evidence room.

8. Reviewing compliance with packaging and safety requirements.

9. Reviewing property disposition files for accuracy, legality and timeliness.

F. An annual inventory is required of the permanent storage area. If a complete inventory of the evidence room is not possible, an inventory will be conducted of a select area (specific shelf

or area) and compare the list with the property/evidence reports.

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

I. GUIDING PRINCIPLES

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

II. Definitions

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

B. Termination of a Pursuit: A pursuit is terminated when the pursuing officer(s) notify

dispatch, turn off their emergency lights and sirens, and reduce speed to the posted speed limit. Or when the pursued vehicle stops.

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

- N. **Boxing-in:** A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.
- O. **Paralleling:** The practice of non-pursuing squad vehicles driving on streets nearby to the active pursuit, in a manner parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws. Minn. Stat. § 169.14, subd. 1.

III. PROCEDURE

A. Pursuit Considerations – Minn. Stat §626.8458 Subd. 2 (2).

1. Pursuit is justified when the need for immediate apprehension or the risk to public safety outweighs the risk created as a result of the pursuit
2. Factors to be considered when weighing risks:
 - Severity of the offense (in cases of non-violent offenses, officers should consider terminating the pursuit).
 - Speed of the pursuit
 - Area of the pursuit (including the geographical area, time of day, amount of vehicular and pedestrian traffic)
 - Divided highways and one-way roads (Minn. Stat. § 169.03 Subd. 3)
 - Approach to intersections that are controlled by traffic signals, signs, or other location where there is an increased likelihood of a collision (Minn. Stat. §169.03)
 - Environmental conditions (weather, visibility, road surface conditions)
 - Special hazards (school zones, road construction, parades, special events)
 - The ability to identify the offender at a later time
 - Age of the suspect and occupants
 - Other persons in or on the suspect vehicle
3. Standards applied to the ongoing evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following considerations:
 - The immediate need to apprehend the offender outweighs the risk created by the pursuit
 - The dangers created by the pursuit exceed the dangers posed by allowing the offender to escape.
 - Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

B. Procedures & Tactics for an Officer Engaging in a Pursuit– Minn. Stat. § 626.8458 Subd. 2 (3)

1. Emergency vehicles shall be driven in a safe manner and with due regard for public safety.
2. Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations, when necessary, as long as the operator continues to exercise

due care in vehicle operation.

C. Responsibilities of the Primary Unit – Minn. Stat. § 626.8458 Subd. 2 (4)

The driver of the primary unit shall notify dispatch of the pursuit and shall provide at least the following critical information to dispatch when possible:

- o Travel direction/location/traffic and road conditions
 - o Reason for initial contact (specific violations)
 - o Identity of fleeing driver, if known
 - o Plate number, if available, and/or vehicle description
 - o Speed of fleeing vehicle
1. Provide relevant evolving information to dispatch
 2. No officer will intentionally make vehicle-to-vehicle contact unless this action is in conformance with agency policy on use of force (see agency policy on use of force)
 3. Roadblocks must conform to the agency's policy on use of force
 4. Only law enforcement vehicles with emergency lights and siren will be used as pursuit vehicles
 5. Unmarked and low-profile agency vehicles may engage in pursuits until a marked vehicle can take over as the primary vehicle. Officers shall not become engaged in pursuits while operating a non-departmental (private) motor vehicle or departmental vehicles not equipped with required emergency equipment.

D. Procedures & Tactics for support units

1. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.
2. When possible, non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, obeying all non-emergency traffic laws.
3. All participating units should operate under emergency conditions

E. Supervision of Pursuit Activities

1. The use of a detached supervisor that is not directly involved in the pursuit, when available, should be considered. Based on the known information the supervisor, when available, shall monitor the pursuit in order to take appropriate action to continue or terminate the pursuit (Minn. Stat. §626.8458 Subd. 2 (4)).
2. Procedures regarding control over pursuit activities should include:
 - Verbally acknowledge they are monitoring the pursuit.
 - Assess critical information necessary to evaluate the continuation of the pursuit. Evaluate and ensure pursuit is within policy.
 - Direct that the pursuit should be discontinued if it is not justified to continue under the guidelines of this policy or for any other reason.
 - Communicate to all involved units if the pursuit should be terminated

3. Options to keep in mind during a pursuit include, but are not limited to:
 - Parallel pursuits
 - Channeling techniques
 - Creating a compelling path
 - Air support
 - Spike strips or other tire deflation device
 - Pursuit Intervention Techniques (PIT)
 - Blocking or Vehicle Intercept
 - Boxing-in
 - Other apprehension or GPS tracking methods - Minn. Stat. §626.8458 Subd 2 (3)
4. *Post-pursuit chain of command notifications are required and shall be identified in each agency's policy.*

F. Dispatch Responsibilities

Upon notification that a pursuit has been initiated, Dispatch will be responsible for the following (Minn. Stat. § 626.8458 Subd. 2 (4)):

- Coordinate pursuit communications of the involved units and personnel.
- Notify and coordinate with other involved or affected agencies as practicable.
- Ensure that a supervisor, if available, is notified of the pursuit.
- Assign an incident number and log all pursuit activities.
- Broadcast pursuit updates as well as other pertinent information as necessary.

G. Factors Influencing the Termination of a Pursuit:

The driver of the primary unit and the supervisor shall continually evaluate the risks and likelihood of a successful apprehension of the suspect and shall consider terminating the pursuit under the following conditions.

1. The officer deems the conditions of the pursuit too risky for the safe continuation of the pursuit.
2. A supervisor orders it terminated.
3. Information is communicated that indicates the pursuit is out of compliance with policy.
4. Communication is broken.
5. Visual contact is lost for a reasonable period of time or the direction of travel cannot be determined.
6. The suspect is known and could be apprehended later, and delaying apprehension does not create a substantial known risk of injury or death to another.

H. Interjurisdictional Pursuit – Minn. Stat. § 626.8458 Subd. 2 (5).

1. The primary unit shall update critical information to the dispatcher before leaving its jurisdiction.
2. The primary law enforcement vehicle shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers its authority to another jurisdiction.
3. Upon receiving notification the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.
4. When a pursuit enters this law enforcement agency's jurisdiction:
 - The dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the law enforcement agency.
 - The controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.
5. When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5)).

If a pursuit from another agency enters the Department's jurisdiction, Dispatch should update the on-duty supervisor. No pursuit will continue into another state unless permission is received from a supervisor, if available, and as soon as is practical. Prior to, or as soon as possible after crossing the state line, the dispatcher will notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications.

I. Fresh pursuit outside state boundaries

If the pursuing officer has received supervisory approval, the officer may continue the pursuit across state lines with those states, which grant reciprocity. This would include North Dakota, South Dakota, Iowa, and Wisconsin (Minn. Stat. §626.65, Uniform Law on Fresh Pursuit; Reciprocal.)

J. Air Support

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (4)). The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

K. Pursuit Summary Report

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

L. Care and Consideration of Victims

If during a pursuit an officer observes or is made aware of an injury to an individual, the officer shall immediately notify the dispatcher to have the appropriate emergency units respond. Rendering assistance includes, but is not limited to:

Minn. Stat. §626.8458 Subd. 2 (6)

- Calling an ambulance
- Rendering first aid until the officers are no longer needed at the injury scene
- Summoning additional units to the scene for assistance with the injured persons and/or traffic control

M. Use of Firearms

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

N. Capture of Suspects

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

O. Evaluation and Critique

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

P. Training

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

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

This training shall comply with learning objectives developed and approved by the board and shall minimally consist of at least eight hours of classroom and skills-based training every five years per Minn. Stat. § 626.8458 Subd. 5. Continual training should also be considered for those officers authorized to use the PIT maneuver, spike strip deployment, GPS tracking, and related pursuit intervention procedures, tactics, and technologies.

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

Purpose: The department has incorporated push bumpers into the marked fleet of vehicles. Not all vehicles will be equipped with these devices, but this policy establishes guidelines regarding their use.

Policy: The push bumpers are only to be used for pushing disabled vehicles that are on a public highway or roadway causing, or likely to cause, obstructions of traffic. Prior consent of the owner/operator is desired, however, may be optional in situations when the removal of the vehicle is considered an emergency.

I. Procedure:

- A. Only Non-commercial passenger vehicles will be pushed via the push bumper
- B. Push Bumpers will not be used to push start vehicles
- C. Officers should not push a vehicle if they determine the driver is not capable of operating the vehicle to be pushed
- D. Officers will adhere to the following when utilizing push bumpers:
 1. Have the motorist complete the Push Bumper Permission/Waiver Form before moving the vehicle, unless circumstances dictate the vehicle should be moved without delay. In these instances, the officer will make every effort to have the motorist complete the form after the vehicle has been moved.
 2. Activate emergency lights while rendering assistance to disabled vehicles.
 3. Ensure traffic is clear, or stopped if necessary, and push the disabled vehicle to the nearest shoulder or closest safe location.
 4. The following instructions will be given to the person operating the vehicle being pushed:
 - a) Place the vehicle in neutral
 - b) Keep foot off the brake while the actual push is underway, and the vehicles are touching
 - (1) NOTE: Drivers should be advised that loss of power may affect power steering and brakes
 - c) Signal when ready to be pushed by raising their hand
 - d) Explain that they will feel a slight bump when the push bumper contacts the vehicle
 - e) Steer the vehicle to the predetermined location agreed upon by the driver and officer.
 5. Make extremely slow contact with the disabled vehicle, then check for proper alignment of the vehicles; the push bumpers should be contacting the bumper

squarely and have plenty of clearance up and down so the push bars don't ride up and crush the trunk lid.

a) NOTE: Officers should be aware of trailer hitches, as they can make push bumper use not advisable.

6. Do not exceed 10 M.P.H. during push, as faster speeds may activate the airbag(s).
7. Disengage the push if the vehicle begins to turn.
8. Report any damage to either vehicle sustained during a push to their immediate supervisor.
 - a) If the disabled vehicle sustains damage as a result of the push, the officer will notate the damage in the comment section of the Push Bumper Permission/Waiver Form and take a picture of the vehicle's damage.
9. An Accident Report will not be completed.

POLICY: Safe handling of a firearm and the officer's proficiency with that weapon are paramount concerns of the Firearms Training program. Insufficient performance in the use of a weapon cannot be permitted. It is the object of this policy to increase the skill level of each officer with his/her weapon thereby increasing the probability of surviving an armed encounter. Secondly, the increase in familiarity with a firearm will result in safer utilization of that weapon for the benefit of the officer, the department, and the community.

I. Qualification

- A. Firearms qualifications will be held at various times throughout the year. There will be certain qualifications whereby attendance is required.
- B. Substandard performance, as identified by the firearms instructor, will require the officer to complete a remedial training session. This remedial qualification must be satisfactorily completed within thirty (30) days of the original qualification shoot. Failure to complete the remedial training session and/or reach a level of performance of sufficient accuracy as to be deemed "qualified to carry a handgun" by the firearms instructor will automatically classify the officer as "not qualified to carry a handgun" and subject that officer to possible suspension from duty.
- C. Each officer requiring remedial training will be required to make his/her own arrangements with the department's Firearms Instructor for such training. This remedial training session will be conducted during the on-duty time of the Firearms Instructor. The department will provide the necessary ammunition, supplies, and equipment. The officer will schedule this session to be held during his/her off duty time, unless approved in advance as an on-duty exercise by the Chief of Police.
- D. Each officer will qualify with the weapon which he/she carries on duty.
- E. After each qualification shoot, the Firearms Instructor will provide the Chief of Police with a written list of officers in attendance, names of those officers that met or exceeded the minimum performance level, the names of those officers recommended for remedial training and the names of officers failing to attend the required qualification shoots.
- F. At least once per year, the Firearms Training Officer will schedule training time on a combat styled course with each officer utilizing all issued firearms.
- G. All Officers are entitled to a hearing test each year at the expense of the City of Mountain Lake.

III. Discipline

- A. Whereas firearms proficiency is a necessary skill for a police officer to possess, failure of a non-qualifying officer to complete the required remedial training within the specified time - except when otherwise authorized, in advance, by the Chief of Police - will result in disciplinary action against such officer.

1. Step One - ORAL REPRIMAND - a contract, listing the goals and an action plan mutually agreed upon for acceptable future performance will be drawn up.
2. Step Two - WRITTEN REPRIMAND - This will follow Step One for non-compliance and may also include Step Three.
3. Step Three - SUSPENSION - Whether with or without pay, suspension could result until such time as said officer qualifies according to this policy.
4. Step Four - TERMINATION - Termination of employment could result for continuing non- performance/non-compliance with this policy.

NOTE: The purpose of this policy is to ensure compliance and successfully prepare the officers for armed encounters. It is not the sole purpose of this policy to punish non-compliant officers, but to allow them every opportunity to improve performance for their own safety. However, non-compliance, for the officer's own safety, the safety of all members of the department and the safety of the public in general, cannot be tolerated.

IV. Range Rules

A. In order to provide the safest environment possible for firearms training and qualification, in order to ensure that discipline with potentially dangerous tools utilized by police officers is learned and becomes instinctive, and to provide for efficient and manageable training and qualifications, the implementation of specific range rules is a necessity.

