BLANK FOR CHIEF'S PREFACE

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

BLANK FOR MISSION STATEMENT

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Table of Contents

Blank for Chief's Preface 1

Law Enforcement Code of Ethics 2

Blank for Mission Statement 3

Chapter 1 - Law Enforcement Role and Authority 8
100 - Law Enforcement Authority 9
101 - Chief Executive Officer 11
102 - Oath of Office 12
103 - Policy Manual 13

Chapter 2 - Organization and Administration 16
200 - Organizational Structure and Responsibility 17
201 - Departmental Directive and Special Orders 20
202 - Emergency Operations Plan 21
203 - Training 22
204 - Electronic Mail 26
205 - Administrative Communications 28
206 - Supervision Staffing Levels 29
207 - Permit to Carry a Pistol 30
208 - Retiree Concealed Firearms 32
209 - Handgun Purchase and Transfer Permit 34

Chapter 3 - General Operations 36
300 - Use of Force 37
301 - Use of Force - Administrative Review 44
302 - Handcuffing and Restraints 46
303 - Control Devices 50
304 - Conducted Energy Device 55
305 - Officer-Involved Shooting and Deaths 61
306 - Firearms 71
307 - Vehicle Pursuits 80
308 - Officer Response to Calls 93
309 - Domestic Abuse 96
310 - Search and Seizure 103
311 - Temporary Custody of Juveniles 105
312 - Abuse of Vulnerable Adults 114
313 - Discriminatory Harassment 120
314 - Child Abuse 125
315 - Missing Persons 133
316 - Public Alerts 143
317 - Victim and Witness Assistance 147
318 - Hate or Prejudice Crimes 149

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

319 - Conduct . . . 152
320 - Department Technology Use . . . 159
321 - Report Preparation . . . 161
322 - News Media Relations . . . 165
323 - Court Appearance and Subpoenas . . . 169
324 - Mutual Aid and Outside Agency Assistance . . . 174
325 - Registered Predatory Offender . . . 176
326 - Major Incident Notification . . . 183
328 - Death Investigation . . . 185
329 - Identity Theft . . . 189
330 - Private Persons/Citizen's Arrests . . . 191
331 - Limited English Proficiency Services . . . 193
332 - Communications with Persons with Disabilities . . . 200
333 - School Employee Arrest Reporting . . . 209
334 - Pupil Arrest Reporting . . . 210
335 - Biological Samples . . . 211
336 - Chaplains . . . 213
337 - Child and Dependent Adult Safety . . . 219
338 - Service Animals . . . 222
339 - Volunteer Program . . . 225
340 - Native American Graves Protection and Repatriation . . . 231
341 - Off-Duty Law Enforcement Actions . . . 233

Chapter 4 - Patrol Operations . . . 235

400 - Patrol Function . . . 236
401 - Racial- or Bias-Based Profiling . . . 238
402 - Roll Call Training . . . 241
403 - Crime and Disaster Scene Integrity . . . 242
404 - Emergency Operations Unit . . . 243
405 - Ride-Along Policy . . . 253
406 - Hazardous Material Response . . . 256
407 - Hostage and Barricade Incidents . . . 258
408 - Response to Bomb Calls . . . 263
409 - Civil Commitments . . . 267
410 - Cite and Release Policy . . . 270
411 - Foreign Diplomatic and Consular Representatives . . . 272
412 - Rapid Response and Deployment . . . 277
413 - Reporting Law Enforcement Activity Outside of Jurisdiction . . . 279
414 - Immigration Violations . . . 280
415 - Emergency Utility Service . . . 286
416 - Patrol Rifles . . . 287
417 - Aircraft Crashes . . . 289
418 - Field Training Officer Program . . . 291
419 - Obtaining Air Support . . . 294
420 - Detentions And Photographing Detainees . . . 295
421 - Criminal Gangs . . . 300
422 - Shift Supervision . . . 304

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

423 - Mobile Video Recorders 305
424 - Mobile Digital Computer Use 311
425 - Portable Audio/Video Recorders 313
426 - Foot Pursuits 317
427 - Automated License Plate Readers (ALPR) 321
428 - Homeless Persons 323
429 - Criminal Conduct on School Buses 325
431 - Public Recording of Law Enforcement Activity 326
432 - Bicycle Patrol Unit 329
434 - Medical Cannabis 332
436 - Civil Disputes 335
437 - Crisis Intervention Incidents 337
438 - First Amendment Assemblies 341

Chapter 5 - Traffic Operations 347

500 - Traffic Function and Responsibility 348
501 - Traffic Collisions 351
502 - Vehicle Towing 355
503 - Vehicle Impound Hearings 358
504 - Impaired Driving 360
505 - Traffic Citations 367
506 - Disabled Vehicles 370
507 - Abandoned Vehicle Violations 371