1. No one shall remove their weapon from its holster while at the range unless and until being instructed to do so by the range officer(s) FOR ANY REASON.
2. Weapons may not be unloaded and/or reloaded while at the range unless and until being instructed to do so by the range officer(s).
3. Officer not actually firing the course shall remain in a place designated by the range officer(s).
4. Officers shall report to the range promptly as scheduled unless official police duties and/or responsibilities prevent them from being there on time.
5. All officers on the course shall wear protective and/or prescription eyewear, and hearing protection
7. No horseplay will be permitted at the range during organized departmental shoots.
8. Only the gear and equipment carried or worn while on-duty shall be worn during a training or qualification shoot. Qualification with off-duty firearms will be arranged with the Firearms Instructor.
9. The Range Officer has the authority to make occasional modifications to these rules as circumstances and/or course of shooting dictate.

V. Authority

- A. The Firearms Instructor(s) will have the authority to recommend to the Chief of Police a level of discipline commensurate with any or all infractions of this policy.
- B. The Firearms Instructor(s) are granted the authority to remove any officer, regardless of rank, from the range area if said officer fails to comply with the directions of the Instructor in matters of firearms handling and/or training.
- C. Any infractions of these rules will subject the violator to disciplinary action as befits the violation. This may include any or all the steps identified in Section II of this policy.

VI. Course Of Training

- A. The Chief of Police, in consultation with the Firearms Training Officer, will determine if a particular training site or course meets the needs and requirements of the department.

POLICY: It is the policy of the Mountain Lake Police Department to respond to allegations of criminal conduct which occur within our jurisdiction on school buses. This agency shall work with and consult school officials, transportation personnel, parents, and students when respond to these incidents to protect student safety and deal appropriately with those who violate the law. This policy recognizes that responding to reports of alleged criminal conduct on school buses within this jurisdiction is the responsibility of this agency in cooperation with any other law enforcement agency that has jurisdiction over the alleged offense. This policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses.

I. Procedure: This agency shall:

1. respond to calls for assistance from any citizen, school, or bus transportation company official as they may pertain to criminal conduct on school buses.
2. issue citations, release pending further investigation, or apprehend and transport individuals committing crimes on school buses, to the extent authorized by law.
3. investigate reports of crimes committed on school buses by using the same procedures followed in other criminal investigations.
4. submit reports regarding the incident to superior officers and the prosecuting attorney as required by agency policy.
5. follow through with any other investigation necessary to prepare a case pertaining to criminal conduct on school buses as requested by the prosecuting attorney; and
6. provide information to the school regarding the incident as required or authorized by law.

Policy: As an active participant in the TZD Campaign, this policy has been developed to afford each member of the department the highest level of protection possible while performing his/her assigned duties. The purpose of this policy is to assure maximum operator and passenger safety, thus minimizing the possibility of death or injury as a result of motor vehicle crashes. This policy will apply to all personnel operating or riding, as front seat passengers, in department vehicles, leased or rented vehicles, and private/personal vehicles when operated by on-duty personnel. Note: Portions of this policy have been taken from the IACP Model Seat Belt Policy.

IV. Procedure

A. USAGE

1. All members of this department, while on duty, shall use the safety belts, installed in the vehicle, properly adjusted, and securely fastened when operating, or riding as a front seat passenger, in any vehicle so equipped. Usage of safety belts is exempt in vehicles (where usage is not required by statute) is encouraged by not required.
2. When transporting a prisoner, as a front seat passenger, the operator shall be responsible for ensuring compliance by the passenger.
3. When arriving at an emergency call or making a vehicle traffic stop, the operator may remove the safety restraint just prior to stopping for quick exit. Caution should be exercised to insure that during the traffic stop the violator is in fact going to stop. This prevents becoming involved in a pursuit without the use of a safety belt.

B. NONCOMPLIANCE:

1. Whenever noncompliance with this policy is displayed, appropriate corrective or disciplinary action may be taken.

C. ENFORCEMENT:

1. Officers are encouraged to enforce the M.S. 169.686, Seat Belt Usage and M.S. 169.685 Seat Belts and Passenger Restraint Systems for Children whenever possible. Enforcement levels (written warning or citation) are a decision that is to be determined by each officer after evaluating the incident relative to the severity of the situation.

D. RECOMMENDATION:

1. In addition to the on-duty requirement, it is strongly recommended that seat belts be used by department members while off-duty also.

POLICY: It is the policy of the Mountain Lake Police Department to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin

I. Purpose

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

- A. To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach.
- B. To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards.
- C. To increase the opportunity for prosecution and victim services.

II. Definitions

For purpose of this policy, the words and phrases in this section have the following meaning given to them, unless another intention clearly appears.

B. **Consent:** As defined by Minn. Stat. 609.341, which states:

- (1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
- (2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.
- (3) Corroboration of the victim's testimony is not required to show lack of consent.

C. **Child or Minor:** a person under the age of 18.

D. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.

- E. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- F. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2. b. to include:
 - (1) spouses or former spouses.
 - (2) parents and children.
 - (3) persons related by blood.
 - (4) persons who are presently residing together or who have resided together in the past.
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time.
 - (6) a man and woman, if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 - (7) persons involved in a significant romantic or sexual relationship
- G. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- H. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- I. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.
- J. **Vulnerable Adult:** any person 18 years of age or older who:
 - (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572? Subd. 6.
 - (2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
 - (3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or
 - (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

III. Procedures

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

- 1) Suggest that the victim not bathe or clean him or herself if the assault took place recently.
- 2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing and should avoid wiping after urination.
- 3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
- 4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

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

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.
- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- 4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental, or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use

a question-and-answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- 1) Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- 2) Whenever possible, conduct victim interviews in person
- 3) Make an effort to conduct the interview in a welcoming environment
- 4) Let the victim share the details at their own pace
- 5) Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- 6) After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.
- 7) Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- 8) Some victims do remember details vividly and might want to be interviewed immediately.
- 9) During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 - a. Whether the suspect was known to the victim
 - b. How long the victim knew the suspect
 - c. The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 - d. The extent of their previous or current relationship
 - e. Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 - f. Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 - g. Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question-and-answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - (1) Ensuring the safety of the victim.
 - (2) Ensuring the scene is safe.
 - (3) Safeguarding evidence where appropriate.

- (4) Collecting any information necessary to identify the suspect; and
- (5) Addressing the immediate medical needs of individuals at the scene

- b. Initial responding officers should not attempt to interview the victim in these situations but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
- c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute 626.556 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minn. Stat. 626.556 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

- d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians, or caregivers that an investigating officer will follow up with information on a forensic interview.
- e. The officer should advise the victim's caregiver, guardian, or parent that if the victim starts to talk about the incident, they should listen to them but not question them as this may influence any future statements.

2. Victims of Domestic Abuse

Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
- 2) Crime Victim Rights: Officers must provide the following information to the victim:
 - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
 - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.

- d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.
- 4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

- 1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:
 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.
 - c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
 - d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

- 1) Prior to the sexual assault medical forensic examination, the investigating officer should do the following:
 - a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
 - b. Provide the victim with general information about the procedure and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
 - c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.

- d. Ask the victim for a signed release for access to medical records from the exam.
- 2) Officers should not be present during any part of the exam, including during the medical history.
- 3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
- 2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.
- 3) When possible, an attempt would be made to interview the suspect in person.
- 4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
 - b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
- 5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

- 1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
- 2) Determine whether a sexual assault medical forensic examination should be conducted.
- 3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
- 4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
 - a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence.
 - b. Collect biological and trace evidence from the suspect's body.
 - c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks.
 - d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area.
 - e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

- 1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
- 2) Provide guidance and direction as needed.
- 3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

- 1) Case dispositions
- 2) Decisions to collect evidence
- 3) Submissions of evidence for lab testing
- 4) Interviewing decisions

POLICY The City of Mountain Lake is an equal opportunity/affirmative action employer who prohibits any form of harassment because of race, creed, color, religion, ancestry, sex, national origin, age, disability, marital status, status with regard to public assistance, affectional or sexual preference, handicap, Vietnam era veteran, or disabled veteran status in compliance with Section 703 of Title VIII of the Civil Rights Act of 1964, as amended, 42 U.S.C. S2000e, et seq., and the Minnesota Human Rights Act, M.S. SS363.01-14.

It is the policy of the City of Mountain Lake to maintain a working environment that is free from sexual or racial harassment. All employees are expected to exhibit behavior that is free of:

- Acts of sexual or racial discrimination
- Racist and sexist language
- Sexist and racial harassment

The City prohibits sexual harassment or abuse of its employees in any form. Complaints, either formal or informal of sexual harassment and conduct found to constitute sexual harassment or abuse will result in disciplinary action up to and including dismissal.

I. Sexual Harassment Defined

- A.** Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated conduct or other verbal or physical conduct or communication of a sexual nature when:
 - 1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining an education.
 - 2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment or education.
 - 3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual’s employment or education creating an intimidating, hostile, or offensive employment or education environment.

B. Sexual harassment may include but is not limited to:

- 1. Verbal harassment or abuse.
- 2. Subtle pressure for sexual activity.
- 3. Inappropriate patting or pinching.
- 4. Demanding sexual favors accompanied by implied or overt threats concerning an individual’s employment or education status.
- 5. Demanding sexual favors accompanied by implied or overt promises or

preferential treatment with regard to an individual's employment or educational status.

6. Any sexually motivated unwelcome touching.

C. Racial Harassment

1. Any racially harassing conduct in any form by supervisory or non-supervisory personnel in the work environment controlled by the City is prohibited. Supervisors and Department Heads have the responsibility of maintaining a working environment free from racial harassment, intimidation, and insult. It is the responsibility of all employees to avoid using racist language, including derogatory jokes, remarks and publications, in all forms of communications. Any employee who engages in racial harassment of any nature of another employee may be subject to disciplinary action up to and including dismissal.
2. Supervisors and Department Heads have the responsibility of maintaining a working environment free from sexual and racial harassment, intimidation, and abuse.

II. Reporting Procedures

- A. If you are being harassed by your supervisor, another employee, or a non-employee, it is important to understand that the first step to take to correct the situation is to tell the person that his or her behavior is offensive and should stop. Because behavior that may offend you is often not intended as harassment, telling the individual that the behavior is offensive and to stop the behavior will often resolve the problem. If the matter is not settled between the two of you, you may proceed with the following procedures:
- B. Any person who believes she or he has been the victim of sexual or racial harassment by an employee of the City, or any third person with knowledge of any sexual or racial harassment should report it promptly to an Immediate Supervisor or Department Head. In the event that the Immediate Supervisor or Department Head is the person responsible for the sexual or racial harassment, the report should be made directly to the City Clerk/Treasurer. In the event that the City Clerk/Treasurer is the person responsible for the sexual or racial harassment, the report should be made to the City Attorney.
- C. The report of sexual or racial harassment may be made either verbally or in written form to the appropriate person as described above. If the report is made verbally, the person receiving the report shall reduce it to writing immediately and forward the written report to the City Clerk/Treasurer. If the report is initially made in written form; the person receiving the report shall forward that report to the City Clerk/Treasurer.
- D. The City Clerk/Treasurer shall take the appropriate steps to ensure that the allegation of sexual or racial harassment is thoroughly investigated. The City Clerk/Treasurer will respect the confidentiality of the complaint and individual's against whom the complaint is filed as much as possible, consistent with the City's legal obligations and the necessity to investigate allegations of sexual and racial harassment and take disciplinary action once the conduct has occurred.
- E. The allegations of sexual behavior and racial harassment shall be investigated, and the results of the investigation shall be summarized into a written report within ten working days, or as soon as possible thereafter from the date of the filing of the allegation. The results of the investigation will be provided to the complainant.
- F. Upon receipt of a written report confirming that the complaint is valid, the City Clerk/Treasurer shall take such action as is appropriate based upon all of the facts and circumstances contained in the report. The City will discipline any individual who retaliates

against any person who reports alleged sexual or racial harassment, or who retaliates against any person who testifies, assists, or participates in an investigation, proceedings or hearing relating to a sexual or racial harassment complaint. Retaliation includes, but is not limited to any form of intimidation, reprisal, or harassment.

- G. Any City action taken pursuant to this policy will be consistent with requirements of any applicable Minnesota Statutes, and City Policies. The City will take such disciplinary action it deems necessary and appropriate, including warning, suspension, or immediate discharge to end sexual or racial harassment and prevent its reoccurrence.

PURPOSE: This policy is intended to address issues associated with employee use of social media sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws.

This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

POLICY: Because public employees occupy a trusted position in the community their statements have the potential to contravene the policies and performance of this office and therefore the personal use of social media can have a bearing on departmental personnel in their official capacity. To achieve its mission and efficiently provide service to the public the Mountain Lake Police Department will carefully balance the individual employee's rights against the organizations needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

I. Personal Use of Social Media Guidelines

A. Barring state law or binding employment contract to the contrary, department personnel shall abide by the following when using social media.