Chapter 6 - Investigation Operations 373

600 - Investigation and Prosecution 374
601 - Sex Crime Victims' Rights 377
602 - Asset Forfeiture 379
603 - Confidential Informants 387
604 - Eyewitness Identification 392
605 - Brady Material Disclosure 396
606 - Scrap Metal Theft Investigation 398

Chapter 7 - Equipment 400

700 - Department-Owned and Personal Property 401
701 - Personal Communication Devices 404
702 - Vehicle Maintenance 408
703 - Vehicle Use 410
704 - Cash Handling, Security, and Management 414

Chapter 8 - Support Services 416

800 - Crime Analysis 417
801 - Property and Evidence 418
802 - Records Division Procedures 434
803 - Restoration of Firearm Serial Numbers 437
804 - Records Maintenance and Release 439
805 - Protected Information 451

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

806 - Computers and Digital Evidence 455
807 - Animal Control 459
809 - Minnesota Bureau of Criminal Apprehension (BCA) 463

Chapter 9 - Custody 489

900 - Temporary Custody of Adults 490
901 - Custody Searches 500
902 - Prison Rape Elimination 505

Chapter 10 - Personnel 515

1000 - Recruitment and Selection 516
1001 - Evaluation of Employees 525
1002 - Promotional and Special Assignment Policy 529
1003 - Grievance Procedure 531
1004 - Anti-Retaliation 534
1005 - Reporting of Employee Convictions and Court Orders 537
1006 - Drug- and Alcohol-Free Workplace 539
1007 - Sick Leave Policy 542
1008 - Communicable Diseases 544
1009 - Smoking and Tobacco Use 553
1010 - Personnel Complaints 554
1010 - Seat Belts 566
1011 - Body Armor 568
1012 - Personnel Files 570
1013 - Commendations and Awards 576
1014 - Fitness for Duty 582
1015 - Meal Periods and Breaks 585
1016 - Lactation Break Policy 586
1017 - Payroll Record Procedures 588
1018 - Overtime Compensation Requests 589
1019 - Outside Employment 591
1020 - On-Duty Injuries 596
1021 - Personal Appearance Standards 600
1022 - Uniform Regulations 602
1023 - Police Explorers 608
1024 - Nepotism and Conflicting Relationships 610
1025 - Department Badges 613
1026 - Modified-Duty Assignments 615
1027 - Employee Speech, Expression and Social Networking 619
1028 - POST Licensing 623
1029 - Department Managed Social Media 625
1030 - Line-of-Duty Deaths 629

Attachments . . . . . .

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Chapter 1 - Law Enforcement Role and Authority

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE BROOKLYN CENTER POLICE DEPARTMENT

Arrest authority of a full-time officer or part-time officer extends to any place within the jurisdiction of the department at all times while on-duty when (Minn. Stat. § 629.34, Subd. 1 and Minn. Stat. § 629.40):

(a) Made pursuant to a warrant

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

(c) The person is being arrested for a non-felony crime that was attempted or committed in the officer's presence.

(d) The person is being arrested for a non-felony crime that was not attempted or committed in the officer's presence but an arrest is permitted by statute (e.g. domestic abuse, restraining order and no contact order violations).

(e) The person is a juvenile committed to the custody of the commissioner of corrections and committed a felony after he/she escaped from custody (Minn. Stat. § 609.485).

(f) There is reasonable cause to believe that the person to be arrested has committed or attempted to commit theft from a merchant (Minn. Stat. § 629.366).

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

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE BROOKLYN CENTER POLICE DEPARTMENT

Full-time, on-duty officers may make an arrest outside the jurisdiction of the Brooklyn Center Police Department anytime the officer may by law make an arrest for a criminal offense and the person to be arrested escapes from custody or flees out of the officer's jurisdiction (Minn. Stat. § 629.40):

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

100.2.3 GRANTING AUTHORITY TO OTHERS

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

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other states:

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

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

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

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

100.4 CONSTITUTIONAL REQUIREMENTS

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

100.5 POLICY

It is the policy of the Brooklyn Center Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.1.1 CHIEF LAW ENFORCEMENT OFFICER REQUIREMENTS

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.1.1 OATH OF OFFICE

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

I, (employee name), do solemnly swear to support the Constitution of the United States and of this State, and to discharge faithfully the duties devolving upon me as a police officer of the City of Brooklyn Center to the best of my judgement and ability. I will never betray my badge, my integrity, my character, or the public interest. I will always have the courage to hold myself and others accountable for our actions.

102.1.2 MAINTENANCE OF RECORDS

Oaths mandated by law shall be filed as required by law (Minn. Stat. § 358.11, Minn. Stat. § 387.01 and Minn. Stat. § 387.14). Other oaths shall be maintained consistent with other personnel employment records.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CFR- Code of Federal Regulations.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Policy Manual

Child- Any person under the age of 18 years.

City - The City of Brooklyn Center.

Non-sworn - Employees and volunteers who are not licensed peace officers.

Department/BCPD - The Brooklyn Center Police Department.

DPS- The Minnesota Department of Public Safety.

DVS- The Minnesota Department of Driver and Vehicle Services.

Employee/personnel - Any person employed by the Department.

Manual - The Brooklyn Center Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the Brooklyn Center Police Department including licensed officers, part-time officers, non-sworn employees and volunteers.

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

USC- United States Code.

103.5 ISSUING THE POLICY MANUAL

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

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

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

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Chapter 2 - Organization and Administration

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Brooklyn Center Police Department. There are four divisions in the Police Department as follows:

- Community Services Division
- Patrol Division
- Investigation Division
- Support Services Division

200.2.1 COMMUNITY SERVICES DIVISION

The Community Services Division is supervised by a Commander whose primary responsibility is to provide general management, direction and control for the Community Services Division. The Community Services Division consists of a Commander, a Sergeant, three Street Crimes Officers, a Juvenile officer, a School Resource officer, a Crime Analyst, a Crime Prevention Specialist and a Community Liaison.

200.2.2 PATROL DIVISION

The Patrol Division is supervised by a Commander whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of Uniformed Patrol.

200.2.3 INVESTIGATION DIVISION

The Investigative Division is supervised by a Commander whose primary responsibility is to provide general management, direction and control for the Investigative Division. The Investigative Division consists of five (5) Detectives, an Auto Theft Officer, a Northwest Drug Task Force Officer and a Violent Offender Task Force Officer.

200.2.4 SUPPORT SERVICES DIVISION

The Support Services Division consists of records, property/evidence, and the jail.

The Support Services Manager supervises the Records Technicians and Property Room Technician. The Support Services Manager is also responsible for the jail, building, and serves as the Department Liaison with the City's IT Department.

Records Technicians process and coordinate information generated by all divisions within the Department. Their activities include transcription, dissemination and storage of police reports, along with proper classification of crimes that are mandated by the State of Minnesota.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The Property Room Technician is responsible for the proper receiving, tracking, storage, and return or disposal of all property. Property is classified as found, recovered, confiscated, or evidence.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Duty Command Officer or designee shall act with the authority of the Chief of Police. For circumstances in which the Chief of Police is absent, the Chief of Police will designate a Division Commander to serve as the acting commander of the Police Department.

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

(a) Commander

(b) Sergeant

(c) Senior Officer

200.3.2 UNITY OF COMMAND

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

200.3.3 ORDERS

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

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The person countermanding the original order shall notify, in writing when practical or necessary, the person issuing the original order, indicating the action taken and the reason therefore.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Departmental Directive and Special Orders

201.1 PURPOSE AND SCOPE

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

201.1.1 DEPARTMENTAL DIRECTIVES PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number “01.” For example, 10-01 signifies the first Departmental Directive for the year 2010.

201.1.2 SPECIAL ORDERS PROTOCOL

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

201.2 RESPONSIBILITIES

201.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by Departmental Directive.

201.2.2 CHIEF OF POLICE

The Chief of Police or designee shall issue all Departmental Directives and Special Orders.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES AND SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all Departmental Directives or special orders. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive or special order.

Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be facilitated by the Training Sergeant and the Administrative Assistant.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Emergency Operations Plan

202.1 PURPOSE AND SCOPE

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

202.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

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

202.2.1 RECALL OF PERSONNEL

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

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

202.3 LOCATION OF MANUALS

The manual for employees is available in the "S" drive under Emergency Management. A physical copy will be maintained in the Fire Chief's office and the three (3) Commanders offices.

202.4 PLAN REVIEW

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

202.5 PLAN TRAINING

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Training

203.1 PURPOSE AND SCOPE

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

203.2 PHILOSOPHY

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

203.3 OBJECTIVES

The objectives of the Training Program are to:

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

(b) Increase the technical expertise and overall effectiveness of Department personnel.

(c) Provide for continued professional development of Department personnel.

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

203.4 TRAINING PLAN

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

Training listed may be provided in basic training programs. The Training Sergeant is responsible for ensuring members of the Department have been trained as required.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

203.4.1 STATE MANDATED TRAINING

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

203.4.2 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:

1. Court appearances
2. Primary vacation
3. Sick leave
4. Physical limitations preventing the employee's participation.
5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

203.5 TRAINING NEEDS ASSESSMENT

The Training Sergeant will conduct an annual training-needs assessment and complete a report of the training-needs assessment, including recommendations from the Training Committee. The training-needs assessment report will be provided to the Chief of Police, staff and the Training Committee. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the ensuing fiscal year.