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
2. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the mission, function, reputation or professionalism of the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment, which includes but is not limited to any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicle, equipment or other material that specifically identifies the Mountain Lake Police Department, without written permission from the Chief or supervisor.
4. For safety and security reasons, department personnel are cautioned not to disclose their employment with the department nor shall they post information pertaining to any other member of the department without their permission.

POLICY: It is the policy of the Mountain Lake Police Department and of the City of Mountain Lake that all officers are provided with Soft Body Armor in an effort to improve safety and reduce the risks and hazards associated with law enforcement work.

I. Body Armor

- A. Soft Body Armor vests are issued to all licensed personnel because they have been shown to be effective in reducing deaths and serious injuries.

II. Use of Soft Body Armor

- A. The Department requires all on-duty Patrol Officers to wear soft body armor during field activities.
 - 1. Field Activities include duty assignments or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities.
- B. When Officers are assigned to high-risk and/or tactical situations such as but not limited to search warrant executions, drug raids, initial crime scene response, and serving felony warrants they must wear protective vests.
- C. It is highly recommended that all supervisory officers wear a protective vest during their tour of duty. However, those Supervisory officers who choose not to wear their protective vest must have it immediately available at all times, during their tour of duty.

III. Care and Maintenance

- A. Officers shall routinely inspect the soft body armor for signs of damage and for general cleanliness. Soft body armor should be, stored, cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor.
- B. Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor.

PURPOSE: To facilitate effective and efficient communications between department personnel and to provide for assistance in the decision-making process on difficult and serious problems facing the department.

I. Policy

- A. The Chief of Police shall be notified, in each of the following situations, by the Assistant Chief of Police, by the senior patrol officer or by the dispatcher, regardless of the time of day, if or when any of the following situations arise.
1. All homicides, suicides when some doubt exists, and any natural death of unusual circumstance.
 2. Any “in custody death or serious injury” to officer or citizen.
 3. The death of any department employee or member of his/her family.
 4. Any case of aggravated assault that results in “great bodily harm” to anyone.
 5. All serious felony level sexual assaults
 6. In any cases involving the use or threatened use of a firearm by an officer or against an officer.
 7. Active shots fired situations
 8. Fatal motor vehicle accidents or potentially fatal motor vehicle accident.
 9. In all cases of hostage, kidnap, or barricaded suspect situations.
 10. Bombs, bomb threats, major explosions, major fires and arson.
 11. Serious personal injury or property damage accident involving a department employee or department vehicle.
 12. Serious complaint against an employee of the department.
 13. Surprise notification that a V.I.P., foreign or domestic, will be visiting our City on a short notice.
 14. Strike situations where confrontation is immediately pending.
 15. Warnings and/or alerts of an impending natural disaster.

II. Method of Communication.

- A. Chief of Police may be notified either in person or by phone.
- B. In the absence of or inability to locate the Chief of Police, the Chief of Police should be contacted via appropriate means. If no supervisor is available, the most senior officer should be contacted.

Purpose and Scope: The TASER is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

I. Policy

- A. Personnel who have completed the approved training course may be authorized to use and carry the TASER.
- B. Officers shall only use the TASER Device and cartridges that have been issued by the Chief. Trained and certified officers are provided with the department issued TASER device.
- C. Uniformed officers who have been issued the TASER shall wear the device in an approved holster on their person.
 - 1. The TASER shall be carried on the side opposite the duty weapon.
 - 2. The TASER shall be clearly and distinctly marked to differentiate them from the duty weapon and any other equipment
 - 3. Whenever practicable, officers should carry a total of two or more TASER cartridges on their person when carrying the TASER.
 - 4. Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order at all times.
 - 5. Officers should never hold both a firearm and a TASER device at the same time.

II. Verbal And Visual Warnings

- A. A verbal warning of the intended use of the TASER Device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is for:
 - 1. Provide the individual with a reasonable opportunity to voluntarily comply.
 - 2. Provide other officers and individuals with a warning that a TASER Device may be deployed.
- B. If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the TASER Device or the laser in a further attempt to gain compliance prior to the application of the TASER Device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.
- C. The fact that a verbal and/or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER Device.

III. Use of the Taser Device

As with any law enforcement equipment, the TASER Device has limitations and restrictions requiring consideration before its use. The TASER Device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER Device is generally effective in controlling most individuals, officers should be alert to the potential

for failure and be prepared with other options.

IV. Factors to Determine Reasonableness of Force

- A. The application of the TASER Device is likely to cause intense, but momentary, pain. As such, officers should carefully consider and balance the totality of circumstances available prior to using the TASER Device including, but not limited to, the following factors:
1. The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
 2. Officer/subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subject(s)).
 3. Influence of drugs/alcohol (mental capacity).
 4. Proximity of weapons.
 5. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
 6. Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
 7. Seriousness of the suspected offense or the reason for contact with the individual.
 8. Training and experience of the officer.
 9. Potential for injury to citizens, officers and suspects.
 10. Risk of escape.
 11. Other exigent circumstances.

V. Application of the Taser Device

- A. Authorized personnel may use the TASER Device when circumstances known to the officer at the time indicate that such application is reasonable to control a person in any of the following circumstances:
1. The subject is violent or physically resisting.
 2. A subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm officers, him/herself or others.
 - a) When practicable, the officer should give a verbal warning of the intended use of the TASER Device followed by a reasonable opportunity to voluntarily comply.
 - c) The officer must be able to articulate a reasonable belief that other available options appeared ineffective, impractical or would have presented a greater danger to the officer, the subject, or others.
- B. Absent meeting the conditions set forth in (a) or (b) above, or a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officers shall not serve as good cause for the use of the TASER Device to apprehend an

individual. Prior to using a TASER on a subject in flight the following should be considered:

1. The severity of the crime at issue.
2. Whether the suspect poses an immediate threat to the safety of the officer or others.
3. The officer has a reasonable belief that use of the TASER would not cause significant harm to the suspect fleeing unless use of deadly force would otherwise be permitted.

VI. Special Deployment Considerations

- A. The use of the TASER Device should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the TASER Device:
1. Pregnant females.
 2. Elderly individuals or young children.
 3. Individuals who are handcuffed or otherwise restrained unless necessary to prevent them causing serious bodily injury to themselves or others and if lesser attempts of control have been ineffective.
 4. Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any flammable material.
 5. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles or machinery).
 6. On persons who might be in danger of drowning.
- B. Because the application of the TASER Device in the drive-stun mode (i.e., direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised. The application in drive-stun mode should be limited to brief applications in which pain compliance would reasonably appear necessary to achieve control.
- C. The TASER Device shall not be used to torture, psychologically torment, elicit statements, to punish any individual or as a form of horseplay.

VIII. Targeting Considerations

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the TASER Device darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is released to the care of Emergency Room staff or other medical personnel.

IX. Multiple Applications of the Taser Device

- A. When using a TASER, officers should use it for one standard cycle (5 seconds) and pause to evaluate the situation to determine if subsequent cycles are necessary, officers should restrict

the number and duration to only the minimum amount necessary to control and/or place the subject in custody under the existing circumstances.

- B. Officers should constantly reassess the need for further activations after each TASER cycle and should consider that exposure to multiple applications of the TASER may increase the risk of serious injury or death. This, however, shall not preclude any officer from deploying multiple, reasonable applications of the TASER on an individual.

X. Report of Use

- A. All TASER Device discharges shall be documented in the related incident report, the Mountain Lake Police Department Use of Force -TASER Report Form and the officer will immediately notify a supervisor of the nature of the incident.
- B. Negligent discharges of a TASER Device cartridge will also be documented on the Mountain Lake Police Department Use of Force -TASER Report Form.
- C. Any report documenting the discharge of a TASER Device cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.
- D. If needed, the onboard TASER Device memory will be downloaded through the data port by a supervisor or Firearms Instructor and saved with the related arrest/crime report.
- E. Photographs of probe sites should be taken, Anti-Felon Identification (AFID) tags should be collected and the expended cartridge along with both probes and wire should be submitted by the officer collecting the cartridge into evidence for future reference. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

XI. Medical Treatment

- A. Certified Officers should carefully remove TASER darts from a person's body according to the methods described in training. Used TASER Device darts shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly.
- B. All persons who have been struck by TASER Device darts or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by qualified medical personnel:
 - 1. The person is suspected of being under the influence of controlled substances and/or alcohol.
 - 2. The person may be pregnant.
 - 3. The person reasonably appears to be in need of medical attention.
 - 4. The TASER Device darts are lodged in a sensitive area (e.g., groin, female breast, near the eyes).
 - 5. The person requests medical treatment.
 - 6. The person has an obvious injury, which in the opinion of the officer, requires treatment.

- C. Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, imperviousness to pain (sometimes called “excited delirium”) or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.
- D. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.
- E. The transporting officer shall inform any person receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the TASER Device.

XI. Training

- A. In addition to the initial of office-approved training that is required to carry and use a TASER Device, each person carrying a TASER Device shall demonstrate proficiency annually. A reassessment of an employee’s knowledge and/or practical skill may be required at any time if deemed appropriate by the Chief of Police or training officer.
- B. The Chief of Police shall ensure that all training includes the following:
 - 1. A review of this policy.
 - 2. A review of the Use of Force Policy.
 - 3. Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest and groin.
 - 4. De-escalation techniques.

POLICY: Certain training sessions, courses and/or schools are mandated either by statute or Minnesota Peace Officer's Training Board (P.O.S.T.) requirements. This policy identifies those requirements and sets certain minimum training requirements.

I. Mandatory Courses

A. The following listed courses/training sessions are mandated under the P.O.S.T. or OSHA requirements and/or as department policy. These courses will be scheduled for all officers of the department annually, or as needed, at no cost to the officer. Each officer shall attend regardless of the number of P.O.S.T. credits accumulated.

- Bloodborne Pathogens (start/annually)
- Hazardous Materials (start/annually)
- Defensive Tactics (start/annually)
- Employee Right to Know/AWAIR (start/annually)
- Lead Awareness (start/annually)
- Personal Protective (start/annually)
- Fire Extinguishers (start/annually)
- Use of Force/Use of Deadly Force (start/annually)
- Hearing Protection (start/annually)
- Respiratory Protection (start/annually)
- Firearms Qualifications (start/annually)
- TASER (start/annually)
- First Aid/CPR (scheduled as needed to recertify)
- Emergency Vehicle Operations Course/Vehicle Pursuits (min every 5 years)
- Autism Awareness
- 16 MN POST approved credits in a license cycle in the following categories:
 - Crisis intervention and Mental Illness Crises (Min 6 credits)
 - Conflict Management and Mediation (Min 1 credit)
 - Recognizing and Valuing Community Diversity and Cultural Differences to Include Implicit Bias (min 1 credit)
 - Autism (min 4 credits)
 - Crimes Motivated by Bias (min 1 credit)
 - 3 Additional Credits in an of these 5 categories

B. Those areas, courses of study, informational schools, and items mandated through P.O.S.T. and legislative action will be scheduled periodically as is required by statute and/or department policy.

C. These courses will be offered to all members of the department and will be identified as "Mandatory Attendance." Some course attendance may be mandated more than once per year. Certain mandatory courses may be offered on-line and may be completed during an officer's on-duty time at the officer's convenience.

D. Any officer who is unable to attend a required training session must contact the Chief or Assistant Chief prior to the scheduled session and make arrangements to receive the appropriate training session at an alternative site/date. All costs for attendance at an alternative site/date, above the cost of the originally scheduled session will be borne by the officer.

E. Failure to attend a scheduled "Mandatory" course could result in immediate disciplinary action. Failure to secure alternative training when the original mandatory course is missed could result in additional disciplinary action.

II. Continuing Education

A. Every officer must complete a minimum of forty-eight hours of continuing education within the three- year licensing period in order to maintain and renew their license. All sworn employees shall maintain a valid and active P.O.S.T. license as a condition of employment. Failure to maintain a valid and active P.O.S.T. license will result in an employee being relieved of enforcement duty and discipline, up to and including termination.

B. The Department is not obligated to provide for continuing education training beyond the mandatory courses listed above but will provide officers access to appropriate training as department needs and budget allows.

Purpose: It is the policy of the Mountain Lake Police Department to provide officers with guidelines for the use of force and deadly force in accordance with:

MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE; POLICIES AND INSTRUCTION REQUIRED;

MN STAT 626.8475 DUTY TO INTERCEDE AND REPORT;

MN STAT 609.06 AUTHORIZED USE OF FORCE;

MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; and

MN STAT 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS.

I. Policy

- A. It is the policy of this law enforcement agency to ensure officers respect the sanctity of human life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.
- B. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.
- C. Officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.
- D. The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.
- E. This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.
- F. This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.
- G. Section (4) Procedure, paragraphs (g.1-2), are effective March 1, 2021, and thereafter.

II. Definitions

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

- C. **Deadly Force:** Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.
- D. **De-Escalation:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
- E. **Other Than Deadly Force:** Force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death, or great bodily harm.
- F. **Choke Hold:** A method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes, but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.
- G. **Authorized Device:** A device an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:
 - 1. obtained training in the technical, mechanical, and physical aspects of the device; and
 - 2. developed a knowledge and understanding of the law, rules, and regulations regarding the use of such a device.

III. Procedure

A. General Provisions

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

B. Duty to Intercede

- 1. Regardless of tenure or rank, an officer must intercede when:
 - i. present and observing another officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and

- ii. physically or verbally able to do so

C. Duty to Report

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

D. De-escalation:

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

E. Use of Other Than Deadly Force

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

F. Use of Certain Types of Force

1. Except in cases where deadly force is authorized as articulated in MN STAT. 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:
 - i. Chokeholds,
 - ii. Tying all of a person's limbs together behind a person's back to render the person immobile, or;
 - iii. Securing a person in any way that results in transporting the person face down in a vehicle.
2. Less than lethal measures must be considered by the officer prior to applying these measures.

G. Use of Deadly Force

1. An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply;
2. To protect the peace officer or another from death or great bodily harm, provided

that the threat:

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

H. Training

1. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designed to
 - i. Provide techniques for the use of and reinforce the importance of de-escalation
 - ii. Simulate actual shooting situations and conditions; and
 - iii. Enhance officers' discretion and judgement in using other than deadly force in accordance with this policy.
3. Before being authorized to carry a firearm all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency's policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.
4. Before carrying an authorized device all officers shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.
5. Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the officer requiring the use

of a device or object that has not been authorized to counter such a threat.

6. With agency approval officers may modify, alter or cause to be altered an authorized device in their possession or control.

I. Recordkeeping Requirements

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

J. Animal Control

1. Officers are authorized to use a firearm in the controlling and/or disposal of dangerous, hazardous, or nuisance animals when the use of such firearm is conducted with reasonable care as not to constitute a physical hazard to the general public.

K. Prohibition on the Use of Excessive Force in Civil Rights Demonstrations

1. Officers shall adhere to the provisions of the policy manual, prohibiting excessive use of force when dealing with individuals engaged in non-violent civil rights demonstrations.
2. Officers will enforce State and Local Laws against physically barring entrance to or exit from a facility or location which is the subject of non-violent civil rights demonstrations.

L. Handcuffing

1. All prisoners that are transported in a Mountain Lake Police Squad shall be handcuffed
2. Handcuffs should be double locked.
3. Prisoners should be transported in the backseat behind the cage

A. Weapons and Ammunition**A. On Duty Weapons**

1. No member of the Department shall carry any weapon and/or ammunition not approved by the Chief of Police.
2. The department issued weapon will be carried on duty. No other weapon will be carried on duty, unless specifically authorized by the Chief of Police and as outlined in this Policy.
3. The Firearms Training Officer will issue to each officer, annually, the appropriate rounds of ammunition in kind and quantity. These and only these issued rounds will be carried while on duty.

B. Back Up Weapons

1. On duty, back-up weapons will be permitted only when the officer has received the written permission of the Chief of Police. Back-up weapons shall be of any caliber of equal or less ballistics to the Department issued ammunition, with make, model, and/or size approved by the Chief of Police. Ammunition must be approved by the firearms Training Officer or the Chief of Police.
 - a) Back-up weapons used by the officer carrying them, when the request is made to carry same to the Chief of Police, shall specify make, model, serial number and ammunition type/style and/or make.
 - b) Officers carrying back-up weapons shall be required to qualify with those weapons annually in a course of fire set forth in writing by the Firearms Training Officer and shall consist of firing one loading of ammunition at a target approved by the Department and at a range consistent with the capability of the weapon(s).
 - c) All such qualifications for back-up weapons shall be recorded by the Firearms Training Officer and conducted at his/her discretion and direction.
 - d) All issued police shotguns (lethal) utilized by the Department shall be 12 gauge and the ammunition will be Tactical Buckshot or slug as determined by the Chief of Police, with consultation with the Firearms Instructor. Field loads issued by the Department are to be available in each of the squad cars for use in destroying diseased and/or dangerous animals in lieu of other ammunition for safety reasons and are to be replaced upon using them for that specified purpose.
 - e) All tactical rifles utilized by the Department shall be an M16/M4/AR style rifle platform in 5.56/.223 caliber.

C. Off Duty Weapons

1. The carrying of off duty weapons is not mandatory and may be done only

when the requirements of this policy are met and documented.

2. Officer electing to carry off duty weapons must comply with the following.
 - a) If the on-duty weapon is to be carried off duty, the Department issued ammunition is to be carried, thus requiring nothing further than the requirements listed in Section E of this policy.
 - b) The off-duty weapon and ammunition, if other than (a) above, must be approved by the Chief of Police.
 - c) Every officer must qualify with their off-duty weapon as required by the Firearms Training Officer. Such qualification will be a course of fire as determined by the Firearms Training Officer.
 - d) Every officer electing to carry an off-duty weapon will be required to obey all local and State laws governing the carrying of a weapon.
 - e) Officers shall not be under the influence of alcohol while caring a firearm off duty.

D. Improper Handling

1. Officers are to be responsible for the handling of their weapon in order to prevent the unintentional discharge of a weapon through carelessness, whether on or off duty.
 - a) Officers are to unload all firearms when cleaning and/or inspecting the firearm.
 - b) Dry firing a weapon is to be done with the same care and precautions as if handling a loaded weapon. Dry firing should be restricted to locations not normally occupied or accessible to the general public.
 - c) Officers will be responsible for securing their weapons, whether on duty or off duty, to a reasonable extent, to prevent its use by unauthorized persons.
2. When not on duty, Duty Weapons, shall be secured in a Gun Locker or Vault or have a gun lock attached while being stored at home at all times.

E. Inspections

1. Each officer shall have the responsibility of registering his/her handgun with the Firearms Training Officer. Said registration shall include make, model and serial number.
2. Supervisory staff or the Firearms Instructor shall conduct inspections on a periodic basis to ensure compliance with this directive.

F. Authority

1. The Firearms Instructor will have the final authority in matters relating to qualification and/or disqualification, firearms handling and range control. All officers, regardless of rank, are bound by the decision of the Firearms Instructor in these matters.

The Mountain Lake Police Department uses social media outlets such as Facebook and “X” (Twitter) as another format to communicate with residents of the community. The purpose of this activity is to provide education, information, and assistance to the citizens of Mountain Lake.

I. Acceptable Content

- A. Public Service Announcements from Federal, State and Local governments in video or written format is deemed acceptable for posting. Announcements from private agencies committed to public service such as D.A.R.E. and Mothers Against Drunk Driving are also approved.
- B. Notifications of Mountain Lake Police Department activities such as the annual Citizen’s Academy, Night to Unite, Child Fingerprinting and other community oriented policing actions.
- C. Official Department press releases and notifications made via Nixle.
- D. Missing or found animals in need of the owner to be contacted or identified.

II. Supervisory Approval

- A. All other postings, including photos, will require supervisory approval.

Purpose and Scope: The purpose of this policy is to ensure that each officer of the Mountain Lake Police Department has a guideline for the use and application of less-lethal kinetic impact devices.

I. Definitions

A. LESS-LETHAL FORCE PHILOSOPHY

- 1) Mission accomplished with less chance of death or injury.
- 2) A concept of planning and force application, which meets the operational objectives, with less potential for causing death or serious physical injury than traditional police firearms tactics.

B. SAFETY PRIORITIES

- 1) The Department safety priorities are established as follows:
- 2) Hostages
- 3) Involved non-suspects civilians
- 4) Police Officers
- 5) Suspects

II. Policy

- A.** It is the policy of the Mountain Lake Police Department that all officers will be trained in the deployment of the less-lethal kinetic impact device (12 ga., 37 mm, or 40 mm) prior to being allowed to use it. Officer using the less-lethal projectiles will not intentionally discharge them at the head, neck, upper torso, heart, groin, or spine of the suspect, unless deadly force is allowed under MN State Statute.
- B.** An Officer may use the less-lethal projectiles where the escalation of force is necessary and less-lethal force may still be appropriate.
- C.** When Officers use these projectiles, the goal is to remove the threat and take the suspect into custody. The level of force being applied is greater than OC spray, Taser, or Pepperball, but less than deadly force. Multiple rounds may be required to remove the threat or take the suspect into custody.

III. Use Of Less-Lethal Projectiles

- A.** Officers may use the less-lethal projectiles in the following situations:
 - 1) As an alternative in deadly force situations.
 - 2) Suicide prevention.
 - 3) Suspect armed with a blunt instrument.
 - 4) Selective intervention in civil unrest situations.
 - 5) Selective incapacitation of intoxicated or mentally disturbed persons.
 - 6) Any other intervention in a Use of Force situation where the escalation of force is

necessary and less-lethal force may still be appropriate.

IV. Guidelines For Use

- A.** The Department has designated, "less lethal" labeled, orange stocked shotguns for the deployment of the 12 ga. Projectiles. These designated shotguns should be used exclusively unless special circumstances dictate otherwise.
- B.** Less-lethal projectiles are generally most effective when used between 20 and 75 feet; however, some situation may require a closer distance (example: small enclosed room area, etc.).
- C.** The effectiveness of the projectile is determined in part by:
 - 1) Distance between the Officer and suspect.
 - 2) Heavy clothing worn by the suspect.
 - 3) The influence of drugs and alcohol.
 - 4) The suspects' mental state or mind.
 - 5) Psychological Effects:
 - 6) 12 ga. Shotgun intimidation.
 - 7) Loud report and muzzle flash.
 - 8) Seeing other suspects being hit by the projectiles.
- D.** When possible, the Officer deploying the less-lethal will make sure that all personnel on the scene are aware that less-lethal rounds are involved in the event. They can be done verbally in person or through the dispatch center and should be done prior to the deployment.
- E.** The Officer deploying the less lethal should direct/control the verbalized efforts to affect the surrender from the suspect/subject.
- F.** If multiple Officers are using the projectiles, they should, where feasible, communicate this to each other ahead of time.
- G.** Officer should only use the number of projectiles reasonable required to achieve the desired effects, regardless of the number of Officers firing. Once the desired effects are observed, or at a point where a lower use of force may be applied (i.e. Taser), the Officers should discontinue the use of the projectiles.

V. Targeting Areas

- A.** Examples of the primary targeting areas would be:
 - 1) Front:
 - 2) Arm below the elbow
 - 3) Leg below the knee
 - 4) Lower abdomen
 - 5) Thigh
 - 6) Rear:
 - 7) Arm below the elbow
 - 8) Buttock
 - 9) Leg below the knee
 - 10) Thigh

VI. Special Considerations

- A.** REMEMBER: A shot bag to the chest/solar plexus may be the only chance this suspect has for survival. Shot bag deployments to the neck and head should be avoided unless death is the desired result. The chest/solar plexus impacts have a potential for death/serious injury (and a high potential for incapacitation), while the head/neck impacts are very likely to cause death/serious injury.
- B.** AT NO TIME WILL LIVE AMMUNITION BE LOADED INTO THE LESS-LETHAL SHOTGUN (unless being done by an armorer for repair or testing).

VII. Medical Treatment

- A.** Suspects who are struck by a less-lethal projectile should be evaluated by Emergency Medical Services personnel at the scene (if safe to do so), and if necessary be transported to the hospital for examination.

VIII. Storage/Maintenance

- A.** The Officers who are assigned the less-lethal shotguns will secure them in such a fashion as to eliminate access by unauthorized personnel. Less-lethal shotguns shall be stored with the chamber empty and less-lethal rounds in the magazine tube and in the stockholder.

IX. Projectile Replacement

- A.** An Officer shall promptly replace any expended projectiles or contact the duty supervisor to replace projectiles if not issued.

X. Reporting

- A.** In all cases where the kinetic impact less-lethal system is used, the incident shall be reported to the immediate supervisor. All Officers involved in a situation will include in an incident or supplemental report the circumstances surrounding its use.

XI. Certification

- A.** Each Officer will be required to successfully complete an annual re-certification.

The Mountain Lake Police Department authorizes the use of the ASP Expandable Baton to be carried by members who are certified in its usage.

It is the policy of the Department that only reasonably necessary force is used by a police officer when it is required to affect a lawful objective or in the defense of oneself or others.

Where force is necessary, an officer should use the baton if lesser methods, such as verbalization or bodily force are not feasible, have failed, or would obviously futile or otherwise inappropriate. The baton can be used as a backup weapon, should usage of the Taser fail.

The baton should not be displayed or brandished as a threat unless its actual use in a situation would be proper. This does not prohibit an officer from having the baton readied, when it is reasonably anticipated that it may be required.

I. Basis for Deployment

- A.** As a restraining or come-along tool
- B.** As a defensive tool to ward off strikes
- C.** As a defensive tool to deliver disabling defensive strikes to target areas of the body as a means to halt or deter a subject when all lesser means of applying non-deadly force have failed or would be considered futile. An officer is justified in using this type of force under the following circumstances:
 - 1) To overcome violent resistance of an arrestee.
 - 2) To overcome an assault on an officer or third party.
 - 3) To deter persons engaged in riotous or violent conduct.

II. Training

- A.** Mountain Lake Police Officers will receive yearly training in the use of the ASP baton.

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

I. Purpose and Scope

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

II. Assignment of Canines

- A. The canine teams shall be assigned to the Patrol Division to supplement and assist the Patrol Division Canine teams should function primarily as cover units when responding to incidents in which a canine is needed.