203.6 TRAINING COMMITTEE

The Training Sergeant shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be elected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Sergeant may remove or replace members of the committee at his/her discretion.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of an employee.

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

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

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

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

203.7 TRAINING RECORDS

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

203.8 REPORTING TRAINING TO POST

The POST Board distributes license renewals directly to licensed peace officers and requires the licensee to report completed continuing education courses from the previous license period. The designated Records Technician in charge of training is responsible for responding to these requests in a timely manner and otherwise maintaining their licensed status.

203.9 DAILY TRAINING BULLETINS

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

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

203.10 CLASSROOM DISCRIMINATION

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Electronic Mail

204.1 PURPOSE AND SCOPE

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

204.2 EMAIL RIGHT OF PRIVACY

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

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

204.3 PROHIBITED USE OF E-MAIL

The City email system is a tool to be used for matters directly related to the business activities of the City and as a means to provide services that are efficient, accurate, timely and complete. Email messages are subject to regulation under the Minnesota Data Practices Act. The content of the message determines whether a message is public or non-public/private. Email is intended as a medium of communication, not for information storage; therefore, email should not be used for the storage of maintenance of official City records or other City information. Users may receive inappropriate and unsolicited email messages. Such messages should be forwarded immediately to SPAM (listed in the City's Outlook Global Address List). If the activity continues, the user must notify the IT Director. [Amended 10/07/09]

The City has the right to use management software to eliminate the delivery of junk email (SPAM), including emails that contain profanity or sexually explicit or adult content material or which are otherwise deemed inappropriate or non-business oriented.

Outlook stationery options should remain at default, which is no stationery. The city is to maintain a professional image. Email background should remain without color and ornamentation that would

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

occur by selecting stationery. Non-business related clipart, images, emoticons, or tag lines should not be used in the email (i.e. a clipart picture in the signature portion of the email, a graphical smiley face, a belief statement).

All items moved to the Deleted Items folder will permanently delete when the item is more than 7 days old (i.e. an email message moved to the Deleted Items folder today that was received two weeks ago will delete in that night's maintenance; an email message moved to the Deleted Items folder today that was received today will delete 7 days from now in that nights maintenance). The time criterion is when the user receives the item, not when the item is placed into the Deleted Items folder. The City backs-up City mailboxes for 5 business days.

Personal email accounts are not to be accessed from a City computer (i.e. AOL, Hotmail, Yahoo, Comcast, etc.). Personal email accounts are not to be used for City business. NO instant messaging is allowed.

204.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages in excess of one month may be deleted or archived automatically at regular intervals from the system.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Administrative Communications

205.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

205.2 DEPARTMENT E-MAILS

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

205.3 CORRESPONDENCE

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

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

205.4 SURVEYS

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

205.5 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be promulgated by the Chief of Police, his/her designee or Division Commanders.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

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

206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one regular supervisor on-duty whenever possible.

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, an officer may be used as a senior officer in place of a shift sergeant.

With prior authorization from the Patrol Division Commander, an officer may act as a temporary Sergeantfor a limited period of time, consistent with the terms of applicable collective bargaining agreements.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Permit to Carry a Pistol

207.1 PURPOSE AND SCOPE

The Sheriff is given the statutory authority to issue a permit to carry a pistol to residents within the county and persons who do not reside in Minnesota.

207.2 CARRYING FIREARMS IN RESTRICTED AREAS

Firearm permittees, other than peace officers, are prohibited from carrying firearms within the following locations:

(a) Secure areas of a public airport.

(b) School property except as authorized by Minn. Stat. § 609.66, Subd. 1d.

(c) A child care center while children are present except as authorized by Minn. Stat. § 609.66, Subd. 1d.

(d) In a public place while under the influence of alcohol or a controlled substance (Minn. Stat. § 624.7142, Subd. 1).

(e) Public colleges and universities following implementation of a policy restricting the carrying or possession of firearms on their premises by employees and students while on campus. However, under Minn. Stat. § 624.714, Subd. 18 such prohibitions apply only to faculty and students. A violation of such restrictions by a person with a carry permit is not an arrestable offense and only subjects the violator to administrative sanctions.

(f) Private establishments that have posted a sign banning firearms on their premises, provided the posting meets the requirements of Minn. Stat. § 624.714, Subd. 17.

(g) Private establishments whose personnel inform the permit holder that firearms are prohibited and demand compliance. This provision is violated only after the permit holder refuses to depart the premises.