III. Requests for Canine Teams

- A. Mountain Lake Officers are encouraged to request the use of a canine. Requests for a canine team will be evaluated by the handler for deployment. The Mountain Lake K9 team is encouraged to assist outside agencies when available and city coverage allow.

1. **Off Duty Call Out Requests** When the Mountain Lake K9 Unit is off duty, they will be typically contacted by either Cottonwood County Dispatch or a member of the Mountain Lake Police Department. The handler will evaluate and have authority to decline a request that the handler deems unsuitable or advise if unavailable, if reached.
2. **Outside Agency Request** All requests for canine assistance from outside agencies must be approved by a supervisor and, if unavailable, will be evaluated by the handler and are subject to the following:
 1. Canine teams shall not be used for any assignment that is not consistent with this policy.
 2. The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
 3. It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
 4. It shall be the responsibility of the canine handler to complete all necessary reports or as directed.
 5. In the event the handler is the only officer on duty, another officer will be contacted for coverage.
 6. If the request is located beyond the surrounding counties, a supervisor should be contacted for approval

IV. Public Demonstrations

- A. All public requests for a canine team shall be reviewed and, if appropriate, approved by the handler. Scheduling is recommended to take place during a regularly scheduled shift of the handler when possible or otherwise approved by a supervisor.
- B. The handler is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by a supervisor.

V. School Sniffs

- A. All requests from schools for locker/property drug detection checks, will be approved by the handler and is encouraged to be scheduled during a regular shift if possible. Otherwise, is subject to approval by a supervisor.

VI. Apprehension Guidelines

- A. A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing, or threatening to commit any serious offense (including violent misdemeanors) and if any of the following conditions exist:
 - 1. There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
 - 2. The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
 - 3. The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.
- B. Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer without any of the above conditions shall not serve as the basis for the use of a canine to apprehend a suspect.
- C. Absent a change in circumstances that present an imminent threat to officers the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.
- D. In all applications once the suspect has been located and no longer reasonably appears to present a threat or risk of escape the handler should secure the canine as soon as it becomes reasonably practicable.
- E. If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

VII. Preparation for Deployment

- A. Prior to the use of a canine to search for or apprehend any suspect the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:
 - 1. The nature and seriousness of the suspected offense.
 - 2. Whether violence or weapons were used or are anticipated.
 - 3. The degree of resistance or threatened resistance, if any, the suspect has shown.
 - 4. The suspect's known or perceived age.
 - 5. Articulable belief of increased risk of injury to officers or the public caused by the suspect if the canine is not utilized.
 - 6. Any potential danger to the public and/or other officers at the scene if the canine is released.
 - 7. The potential for the suspect to escape or flee if the canine is not utilized.
- B. As circumstances permit the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.
- C. It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the

authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

- D. A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.
- E. Assisting members should take direction from the handler in order to minimize interference with the canine.

VIII. Warnings and Announcements

- A. Unless it would increase the risk of injury or escape a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If reasonably feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.
- B. If a warning is not to be given, the canine handler when reasonably practicable should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

IX. Reporting Deployments, Bites, and Injuries

- A. Whenever a canine deployment results in a bite or causes injury to an intended suspect the injuries shall be documented. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident report.
- B. If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as reasonably practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.
- C. Immediate notification of a supervisor will be made if the subject of an unintended bite or injury was a member of the public, or in the case of a department member, if serious injury results. These incidents will be documented in an administrative report if an incident report is not required.
- D. Canines used by law enforcement agencies are generally exempt from dangerous dog registration, impoundment, and reporting requirements (Minn. Stat. § 347.51, Subd. 4).

X. Non-Apprehension Guidelines

- A. Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search/track or other non-apprehension operation the following guidelines apply:
- B. Absent a change in circumstances that present an immediate threat to officers the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

- C. Assisting members should take direction from the handler in order to minimize interference with the canine.
- D. Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- E. Once the individual has been located, the handler should secure the canine as soon as reasonably practicable.

XI. Article Detection

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

XII. Narcotics Detection

- A. A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:
 - 1. The search of vehicles, buildings, bags, and other articles.
 - 2. Assisting in the search for narcotics during a search warrant service.
 - 3. Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.
- B. If the K9 is requested by another officer for narcotics detection, it is the responsibility of the requesting officer to document the evidence and justification needed to have the K9 deployed. The handler shall have the authority to decline the request if deemed unsuitable.
- C. A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

XIII. Handler Responsibilities

- A. The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions. The canine handler will be responsible for the following:
 - 1. Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
 - 2. The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
 - 3. Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to a supervisor as soon as possible.
 - 4. When off-duty the canine shall be in a kennel provided and or approved by the City at the home of the handler.
 - 5. The canine should be permitted to socialize in the home with the handler's family.
 - 6. Under no circumstances will the canine be lodged at another location unless approved by a supervisor.
 - 7. Whenever a canine handler is off-duty for an extended number of days it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to a supervisor so that appropriate arrangements can be made.

XIV. Canine In Public Areas

- A. The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.
- B. A canine shall not be left unattended in any area to which the public may have access.
- C. When the canine vehicle is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure the unattended vehicle remains inhabitable for the canine.

II. Canine Injury and Medical Care

- A. In the event that a canine is injured or there is an indication that the canine is not in good physical condition the injury or condition will be reported to supervisor as soon as practicable and appropriately documented.
- B. All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian.

III. Training

- A. Before assignment in the field each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross Trained canine teams or those canine teams trained exclusively for the detection of narcotics and/ or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills. Each canine team shall thereafter recertify to a current nationally recognized standard or other recognized and approved certification standards on an annual basis.
- B. FAILURE TO SUCCESSFULLY COMPLETE TRAINING Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable pending successful certification the canine handler shall be temporarily reassigned to regular patrol duties.
- C. TRAINING RECORDS All canine training records shall be maintained in the canine handler's and the canine's training file or applicable software.

IV. Training Aids

- A. Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the Mountain Lake Police Department may work with outside trainers/K-Handlers with the applicable licenses or permits.

V. Controlled Substance Training Aids

- A. Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with federal laws and if they comply with applicable state requirements (21 USC § 823(f)).
- B. The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Mountain Lake Police Department to

- be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes provided the controlled substances are no longer needed as criminal evidence.
- C. As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Agency (DEA).
 - D. These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.
 - E. The training aids will remain sealed at all times in the training devices. The training devices will be stored in a secure area by the handler. A supervisor will periodically account for all drug training aids and location of them.

Purpose and Scope: The primary purpose of using body-worn cameras (BWCs) is to capture evidence arising from police-citizen encounters. This policy sets forth guidelines governing the use of BWCs and administering the data that results. Compliance with these guidelines is mandatory. Officers are excused from recording requirements, however, when they must prioritize other primary duties or safety concerns, especially in circumstances that are tense, uncertain, and rapidly evolving.

I. Policy

- A. It is the policy of the Mountain Lake Police Department to authorize and require the use of department issued BWCs as set forth below, and to administer BWC data as provided by law. The primary purpose of using body-worn-cameras (BWCs) is to capture evidence and accurately document police-citizen encounters.

II. Scope

- A. This policy governs the use of BWCs in the course of official duties. It does not apply to the use of squad-based (dash-cam) recording systems. Unless otherwise prohibited by law, the chief or chief's designee may supersede this policy by providing specific instructions for BWC use to individual officers, or by providing specific instructions pertaining to particular events or classes of events, including but not limited to political rallies and demonstrations. The chief or designee may also provide specific instructions or standard operating procedures for BWC use to officers assigned to specialized details, such as carrying out duties in courts or guarding prisoners or patients in hospitals and mental health facilities, undercover investigations, and HEAT team deployments.

III. Definitions

The following phrases and words have special meanings as used in this policy:

- A. **Adversarial** refers to a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.
- B. **Body-worn camera (BWC)** refers to a device worn by a peace officer that is capable of audio and video recordings.
- C. **MGDPA or Data Practices Act** refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.
- D. **Records Retention Schedule** refers, depending on context, to the General Records Retention Schedule for Minnesota Cities (last revised March 2021) or to the agency's records retention schedule approved pursuant to Minnesota Statutes section 138.17.
- E. **Law enforcement-related** refers to activities or information pertaining to a stop, arrest, search, seizure, use of force, investigation, citation, or charging decision.
- F. **Evidentiary value** means that the information may be useful as proof in a criminal prosecution, related civil or administrative proceeding (i.e. implied consent or forfeiture cases), further

investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.

- G. **General citizen contact** means an informal encounter with a citizen that is not and does not become law enforcement-related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation. Examples include, but are not limited to, assisting a motorist with directions, summoning a wrecker, or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.
- H. **Unintentionally recorded footage** is a video recording that results from an officer's inadvertence or neglect in operating the officer's BWC, provided that no portion of the resulting recording has evidentiary value. Examples of unintentionally recorded footage include, but are not limited to, recordings made in station house locker rooms and restrooms, and recordings made while officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded.
- I. **Official duties**, for purposes of this policy, refers to law enforcement activities and services performed by an officer of this agency while on duty. In circumstances where an officer is also employed by another agency as a peace officer, the officer is not performing official duties on behalf of this agency while acting in the course and scope of their employment for the other agency.

IV. Use and Documentation

- A. Officers may use only department issued BWCs while engaged in the performance of official duties.
- B. Officers who are engaged in the performance of official duties and have been issued BWCs shall use and operate them in compliance with this policy. This requirement includes situations where the officer is under the command and control of another chief law enforcement officer or federal law enforcement official while performing official duties for this agency.
- C. Officers shall conduct a function test of their issued BWCs at the beginning of each shift, when practical. Officers noting a malfunction during testing or at any other time shall promptly report it to the officer's supervisor and shall document the malfunction in the records management system (RMS) by creating a case. Supervisors shall take prompt action to address malfunctions and document the steps taken in the same RMS case.
- D. Officers shall wear their issued BWC at or above the midline of the waist in a position that maximizes the capacity of the device to record video footage of the officer's activities
- E. Officers must document BWC use and non-use as follows:
 - 1. Whenever an officer makes a required recording, the existence of the recording shall be documented in a CFS, Incident Report, or Citation.
 - 2. Whenever an officer fails to record an activity that is required to be recorded under this policy, or fails to record for the entire duration of the activity, the officer must document the circumstances and reasons for not recording in an incident report or CFS. Supervisors shall review these reports and initiate any corrective action deemed necessary.
- F. The department will maintain the following records and documents relating to BWC use, which are classified as public data:

1. The total number of BWCs owned or maintained by the agency;
2. A daily record of the total number of BWCs actually deployed and used by officers;
3. The total amount of recorded BWC data collected and maintained; and
4. This policy, together with the applicable records retention schedule.

V. General Guidelines for Recording

- A. This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Officers should activate the recorder any time the officer believes it would be appropriate or valuable to record and incident.

Officers should activate their BWCs in the following in-person situations:

1. All enforcement and investigative contacts including stops and field interview situations
2. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdictions stops
3. Self-initiated activity in which an officer would normally notify Dispatch
4. Other activities likely to yield information having evidentiary value
5. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

At no time is an officer expected to jeopardize their safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

- B. Officers have discretion to record or not record general citizen contacts.
- C. Officers have no affirmative duty to inform people that a BWC is being operated or that the individuals are being recorded.
- D. Once activated, officers should continue recording with their BWCs until the conclusion of the incident or encounter, or until it becomes apparent that additional recording is unlikely to capture information having evidentiary value. The officer having charge of a scene can direct that recording be discontinued when additional recording is unlikely to capture information having evidentiary value. If the recording is discontinued while an investigation, response, or incident is ongoing, the officer shall state the reasons for ceasing the recording on camera before deactivating their BWC.

Recording may be stopped during significant periods of inactivity such as report writing, or other breaks from direct participation or interaction with the incident. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value.

Officers may also temporarily pause the recording or mute the audio to exchange information with other law enforcement officers or legal counsel.

- E. Officers shall not intentionally block the BWC's audio or visual recording functionality to defeat the purposes of this policy.
- F. Notwithstanding any other provision in this policy, officers shall not use their BWCs to record other agency personnel during non-enforcement related activities, such as during pre- and post-shift time in locker rooms, during meal breaks, or during other private conversations, unless the recording is authorized as part of an administrative or criminal investigation, or part of compliance with the statutory requirement for duty to intercede.

Officers are also prohibited from using department issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Officers are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department issued or personally owned recorders. Officers shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Officers are prohibited from using personally owned recording devices while on duty.

VI. Special Guidelines for Recording

Officers may, in the exercise of sound discretion, use their BWCs:

- A. To record any police-citizen encounter if there is reason to believe the recording would potentially yield information having evidentiary value unless such recording is otherwise expressly prohibited.
- B. To take recorded statements from persons believed to be victims of and witnesses to crimes, and persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness, or suspect.

In addition,

- C. Officers need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value. When responding to an apparent mental health crisis or event, BWCs shall be activated as necessary to document any use of force and the basis for it, the basis for any transport hold, and any other information having evidentiary value.
- D. Officers should use their squad-based audio/video systems to record their transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers, and jails. Recording using BWC during transport is not mandatory if the squad transport camera and cabin mic is activated. BWC may be stopped once inside these facilities, unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident.
- E. Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

VIII. Downloading and Labeling Data

- A. Each officer using a BWC is responsible for assuring the proper transfer of the data from their camera to Evidence.com. However, if the officer is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of the officer's BWC and assume responsibility for transferring the data from it.
- B. Officers shall label the BWC data files at the time of capture or transfer to storage, and should consult with a supervisor if in doubt as to the appropriate labeling. Officers should assign as many of the following labels as are applicable to each file:
 - 1. **Not evidence:** The recording does not contain any of the foregoing categories of information and has no apparent evidentiary value. Recordings of general citizen contacts and unintentionally recorded footage are not evidence. Also test and accidental recordings.
 - 2. **Assist:** incidents where there is no criminal evidentiary value, such as medicals, disturbances, public assists like animal complaints and motorist assists. The recording has potential evidentiary value for reasons identified by the officer at the time of labeling.
 - 3. **Warning:** Any traffic stop or encounter where a warning enforcement action is taken by the officer.
 - 4. **Citation:** Any traffic stop or encounter where the officer issues a citation for enforcement action.
 - 5. **Report/Arrest:** The information captures a possible adversarial encounter or has evidentiary value with respect to an actual or suspected criminal incident or charging decision. Or any other incident that needs to be documented in an incident report (not CFS)
 - 6. **Use of Force:** Whether or not enforcement action was taken or an arrest resulted, the event involved the application of force by an officer of this agency of sufficient degree or under circumstances triggering a requirement for supervisory review.
- C. Labeling and flagging designations may be corrected or amended based on additional information.

IX. Administering Access to BWC Data

- A. **Death resulting from force—access to data by survivors and legal counsel.**

Notwithstanding any other law or policy to the contrary, when an individual dies as a result of force used by an officer of this agency, all BWC data documenting the incident, redacted only as required by law, must be made available for inspection by any of the following individuals within five days of their request:

 - 1. The deceased individual's next of kin.
 - 2. The legal representative of the deceased individual's next of kin.
 - 3. The other parent of the deceased individual's child.

The request may be denied if there is a compelling reason that inspection would interfere with an active investigation. If access is denied, the Chief of Police must provide a prompt, written denial to the requestor with a short description of the compelling reason that access was denied. The written denial must also provide notice that relief may be sought from the district court pursuant to Minnesota Statutes section 13.82, subdivision 7.

- B. **Death resulting from force—release of data to the public.** When an individual dies as a result of force used by an officer of this agency, all BWC data documenting the incident, redacted only as required by law, must be released and classified as public within 14 days after the incident, unless the chief of police asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by Minnesota Statutes section 13.82, subdivision 7.
- C. **Data subjects.** Under Minnesota law, the following are considered data subjects for purposes of administering access to BWC data:
1. Any person or entity whose image or voice is documented in the data.
 2. The officer who collected the data.
 3. Any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording.
- D. **BWC data is presumptively private.** BWC recordings are classified as private data about the data subjects unless there is a specific law that provides differently. As a result:
1. BWC data pertaining to people is presumed private, as is BWC data pertaining to businesses or other entities.
 2. Some BWC data is classified as confidential (see part E, below).
 3. Some BWC data is classified as public (see part F, below).
- E. **Confidential data.** BWC data that is collected or created as part of an active criminal investigation is confidential. This classification takes precedence over the “private” classification listed above in part D, and the “public” classifications listed below in parts F(2)(a) and (b). However, special classifications and access rights are applicable to BWC data documenting incidents where an officer’s use of force results in death (see parts A and B, above).
- F. **Public data.**
1. Data that documents the final disposition of a disciplinary action against a public employee is classified as public without regard to any ongoing criminal investigation.
 2. The following data is public unless it is part of an active criminal investigation or is subject to a more restrictive classification. For instance, data that reveals protected identities under Minnesota Statutes section 13.82, subdivision 17 (e.g., certain victims, witnesses, and others), should not be released even if it would otherwise fit into a category of data classified as public.
 - a Data that record, describe, or otherwise document actions and circumstances surrounding the use of force by a peace officer that results in substantial bodily harm, or the discharge of a firearm by a peace officer in the course of duty other than for training or the killing of an animal that is sick, injured, or dangerous.
 - b Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than a peace officer) who has not consented to the public release must be redacted [if practicable]. In addition, any data on undercover officers must be redacted.

- G. **Access to BWC data by non-employees.** Officers shall refer members of the media or public seeking access to BWC data to the Chief of Police, who shall process the request in accordance with the MGDPA and other governing laws. In particular:
1. An individual shall be provided with access and allowed to review recorded BWC data about him- or herself and other data subjects in the recording, but access shall not be granted:
 - a If the data was collected or created as part of an active investigation.
 - b To portions of the data that the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minnesota Statutes section 13.82, subdivision 17.
 2. Unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, but subject to the following guidelines on redaction:
 - a Data on other individuals in the recording who do not consent to the release must be redacted.
 - b Data that would identify undercover officers must be redacted.
 - c Data on other officers who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.
- H. **Access by peace officers and law enforcement employees.** No employee may have access to the department's BWC data except for legitimate law enforcement or data administration purposes:
1. Officers may access and view stored BWC video only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. Officers may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident.
 2. Agency personnel shall document their reasons for accessing stored BWC data in the notes section of the recording on Evidence.com. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to uploading BWC data recorded or maintained by this agency to public and social media websites.
 3. Employees seeking to inspect or have copies of BWC data for non-business reasons may make a request for it in the same manner as any member of the public.
- I. **Other authorized disclosures of data.** Officers may display portions of BWC footage to witnesses as necessary for purposes of investigation as allowed by Minnesota Statutes section 13.82, subdivision 15, as may be amended from time to time. Officers should generally limit these displays in order to protect against the incidental disclosure of identities that are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video. In addition,
1. BWC data may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure.

2. BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

IX. Data Security Safeguards

- A. BWC and Squad Video data will be uploaded through Axon Enterprise software to Evidence.com cloud service.
- B. Personally owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access or view agency BWC data.
- C. This policy prohibits altering, erasing, or destroying any BWC data or metadata prior to the expiration of the applicable retention period.
- D. As required by Minnesota Statutes section 13.825, subdivision 9, as may be amended from time to time, this agency shall obtain an independent biennial audit of its BWC program.

X. Agency Use of Data

- A. At least once a month, supervisors will randomly review BWC usage by each officer to whom a BWC is issued, or available for use, to ensure compliance with this policy.
- B. In addition, the recorded files may also be reviewed in the following incidents:
 1. By a supervisor as part of internal audits and reviews as required by Minn. Stat. §626.8473.
 2. By a supervisor as needed for ongoing supervision whenever such recordings would be beneficial in reviewing the officer's performance
 3. Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
 4. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
 5. By media personnel with permission of the Chief of Police or the authorized designee.
 6. To check the system status, aid in technical support and check compliance of member categorization procedure.
 7. By members for training purposes. Members requesting to do so should contact their supervisors to discuss retaining and using the recording for training purposes. Member objections to preserving or using certain footage for training will be considered on a case-by-case basis. Field training officers may utilize recordings with trainees for the purpose of providing coaching and feedback on the trainee's performance.
- C. Nothing in this policy limits or prohibits the use of BWC data as evidence of misconduct or as a basis for discipline.

XI. Data Retention

- A. Retention periods for BWC data are established by law and the Records Retention Schedule.

When a particular recording is subject to more than one retention period, it shall be maintained for the longest applicable period.

- B. All BWC data shall be retained for a minimum period of 90 days. There are no exceptions for erroneously recorded or non-evidentiary data.
- C. Certain kinds of BWC data must be maintained for a minimum period of one year. These are:
 - 1. Data that document the accidental discharge of a firearm by a peace officer in the course of duty.
 - 2. Data that document an incident resulting in a formal complaint against an officer. However, a longer retention period applies if the recording is relevant to an internal affairs investigation.
- D. Data documenting the use of force by a peace officer that results in substantial bodily harm, or force that is of a sufficient type or degree to require supervisory review under the agency's policy, must be retained for a minimum period of seven years.
- E. Data determined to have evidentiary value in any internal affairs investigation must be retained for five years after termination or separation of the employee who is the subject of the investigation.
- F. Other data having evidentiary value shall be retained for the period specified by law or the records retention schedule.
- G. Subject to Part H (below), all other BWC footage that is classified as non-evidentiary, becomes classified as non-evidentiary, or is not maintained for training shall be destroyed after 90 days.
- H. Upon written request by a BWC data subject, the agency shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 180 days. The agency will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received.
- I. The department shall maintain an inventory of BWC recordings having evidentiary value.
- J. The department will post this policy, together with [\[a link to\]](#) its records retention schedule, on its website.

XII. **Compliance**

- A. Supervisors shall monitor for compliance with this policy. Noncompliance may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minnesota Statutes section 13.09.

I. Purpose

- A. To provide sworn members of the Mountain Lake Police Department with guidelines in the use of the PepperBall system

II. Policy

- A. It is the policy of the Mountain Lake Police Department that the use of the PepperBall system on a person(s) is in compliance with this protocol and the Mountain Lake Police Department's Use of Force Policy.

III. Definition

- A. **PepperBall:** PepperBall projectiles are plastic spheres that are filled with powder or liquid Oleoresin Capsicum (OC). The projectiles, when delivered by an air-powered launching device, burst on impact, and release the OC. PepperBall projectiles subdue the suspect(s) by inflaming the mucus membrane in their nose, lungs, and respiratory tract. When inhaled, PepperBall Projectile OC leads to coughing, shortness of breath, and involuntary closing of the eyes. Response to inhaling PepperBall Projectile OC Powder varies greatly among individuals. In most cases symptoms last a few (five to twenty-five) minutes. The PepperBall System can deliver projectiles with enough kinetic energy to produce abrasions, bruises, and/ or welts.
- B. Only Department issued PepperBall Delivery Systems and PepperBall Projectiles are to be used.

IV. Procedure

- A. Use of the PepperBall Projectile shall be considered a use of force and must meet the requirements of all Department policies and procedures.
- B. Acceptable uses of the PepperBall Projectile may include but not limited to:
 - 1. Incapacitation of a combative or physically resistive person to the point where they can be controlled and taken safely into custody.
 - 2. Situations when its use is likely to prevent an officer or third person from being injured.
 - 3. To incapacitate a suicidal person who cannot be safely controlled with other force options.
 - 4. When necessary, in crowd control or riot situations.
- C. Unless deadly force is warranted, an officer shall not intentionally deploy the PepperBall Projectile as followed:
 - 1. To the head, neck, or throat
 - 2. To a pregnant female, if the officer has knowledge of the pregnancy.
- D. Officers shall communicate to other officers that they are about to discharge a PepperBall Projectile, if reasonably feasible where time and officer safety allow.

V. Medical Aid

- A. Officers shall render appropriate medical aid, when feasible, after the use of the PepperBall System

VI. Reporting Procedures

- A. The use of the PepperBall System is considered a reportable use of force and a report shall be completed.
- B. Photos of impact areas should be taken when reasonably safe to do.

I. Policy

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

II. Definitions

- B. **Confidential Informant (CI):** A person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency’s intelligence gathering or investigative efforts and;
 - 1. seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and
 - 2. is able, by reason of the person’s familiarity or close association with suspected criminals, to:
 - i. make a controlled buy or controlled sale of contraband, controlled substance, or other items that are material to a criminal investigation;
 - ii. supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or
 - iii. otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.
- C. **Controlled Buy:** means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.
- D. **Controlled Sale:** means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.
- E. **Mental Harm:** means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person’s judgment or behavior.
- F. **Target Offender:** means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.
- G. **Confidential Informant File:** means a file maintained to document all information that pertains to a confidential informant.
- H. **Unreliable Informant File:** means a file containing information pertaining to an individual who has failed at following an established written confidential informant agreement and has been determined to be generally unfit to serve as a confidential informant.
- I. **Compelling Public Interest:** means, for purposes of this policy, situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.
- A. **Overseeing agent:** means the officer primarily responsible for supervision and management of a confidential informant.

III. Procedures

- A. **Initial Suitability Determination**

An initial suitability determination must be conducted on any individual being considered for a role as a CI. The initial suitability determination includes the following:

1. An officer requesting use of an individual as a CI must complete an Initial Suitability Report. The report must be submitted to the appropriate individual or entity, as determined by the agency chief executive, to review for potential selection as a CI. The report must include sufficient detail regarding the risks and benefits of using the individual so that a sound determination can be made. The following information must be addressed in the report, where applicable:
 - i. Age, sex, and residence
 - ii. Employment status or occupation
 - iii. Affiliation with legitimate businesses and illegal or suspicious enterprises
 - iv. Extent to which potential information, associations, or other assistance could benefit a present or future investigation
 - v. Relationship with the target of an investigation
 - vi. Motivation in providing information or assistance
 - vii. Risk of adversely affecting an existing or future investigation
 - viii. Extent to which provided information can be corroborated
 - ix. Prior record as a witness
 - x. Criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged with a crime
 - xi. Risk to the public or as a flight risk
 - xii. Consultation with the individual's probation, parole, or supervised release agent, if any
 - xiii. Consideration and documentation of the individual's diagnosis of mental illness, substance use disorder, traumatic brain injury, or disability; and consideration and documentation of the individual's history of mental illness, substance use disorder, traumatic brain injury or disability
 - xiv. Relationship to anyone in law enforcement
 - xv. Risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement
 - xvi. Prior or current service as a CI with this or another law enforcement organization
2. Prior to an individual's use as a CI, a supervisor or other designated authority must review the Initial Suitability Report and determine if the individual is authorized to serve as a CI.
3. Any prospective or current CI must be excluded from engaging in a controlled buy or sale of a controlled substance if the prospective or current CI:
 - i. is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness; or
 - ii. is participating in a treatment-based drug court program or treatment court; except that
 - iii. the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.