(h) Places of employment, public or private, if the employer restricts the carrying or possession of firearms by employees. A violation of such restrictions by a person with a carry permit is not an arrestable offense and only subjects the violator to administrative sanctions.

(i) State correctional facilities or state hospitals and grounds (Minn. Stat. § 243.55).

(j) Any jail, lockup or correctional facility (Minn. Stat. § 641.165).

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

207.3 RECOGNITION OF PERMITS FROM OTHER STATES

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

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

208.2 POLICY

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

208.3 LEOSA

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

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as an officer for an aggregate of 10 years or more or, if employed as an officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

208.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

208.3.2 AUTHORIZATION

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

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

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

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

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

208.4 FORMER OFFICER RESPONSIBILITIES

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

208.4.1 RESPONSIBILITIES UNDER LEOSA

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

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

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

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

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

208.5 DENIAL, SUSPENSION OR REVOCATION

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

208.6 FIREARM QUALIFICATIONS

The Armorer may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Armorer will maintain a record of the qualifications and weapons used.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Handgun Purchase and Transfer Permit

209.1 PURPOSE AND SCOPE

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

209.2 APPLICATION PROCESS

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

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

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

209.3 INVESTIGATION

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

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

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

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

209.4 GROUNDS FOR DISQUALIFICATION

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

209.5 GRANTING OR DENIAL OF PERMIT

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

A permit holder whose permit was denied may seek a judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624. 7131 Subd. 8).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

209.6 VOIDING PERMIT

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Chapter 3 - General Operations

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

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

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

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

300.3 USE OF FORCE

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force (Minn. Stat. § 609.06 and Minn. Stat. § 629.33):

(a) In effecting a lawful arrest.

(b) In the execution of a legal process.

(c) In enforcing an order of the court.

(d) In executing any other duty imposed by law.

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

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

(g) In self defense or defense of another.

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

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

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

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

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

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

(j) Training and experience of the officer.

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

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

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

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

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

300.4 DEADLY FORCE

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.5 REPORTING THE USE OF FORCE

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of an TASER (TM) device or control device.

(f) Any application of a restraint device other than handcuffs, shackles or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges any of the above has occurred.

300.6 MEDICAL CONSIDERATION

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

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

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

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 SUPERVISOR RESPONSIBILITY

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

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

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

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

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

(e) Review and approve all related reports.

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

    1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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

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

300.7.1 WATCHCOMMANDER RESPONSIBILITY

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

300.8 TRAINING

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Use of Force - Administrative Review

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Brooklyn Center Police Department to review the use of force by its employees.

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

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENTS

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

301.4 REVIEW

The Investigative Commander will conduct an administrative review when the use of force by a member results in great bodily harm or death to another.

The Use of Force Review will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, recreational use, or routine dispatching of an animal.

The Chief of Police may request the Investigative Commander to investigate the circumstances surrounding any use of force incident.

301.4.1 RESPONSIBILITIES

The Investigative Commander is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The Investigative Commander may request further investigation, request reports be submitted for review.

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

Any questioning of the involved employee conducted by the Investigative Commander will be in accordance with the Department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The Investigative Commander shall make one of the following recommended findings:

(a) The employee's actions were within department policy and procedure.

(b) The employee's actions were in violation of department policy and procedure.

(c) There are deficiencies in policies, practices or training.

The Investigative Commander will submit a summary review to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.3 USE OF RESTRAINTS

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

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

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

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

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

302.4 HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

302.5 SPIT HOODS

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

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

302.6 AUXILIARY RESTRAINT DEVICES

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

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

302.7 LEG RESTRAINT DEVICES

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

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

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

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

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

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

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

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

302.8 REQUIRED DOCUMENTATION

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

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

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

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Control Devices

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

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

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

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

303.4 RESPONSIBILITIES

303.4.1 RANGEMASTER RESPONSIBILITIES

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

Every control device will be periodically inspected by the officer or the designated instructor for a particular control device.

303.4.2 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the designated instructor or Training Sergeant for disposition. A report may be required and forwarded through the chain of command, when appropriate, explaining the cause of damage.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

303.5 BATON GUIDELINES

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

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

303.6 TEAR GAS GUIDELINES

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

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

303.7 CHEMICAL RESTRAINT GUIDELINES

As with other control devices, chemical restraint may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Chemical restraint should not be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

303.7.1 CHEMICAL RESTRAINT

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

303.7.2 TREATMENT FOR EXPOSURE

Persons who have been sprayed with or otherwise affected by chemical restraint should be decontaminated in accordance with the recommendations of the products manufacturer. Persons requesting water to cleanse the affected area shall be provided with it when practical. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever tear gas or chemical restraint has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

303.9.1 DEPLOYMENT AND USE

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

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

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

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

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

(d) The subject’s proximity to others.