4. Documentation and special consideration must be made of the risks involved in engaging a prospective or current CI in the controlled buy or sale of a controlled substance if the individual is known, or has reported, to have experienced a drug overdose in the previous 12 months.
5. Any prospective or current CI who is known to abuse substances, or is at risk for abusing substances, should be provided referral to prevention or treatment services.
6. Any prospective or current CI that has a physical or mental illness that impairs the ability of the individual to understand instructions and make informed decisions should be referred to a mental health professional or other appropriate medical professional, or a case manager/social worker from the county social services agency, or other substance abuse and mental health services.
7. Each CI's suitability must be reviewed every 6 months, at a minimum, during which time the CI's overseeing agent must submit a Continuing Suitability Report addressing the foregoing issues in III.A.1.i-xvi, and III.A .3-6, where applicable. An initial suitability determination must be conducted on a reactivated CI regardless of the length of inactivity.
8. Any information that may negatively affect a CI's suitability during the course of their use must be documented in the CI's file and forwarded to the appropriate authorized personnel as soon as possible.
9. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of CIs periodically as part of the informant management process. If a CI is active for more than 12 months, a supervisory meeting with the CI must be conducted without the overseeing agent.
10. CI contracts must be terminated, and the CI file placed in inactive status when the CI has not been utilized for 6 months or more.

B. Exigent Confidential Informants

1. Certain circumstance arise when an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent. In these circumstances, the initial suitability determination can be deferred, and an individual may be utilized as a CI for a period not to exceed 12 hours from the time of arrest if:
 - i. The individual is not excluded from utilization as a CI under III.A(3)(i-iii) of this policy; and
 - ii. There is compelling public interest or exigent circumstances exist that demand immediate utilization of the individual as a CI and any delay would significantly and negatively affect any investigation; and
 - iii. A supervisor has reviewed and approved the individual for utilization as a CI under these circumstances.
2. Upon the conclusion of the 12-hour window, or at any time before, an initial suitability determination must be conducted before the individual engages in any further CI activities.

C. Special CI Approval Requirements

Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the agency's chief executive or their designee and the office of the prosecutor or county attorney should be consulted prior to the use of these individuals as CIs. These individuals include the following:

1. Juveniles
 - i. Use of a juvenile under the age of 18 for participating in a controlled buy or sale of a controlled substance or contraband may be undertaken only with the written authorization of the individual's parent(s) or guardian(s), except that the juvenile informant may provide confidential information.
 - ii. Authorization for such use should be granted only when a compelling public interest can be demonstrated, *except that*
 - iii. Juveniles under the guardianship of the State may not be used as a CI.
2. Individuals obligated by legal privilege of confidentiality.
3. Government officials.

D. General Guidelines for Overseeing CIs

General guidelines for overseeing CIs are as follows:

1. CIs must be treated as assets of the agency, not the individual overseeing agent.
2. No promises or guarantees of preferential treatment within the criminal justice system will be made to any informant without prior approval from the prosecuting authority.
3. CIs must not be used without authorization of the agency through procedures identified in this policy.
4. CIs must not be used to gather information purely of a political nature or for other information-gathering efforts that are not connected with a criminal investigation.
5. Under no circumstances must an informant be allowed access to restricted areas or investigators' work areas within a law enforcement agency.
6. All CIs must sign and abide by the provisions of the agency's CI agreement.
7. Any physical or mental illness that impairs the CI's ability to knowingly contract or otherwise protect the informant's self-interest must be taken into consideration before the CI signs the agreement.
8. The CI's overseeing agent must discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
 - i. CIs may voluntarily initiate deactivation, whereupon the protocols outlined in section E of this policy must be followed.
 - ii. CIs are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon while performing activities as a CI.
 - iii. CIs found engaging in any illegal activity beyond what is authorized by the agency and conducted while under the supervision of an overseeing agent, will be subject to prosecution.
 - iv. CIs are prohibited from engaging in actions or activities that could be deemed entrapment. The meaning of the term and implications of such actions must be explained to each CI.
 - v. CIs are prohibited from engaging in self-initiated information or intelligence gathering without agency direction and approval. The CI must not take any actions in furtherance of an investigation without receiving specific instruction(s) from the overseeing agent or agency.

- vi. Every reasonable effort will be taken to ensure the confidentiality of the CI but, upon judicial order, he or she may be required to testify in open court.
 - vii. CIs may be directed to wear a listening and recording device.
 - viii. CIs must be required to submit to a search before and after a controlled purchase.
 - ix. CIs who participate in unplanned or unanticipated activities or meet with a subject(s) under investigation in a location outside of the jurisdictional boundary of the handling agency must promptly report that activity or meeting to their overseeing agents.
9. CI activity outside jurisdictional boundaries:
- i. Investigators handling CIs who engage in operational activity in locations outside the jurisdictional boundaries of the agency must coordinate with counterparts in law enforcement agencies that have jurisdiction in that location where the CI will operate before any activity occurs, or in a timely manner after unanticipated activity occurs and is brought to the attention of the overseeing agent.
 - ii. Any decision to defer or delay notice to or coordinate with an outside agency having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the agency's chief executive or their designee.
10. Officers must take the utmost care to avoid conveying any confidential investigative information to a CI, such as the identity of other CIs, surveillance activities, or search warrants, other than what is necessary and appropriate for operational purposes.
11. No member of this agency must knowingly maintain a social relationship with a CI, or otherwise become personally involved with a CI beyond actions required in the performance of duty.
12. Members of this agency must not solicit, accept gratuities from, or engage in any private business transaction with a CI.
13. Meetings with a CI must be conducted in private with another officer or agent present and with at least one officer or agent of the same sex, except when not practical. The meeting location should minimize the potential for discovery of the informant's cooperation and provide sufficient space to complete necessary administrative duties. The meetings must be documented and subsequently entered into the individual's CI file.
14. Overseeing agents must develop and follow a communications strategy and plan with the CI that minimizes, to the greatest extent possible, the risk of discovery or compromise of the relationship between the agency and the CI. This plan should also aim to prevent the detection, compromise, or interception of communications between the overseeing agent and the CI.
15. Procedures must be instituted to assist CIs with concealing their identity and maintaining their safety. Care should be given not to expose CIs to unnecessary safety risks.
16. Preceding or following every buy or sale of controlled substances, overseeing agents must screen the CI for any personal safety or mental health concerns, risk of substance abuse, and/or potential relapse in any substance abuse recovery.
- i. At the request of the CI, or if the overseeing agent deems it necessary, reasonable efforts should be taken to provide the CI with referral to substance abuse and/or mental health services.

- ii. Overseeing agents must document:
 - a the screening,
 - b any referral to services provided to, or requested by, the CI, and
 - c any refusal by the CI to participate in the screening and/or any refusal by the CI to accept referral to services. Reasons for the CI's refusal must be documented, where applicable.
 - iii. No part of this subsection supersedes MN Stat. 253B.05, sub.2.
17. Reasonable protective measures must be provided for a CI when any member of this agency knows or should have known of a risk or threat of harm to a person serving as a CI and the risk or threat of harm is a result of the informant's service to this agency.
 18. Overseeing agents must:
 - i. evaluate and document the criminal history and propensity for violence of target offenders; and
 - ii. to the extent allowed, provide this information to the CI if there is a reasonable risk or threat of harm to the CI as a result of the CI's interaction with the target offender.
 19. Reasonable efforts and precautions must be made to help protect the identity of a CI during the time the person is acting as an informant.
 20. Whenever possible, officers must corroborate information provided by a CI and document efforts to do so.
 21. The name of a CI must not be included in an affidavit for a warrant unless judicial authority is obtained to seal the document from the public record, or the CI is a subject of the investigation upon which the affidavit is based.
 22. Overseeing agents are responsible for ensuring that information of potential value to other elements of the agency is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.
 23. Individuals leaving employment with the agency have a continuing obligation to maintain as confidential the identity of any CI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

E. Establishment of an Informant File System

An informant file system must be established as follows:

1. The agency chief executive must designate a file supervisor who must be responsible for developing and maintaining master CI files and an indexing system.
2. A file must be maintained on each CI deemed suitable by the agency.
3. An additional Unreliable Informant File must be established for CIs deemed unsuitable during initial suitability determinations or at a later time.
4. Each file must be coded with an assigned informant control number for identification within the indexing system and must include the following information, where applicable:
 - i. Name, aliases, and date of birth

- ii. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features
 - iii. Emergency contact information
 - iv. Name of the officer initiating use of the informant and any subsequent overseeing agents
 - v. Photograph and criminal history record
 - vi. Current home address and telephone number(s)
 - vii. Residential addresses in the last five years
 - viii. Current employer, position, address, and telephone number
 - ix. Social media accounts
 - x. Marital status and number of children
 - xi. Vehicles owned and their registration numbers
 - xii. Places frequented
 - xiii. Gang affiliations or other organizational affiliations
 - xiv. Briefs of information provided by the CI and the CI's subsequent reliability
 - xv. Special skills and hobbies
 - xvi. Special areas of criminal expertise or knowledge
 - xvii. A copy of the signed informant agreement
5. CI files must be maintained in a separate and secured area.
6. The file supervisor must ensure that information concerning CIs is strictly controlled and distributed only to officers and other authorities who have a need and a right to such information.
7. CI File Review
 - i. Sworn personnel may review an individual's CI file only upon the approval of the agency's chief executive or their designee.
 - ii. The requesting officer must submit a written request explaining the need for review. A copy of this request, with the officer's name, must be maintained in the individual's CI file.
 - iii. Officers must not remove, copy, or disseminate information from the CI file.
 - iv. CI files must be reviewed only in designated areas of the law enforcement facility and returned as soon as possible to their secure file location.
 - v. All disclosures or access to CI files must be recorded by the file supervisor, to include information such as the requesting officer or agency, the purpose

of access or disclosure, the information conveyed, and the date and time of access or dissemination.

- vi. No portion of an individual's CI file must be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.

F. Deactivation of Confidential Informants

A CI deactivation procedure must be established as follows:

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

G. Monetary Payments

Monetary payments must be managed as follows:

1. All monetary compensation paid to CIs must be commensurate with the value of the information or assistance provided to the agency.
2. All CI payments must be approved in advance by the officer in charge of confidential funds.
3. Officers must provide accounting of monies received and documentation for confidential funds expended. Any documentation of monies paid or received should not contain the true identity of the informant but should use the CI's control number.
4. Two officers must be present when making payments or providing funds to CIs.

5. The appropriate individual, as designated by the agency's chief executive, must ensure that the process for authorization, disbursement, and documentation of CI payments, as well as the accounting and reconciliation of confidential funds, is consistent with agency policy.
6. If a CI is authorized to work with another law enforcement or prosecutorial agency, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each agency and consistent with provision III.F.1. of this policy.
7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.

I. Policy

Officers shall adhere to the procedures for conducting eyewitness identifications set forth in this policy, in order to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eyewitness identification protocols. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration.

II. Purpose

It is the purpose of this policy to establish guidelines for eyewitness identification procedures involving show-ups, photo arrays, and line-ups. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

III. Definitions

- A. **Show-up:** The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.
- B. **Line-up:** The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.
- C. **Photo Array:** A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.
- D. **Administrator:** The law enforcement official conducting the identification procedure.
- E. **Blinded Presentation:** The administrator may know the identity of the suspect but does not know which photo array member is being viewed by the eyewitness at any given time.
- F. **Confidence Statement:** A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.
- G. **Filler:** A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.
- H. **Sequential:** Presentation of a series of photographs or individuals to a witness one at a time.
- I. **Simultaneous:** Presentation of a series of photographs or individuals to a witness all at once.

IV. General Procedure

The use of show-ups should be avoided whenever possible in preference to the use of a lineup or photo array procedure. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.

- A. The use of show-ups should be avoided whenever possible in preference to the use of a lineup or photo array procedure. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.
- B. Document the witness's description of the perpetrator prior to conducting the show up.
- C. Conduct a show-up only when the suspect is detained within a reasonable time frame after the commission of the offense and within a close physical proximity to the location of the crime.
- D. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.
- E. If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by officers, unless safety concerns make this impractical.
- F. Caution the witness that the person he or she is about to see may or may not be the perpetrator—and it is equally important to clear an innocent person. The witness should also be advised that the investigation will continue regardless of the outcome of the show-up.
- G. Do not conduct the show-up with more than one witness present at a time.
- H. Separate witnesses and do not allow communication between them before or after conducting a show-up.
- I. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.
- J. Do not present the same suspect to the same witness more than once.
- K. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.
- L. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.
- M. Ask the witness to provide a confidence statement.
- N. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.
- O. Record the identification process using an in-car camera or other recording device when feasible.
- P. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

V. Line up and Photo Array Procedures

Basic Procedures for conducting a line-up or photo array

- A. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.
- B. Whenever possible, a blind presentation shall be utilized. In cases where a blind

presentation is not feasible for a photo array, a blinded presentation should be used. Live line-ups must be conducted using a blind presentation.