(e) The location of the subject.

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

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

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

303.9.3 SAFETY PROCEDURES

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

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

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

At no time will conventional ammunition be used.

303.10 TRAINING FOR CONTROL DEVICES

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

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the TASER (TM) device.

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING TASER DEVICES

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

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

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

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

(a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

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

304.4 VERBAL AND VISUAL WARNINGS

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 to:

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

304.5 USE OF THE TASER DEVICE

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

304.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

304.5.3 TARGETING CONSIDERATIONS

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

304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

(a) Whether the probes are making proper contact.

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

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

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. The expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

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

304.5.7 OFF-DUTY CONSIDERATIONS

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

304.6 DOCUMENTATION

Officers shall document all TASER device discharges in the related arrest/crime report and the Report of Resistance report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

304.6.1 TASER DEVICE FORM

Items that shall be included in the Report of Resistance report form are:

(a) The type and brand of TASER device and cartridge.

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

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

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

(e) The range at which the TASER device was used.

(f) The type of mode used (probe or drive-stun).

(g) Location of any probe impact.

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

(i) Description of where missed probes went.

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

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The Training Sergeant or designee should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant or designee should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations.

304.6.2 REPORTS

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

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols only appropriate medical personnel should remove TASER device probes from sensitive areas(i.e. head, neck, face, groin, female breast). Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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

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

(b) The person may be pregnant.

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

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

(e) The person requests medical treatment.

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

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

304.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or designee and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of one year or more shall be

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

recertified by the department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who are authorized to carry TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for TASER devices will be documented in the officer's training file.

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

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

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

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

The Training Sergeant should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing reaction-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

(f) De-escalation techniques.

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Officer-Involved Shooting and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

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

305.3 TYPES OF INVESTIGATIONS

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

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

305.4 CONTROL OF INVESTIGATIONS

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

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Brooklyn Center Police Department would control the investigation if the suspect's crime occurred in Brooklyn Center.

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

305.4.4 INVESTIGATION RESPONSIBILITY MATRIX

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

BCPD Officer in This Jurisdiction

Outside Agency's Peace Officer in This Jurisdiction

BCPD Officer in Another Jurisdiction

305.4.5 POST ADMINISTRATIVE INVESTIGATIONS

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

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved BCPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

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

(d) Coordinate a perimeter or pursuit of suspects.

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

(f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved BCPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

  1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any BCPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

  2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Shift Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional BCPD members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

  1. Each involved BCPD officer should be given an administrative order not to discuss the incident with other involved officers or BCPD members pending further direction from a supervisor.

  2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 SHIFT SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Sergeant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Shift Sergeant.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

305.5.4 NOTIFICATIONS

The following person(s) shall be notified as soon as practicable:

- DCO
- Chief of Police
- All Divisional Commanders
- Outside agency investigators (if appropriate)
- Psychological/peer support personnel
- Medical Examiner (if necessary)
- Officer representative (union and legal

All outside inquiries about the incident shall be directed to the PIO.

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

1. Involved BCPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-BCPD officers should be referred to their employing agency.

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

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

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

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Communications with peer counselors are privileged and shall not be disclosed without the permission of the involved officer (Minn. Stat. § 181.973).

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

305.5.6 INVOLVED OFFICERS

Once the involved officers have arrived at the station, the supervisor should direct each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

(a) Any request for department or legal or union representation will be accommodated. However, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

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

(c) Discussions with organization representatives (e.g., employee association) will be privileged only if otherwise protected by evidentiary privilege.

(d) A psychologist or other psychotherapist shall be provided by the Department to each involved officer, or any other officer.

    1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that a report is required to determine whether the officer is fit for return to duty.

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

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

Investigators shall make reasonable accommodations to the officer's physical and emotional needs.

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

305.6 CRIMINAL INVESTIGATION

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

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

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

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

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

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

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

305.6.1 REPORTS BY INVOLVED BCPD OFFICERS

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

    1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

    2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

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

    1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the County Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the County Attorney's Office.

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

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved BCPD officers to determine conformance with department policy. This investigation will be conducted under

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

the supervision of the Commander of Investigations and will be considered a confidential officer personnel file.

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

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

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

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

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

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

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

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

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

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

    6. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed in

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

writing or on the record that the interview will be for administrative purposes only and that the statement cannot be used criminally.

7. The Commander of Investigations shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
8. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
9. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

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

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

305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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

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

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Brooklyn Center Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

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

305.10.2 TACTICAL DEBRIEFING

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

305.11 REPORTING

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

305.12 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Sergeant, Investigation Division Commander and Public Information Officer in the event of inquiries from the media.

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

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Firearms

306.1 PURPOSE AND SCOPE

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

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

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

306.1.1 AUTHORIZATION TO CARRY FIREARMS

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

306.2 POLICY

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

306.2.1 SAFETY CONSIDERATIONS

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

(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Armorer. Officers shall not dry fire or practice quick draws except under Armorer supervision.

(c) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Rifles removed from vehicles or the armory shall be loaded and unloaded in a safe manner.

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

(f) Officers shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapons from the armory, except with approval of a supervisor or when an emergency or exigency reasonably requires immediate use of the weapon.

(g) Any weapon authorized by the Department to be carried on- or off-duty, that is found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the Department Armorer for inspection. Any weapon determined to be in need

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

of service or repair during an inspection by the Department Armorer will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is serviceable.

306.2.2 STORAGE OF FIREARMS AT HOME

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

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

306.3.1 DUTY FIREARMS

The authorized department-issued handgun is the Glock.

Only issued or approved shotguns and rifles are authorized for on-duty use.

306.3.2 PATROL RIFLES

The authorized department-issued patrol rifle is the M&P 15.

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

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

306.3.3 PERSONALLY OWNED DUTY FIREARMS

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

(a) The firearm shall be in good working order and on the department list of approved firearms.

(b) The firearm shall be inspected by the Armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Armorer, who will maintain a list of the information.

(e) The purchase of the firearm and ammunition shall be the responsibility of the officer.

(f) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

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

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

306.3.4 ALCOHOL AND DRUGS

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

306.3.5 AMMUNITION

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

306.4 EQUIPMENT

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

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Armorer.

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

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

306.4.2 HOLSTERS

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

306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Armorer. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.4.4 OPTICS OR LASER SIGHTS

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

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

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

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

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Armorer. Members shall not dry fire or practice quick draws except under Armorer supervision.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

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

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

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

306.5.1 INSPECTION AND STORAGE

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

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

306.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Minn. Stat. § 609.666; Minn. Stat. § 609.378).

306.5.3 ALCOHOL AND DRUGS

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

306.6 FIREARMS TRAINING AND QUALIFICATIONS

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

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

306.7 FIREARM DISCHARGE

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

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

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

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

306.7.1 DESTRUCTION OF ANIMALS

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

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

306.7.2 WARNING AND OTHER SHOTS

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

306.7.3 REPORTING FIREARMS DISCHARGE

The Chief of Police shall notify the Commissioner of Public Safety within 30 days of an on-duty firearm discharge, except when the discharge is in the course of training or destruction of animals

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(described in this policy). The notification shall contain information concerning the reason for and circumstances surrounding the discharge (Minn. Stat. § 626.553).

306.8 ARMORER DUTIES

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

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

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

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

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

306.9 MAINTENANCE AND REPAIR

Personal and Department-owned duty firearms shall be inspected annually to determine the safety and functioning of the weapon.

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

306.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Armorer or designee shall be the only person authorized to repair or modify any Department-owned weapon for which they are certified as an armorer.

All repairs and/or modifications of Department-issued weapons not performed by the Armorer must be authorized in advance by the Armorer and accomplished by a Department-approved gunsmith who is certified to repair such firearm.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Any repairs or modifications to the officer's personally owned weapon shall be done at his/her expense and must be approved by the Armorer.

306.10 FLYING WHILE ARMED

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

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

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

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

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

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

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

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

306.11 CARRYING FIREARMS OUT OF STATE

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

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

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

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

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

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

307.1.1 PHILOSOPHY

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

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

307.2 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

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

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

307.3 OFFICER RESPONSIBILITIES

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

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

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer.

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

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

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

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

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

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

(f) Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(g) Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

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

(i) Vehicle speeds.

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

(k) Age of the suspect and occupants.

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

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

307.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

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

(f) Hazards to uninvolved bystanders or motorists.

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

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

307.3.3 SPEED LIMITS

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

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

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

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

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

307.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles. However, the number of units involved will vary with the circumstances (Minn. R. § 6700.2701 (B)).

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

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

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. Officer(s) in such vehicles may provide support to pursuing units as long as their vehicle is operated in compliance with all traffic laws.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

307.4.2 PRIMARY UNIT RESPONSIBILITIES

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

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

(a) Reason for the pursuit.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

(d) Description of the fleeing vehicle and license number, if known.

(e) Number of occupants.

(f) The identity or description of the known occupants.

(g) Weather, road and traffic conditions.

(h) Identity of other agencies involved in the pursuit.

(i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

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

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

307.4.3 SECONDARY UNITS RESPONSIBILITIES

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

(a) Immediately notifying the dispatcher of entry into the pursuit.