- C. The line-up or photo array should consist of a minimum of six individuals or photographs. Use a minimum of five fillers and only one suspect.
- D. Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.
- E. Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- F. Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.
- G. If there is more than one suspect, include only one in each line-up or photo array.
- H. During a blind presentation, no one who is aware of the suspect's identity should be present during the administration of the photo array. However, during a line-up, the suspect's attorney should be present.
- I. Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.
- J. Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.
- K. The witness shall be given a copy of the following instructions prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.

You will be asked to look at a series of individuals.

The perpetrator may or may not be present in the identification procedure.

It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

I don't know whether the person being investigated is included in this series.

Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat, or other changes in appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.

You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.

The individuals are not configured in any particular order.

If you make an identification, I will continue to show you the remaining individuals or photos in the series.

Regardless of whether you make an identification, we will continue to investigate the incident.

Since this is an ongoing investigation, you should not discuss the identification procedures or results

- L. Officers should scrupulously avoid the use of statements, cues, casual comments, or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.
- M. Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.
- N. The administrator shall ask the witness to complete and sign an Eyewitness Identification Procedure Form.
- O. Line-up and photo array procedures should be video or audio recorded, whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording shall be documented. In the case of line-ups that are not recorded, agents shall take and preserve a still photograph of each individual in the line-up.

VI. Photographic Arrays

A. Creating an Array

- 1. Use Contemporary photos
- 2. Do not mix color and black and white photos
- 3. Use photos of the same size and basic composition.
- 4. Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.
- 5. Do not include more than one photo of the same suspect.
- 6. Cover any portions of mug shots or other photos that provide identifying information on the subject – and similarly cover other photos used in the array.
- 7. Where the suspect has a unique feature, such as a scar, tattoo, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.
- 8. Fillers should not be reused in arrays for different suspects shown to the same witness.

B. Conducting the Photo Array

- 1. The photo array should be preserved, together with full information about the identification process as part of the case file and documented in a report.
- 2. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures.
- 3. Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used).
- 4. The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then

shuffle the remaining folders (containing one suspect and the remainder of fillers) such that he or she cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.

5. The administrator should position himself or herself so that he or she cannot see inside the folders as they are viewed by the witness.
6. The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
7. If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.

VII. Line ups

A. Conducting the Line Up

1. Live line-ups shall be conducted using a blind administrator.
2. Ensure that all persons in the line-up numbered consecutively and are referred to only by number

B. The primary investigating officer is responsible for the following:

1. Scheduling the line-up on a date and a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses
2. Ensuring compliance with any legal requirements for the transfer of the subject to the line-up location if he or she is incarcerated at the detention center
3. Making arrangements to have persons act as fillers
4. Ensuring that the suspect's right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspects right to counsel.
5. Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line up and to observe the manner in which the line-up is conducted

References:

Eyewitness Identification Procedure Form
Sequential Photo Display Form

Unmanned Aerial System (UAS) Operations

Use of Unmanned Aerial Vehicles Policy (DRONE)

Effective Date: 8/15/2024

I. Purpose and Scope

- A. The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS (Minn. Stat. § 626.19).

II. Definitions

- A. **Unmanned Aerial System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled without the possibility of direct human intervention from within or on the aircraft (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means (Minn. Stat. § 626.19).

III. Policy

- A. Unmanned aerial systems may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights.

IV. Privacy

- A. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

V. Program Coordinator

- A. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:
 1. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
 2. Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
 3. Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
 4. Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
 5. Developing an operational protocol governing the deployment and operation of a UAS, including but not limited to safety oversight, use of visual observers, establishment of

lost link procedures, and secure communication with air traffic control facilities.

6. Developing a protocol for fully documenting all missions.
7. Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
8. Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
9. Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
10. Facilitating law enforcement access to images and data captured by the UAS.
11. Recommending program enhancements, particularly regarding safety and information security.
12. Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of police.
13. Developing protocols for reviewing and approving requests for use of the office UAS by government entities (Minn. Stat. § 626.19).
14. Preparing and submitting the required annual report to the Commissioner of Public Safety (Minn. Stat. § 626.19).
15. Posting the office policies and procedures regarding the use of UAV on the office website, as applicable (Minn. Stat. § 626.19).
16. Reviewing the program and UAS use for compliance with Minn. Stat. § 626.19

VI. Use of UAS

- A. Only authorized operators who have completed the required training shall be permitted to operate the UAS.
- B. Use of vision enhancement technology (e.g., thermal, and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.
- C. Members shall not use a UAS without a search warrant, except (Minn. Stat. § 626.19):
 1. During or in the aftermath of an emergency situation or disaster that involves the risk of death or bodily harm to a person.
 2. Over a public event where there is a heightened risk to the safety of participants or bystanders.
 3. To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.

4. To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.
5. To conduct a threat assessment in anticipation of a specific event.
6. To collect information from a public area if there is reasonable suspicion of criminal activity.
7. To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
8. Over a public area for officer training or public relations purposes.
9. For purposes unrelated to law enforcement at the request of a government entity, provided the request is in writing and specifies the reason for the request and a proposed period of use.

VII. Documentation Required

- A. Each use of a UAS should be properly documented by providing the following (Minn. Stat. § 626.19)
 1. A unique case number.
 2. A factual basis for the use of a UAS.
 3. The applicable exception, unless a warrant was obtained.

VIII. Prohibited Use

- A. The UAS video surveillance equipment shall not be used:
 1. To conduct random surveillance activities.
 2. To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
 3. To harass, intimidate, or discriminate against any individual or group.
 4. To conduct personal business of any type.
- B. The UAS shall not be weaponized (Minn. Stat. § 626.19).

IX. Additional Prohibitions

- A. Unless authorized by a warrant, a UAS shall not be deployed with facial recognition or biometric matching technology (Minn. Stat. § 626.19).
- B. Unless authorized by a warrant or for purposes of a permitted use outlined in this policy, a UAS shall not be used to collect data on public protests or demonstrations (Minn. Stat. § 626.19).

X. Retention Of UAS Data

- A. The Program Coordinator shall ensure that data collected by the UAS is disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and

in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19)

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

The Bill of Rights in Article 1 of the Minnesota Constitution addresses the rights of free speech and the liberty of the press. However, neither the state nor federal constitutions protect criminal activity or threats against citizens, businesses, or critical infrastructure.

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

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

References:

Minn. Rules 6700.1615

First Amendment US Constitution

Minnesota Constitution

609.705. Unlawful Assembly

609.71 Riot

609. 066 Authorized Use of Force by Peace Officers

609.06 Authorized Use of Force

V. Policy

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

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

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

This policy is to be reviewed annually.

VI. Definitions

- A. **Chemical Agent Munitions:** Munitions designed to deliver chemical agents from a launcher or hand thrown.
- B. **Control Holds:** Control holds are soft empty hand control techniques as they do not involve striking.
- C. **Crowd Management:** Techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination

with event planners and group leaders, permit monitoring, and past event critiques.

- D. **Crowd Control:** Techniques used to address unlawful public assemblies.
- E. **Deadly Force:** Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. (Reference: (law enforcement agency's) Use of Force Policy, MN Statutes 609.06 and 609. 066)
- F. **Direct Fired Munitions:** Less-lethal impact munitions that are designed to be direct fired at a specific target.
- G. **First Amendment Activities:** First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the Minnesota State Constitution.

The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.
- H. **Great Bodily Harm:** Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm. (Reference: (law enforcement agency's) Use of Force Policy, MN Statutes 609.06 and 609. 066)
- I. **Legal Observers:** Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities. The following may be indicia of a legal observer: Wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.
- J. **Less-lethal Impact Munitions:** Impact munitions which can be fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing significant potential of causing death.
- K. **Media:** Media means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the press.

VII. Law Enforcement Procedures

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

B. Officer conduct:

1. Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against officers does not constitute a reason for an arrest or for any use of force against such individuals.
2. Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
3. Officers must not take action or fail to take action based on the opinions being expressed.
4. Officers must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity.
5. Officers must not use a weapon or munition unless the officer has been trained in the use and qualified in deployment of the weapon/munition.
6. This policy does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

VIII. Responses to Crowd Situations

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

B. Unlawful assembly

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

C. Declaration of Unlawful Assembly

1. If the on-scene supervisor/incident commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) must be recorded. The declaration and dispersal order must be announced to the assembly. The name(s) of the officers announcing the declaration should be recorded, with the time(s) and date(s) documented.

2. The dispersal order must include:
 - a) Name, rank of person, and agency giving the order
 - b) Declaration of Unlawful Assembly and reason(s) for declaration
 - c) Egress or escape routes that may be used
 - d) Specific consequences of failure to comply with dispersal order
 - e) How long the group has to comply
3. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officers must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.
4. Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements must be made from different locations when the demonstration is large and noisy. The dispersal announcements should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements must also specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced.

D. Crowd Dispersal

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

IX. Tactics and Weapons to Disperse or Control a Non-Compliant Crowd

Nothing in this policy prohibits officers' abilities to use appropriate force options to defend themselves or others as defined in the (law enforcement agency's) Use of Force policy.

A. Use of Batons

1. Batons must not be used for crowd control, crowd containment, or crowd dispersal except as specified below.
2. Batons may be visibly displayed and held in a ready position during squad or platoon formations.

3. When reasonably necessary for protection of the officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
 4. Officers must not strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or jab with force to the armpit unless the person has created an imminent threat of great bodily harm to another.
 5. Batons shall not be used against a person who is handcuffed except when permissible under this department's Use of Force policy and state law.
- B. Restrictions on Crowd Control and Crowd Dispersal**
1. Canines. Canines must not be used for crowd control, crowd containment, or crowd dispersal.
 2. Fire Hoses. Fire hoses must not be used for crowd control, crowd containment, or crowd dispersal.
 3. Electronic Control Weapons (ECWs) must not be used for crowd control, crowd containment, or crowd dispersal.
 4. Motorcycles and police vehicles must not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.
 5. Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) may be used as a last resort if other crowd dispersal techniques have failed or have been deemed ineffective.
 6. Direct Fired munitions may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.
 - a) Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of Direct Fired munitions. Direct Fired munitions must be used only against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to them self, officers, or the general public; or is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.
 - b) Officers shall not discharge a Direct Fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.
 - c) When circumstances permit, the on-scene supervisor/incident commander must make an attempt to accomplish the policing goal without the use of Direct Fired munitions as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.
 7. Aerosol Hand-held Chemical Agents must not be used in a demonstration or crowd situation or other civil disorders without the approval of the on-scene supervisor/incident commander.
 - a) Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
 - b) Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
 - c) When possible, persons should be removed quickly from any area where hand held chemical agents have been used. Officers must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent.

- d) A subject who has been sprayed with a hand-held chemical agent shall not be left lying on their stomach once handcuffed or restrained with any device.
- 8. Chemical munitions use in a crowd situation is subject to the following:
 - a) Chemical munitions must be used only when:
 - a threat of imminent harm or serious property damage is present, or other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,
 - sufficient egress to safely allow the crowd to disperse exists, and
 - The use of chemical munitions is approved by the on-scene supervisor/incident commander, and
 - b) When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions.
 - c) Deployment of chemical munitions into a crowd must be avoided to prevent unnecessary injuries.
 - d) CN chemical munitions are prohibited.
 - e) The use of each chemical munition must be recorded (time, location), and the following information must be made available by the department on request :
 - the name of each chemical munition used in an incident,
 - the location and time of use for each munition deployment,
 - access to the safety data sheet (SDS) for chemical munition
 - f) Where extensive use of chemical munitions would reasonably be anticipated to impact nearby residents or businesses, agencies should consider proactively notifying impacted individuals of safety information related to the munitions use as soon as possible, even if after the event.
 - g) When chemical munitions are used, an emergency responder will be on standby at a safe distance near the target area when feasible.
 - h) Chemical munitions are subject to the same procedural requirements as outlined in the (law enforcement department)'s UOF policy.

C. Arrests

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

X. Handcuffs

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

XI. Media

- A. The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums.
- B. The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble.
- C. Officers will not arrest members of the media unless they are physically obstructing lawful efforts

- to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity.
- D. The media must not be targeted for dispersal or enforcement action because of their media status.
 - E. Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

XII. Legal Observers

- A. Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen.
- B. Legal observers and monitors must comply with all dispersal orders unless the on-site supervisor/incident commander chooses to allow such an individual legal observers and monitors to remain in an area after a dispersal order.
- C. Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

XIII. Documentation of Public Assembly and First Amendment Activity

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

- UPDATE LOG -

- **8/15/2024: Initial implementation and distribution to department**