(b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

(c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

(d) Serve as backup to the primary unit once the subject has been stopped.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

307.4.4 PURSUIT DRIVING TACTICS

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

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

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

(c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Request assistance from an available air unit.
2. Maintain visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
3. Request other units to observe exits available to the suspect(s).

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

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

307.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

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

307.4.6 PURSUIT TRAILING

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

307.4.7 AIRCRAFT ASSISTANCE

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

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

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

The sergeant of the officer initiating the pursuit, or if unavailable, the senior officer will be responsible for the following:

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

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

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

(d) Ensure that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.

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

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

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

307.5.1 SHIFT SERGEANT RESPONSIBILITIES

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

The Shift Sergeant shall review all pertinent reports for content and forward them to the Division Commander.

307.6 COMMUNICATIONS

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

307.6.1 LOSS OF PURSUED VEHICLE

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

307.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to 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))

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

mean that its personnel will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

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

(a) Ability to maintain the pursuit.

(b) Circumstances serious enough to continue the pursuit.

(c) Adequate staffing to continue the pursuit.

(d) The public's safety within this jurisdiction.

(e) Safety of the pursuing officers.

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

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

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

307.8 PURSUIT INTERVENTION

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

307.8.1 WHEN USE AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision (Minn. Stat. § 626.8458 Subd. 2; Minn. R. § 6700.2701).

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

307.8.2 USE OF FIREARMS

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

307.8.3 INTERVENTION STANDARDS

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

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

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

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

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

307.8.4 CAPTURE OF SUSPECTS

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

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

307.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate local and state regulations. The Support Services Supervisor shall ensure the appropriate forms are filed with the Department of Public Safety within 30 days (Minn. Stat. 626.5532):

(a) The primary officer shall complete appropriate crime/arrest reports.

(b) The primary officer or supervisor shall complete the appropriate pursuit report.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) After first obtaining available information, the on-duty supervisor shall promptly complete a Sergeants Report or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or designee. This memo should minimally contain the following information (Minn. Stat. 626.5532):

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

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

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

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

The Training Sergeant shall ensure the frequency and content of emergency vehicle operations and vehicle pursuit training meets or exceeds that required by law (Minn. Stat. § 626.8458 Subd. 5 and Minn. R. § 6700.2702).

307.9.2 POLICY REVIEW

Each licensed member of this department shall certify in writing that they have received, read, and understand this policy initially and upon any amendments.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

307.9.3 YEARLY CERTIFICATION

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

307.9.4 PUBLIC DISCLOSURE

Copies of the current pursuit policy shall be made available to the public on request.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Officer Response to Calls

308.1 PURPOSE AND SCOPE

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

308.2 RESPONSE TO CALLS

308.2.1 RESPONSE TO EMERGENCY CALLS

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

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

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

308.2.2 LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES

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

308.3 REQUESTING EMERGENCY ASSISTANCE

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

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

- The unit number
- The location

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

- The reason for the request and type of emergency
- The number of units required (if appropriate)

308.3.1 NUMBER OF UNITS PARTICIPATING
Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The sergeant or the senior officer should monitor all emergency responses, and reduce or enhance the response as warranted.

308.4 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

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

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

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

(d) Disregard regulations governing parking or standing.

The decision to continue an emergency call response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify other officers. An officer shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

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

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

308.5 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the sergeant or senior officer shall verify the following:

(a) The proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

It is the sergeant or senior officer's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When evaluating an emergency call response, the sergeant or senior officer should consider the following:

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

308.6 FAILURE OF EMERGENCY EQUIPMENT

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

308.7 TRAINING

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

308.8 POLICY

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Domestic Abuse

309.1 PURPOSE AND SCOPE

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

309.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

(b) Terroristic threats (Minn. Stat. § 609.713)

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

(d) Interference with an emergency call (Minn. Stat. § 609.78)

309.2 POLICY

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

309.3 OFFICER SAFETY

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

309.4 INVESTIGATIONS

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

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

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

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

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

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

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

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

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

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

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

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail (Minn. Stat. § 629.72 Subd. 6).

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

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

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report or CAD comments when appropriate.

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

(a) Recognize that a victim's behavior and actions may be affected.

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

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

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

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

309.6 DISPATCH ASSISTANCE

Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

309.7 FOREIGN COURT ORDERS

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

309.8 VERIFICATION OF COURT ORDERS

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

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

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

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

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

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

309.9 LEGAL MANDATES AND RELEVANT LAWS

Minnesota law provides for the following:

309.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic abuse report should consider the following:

(a) An officer has the authority to arrest a person without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person has, within the preceding 72 hours, exclusive of the day probable cause was established, assaulted, threatened with a dangerous weapon or placed in fear of immediate bodily harm any

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

person covered by the “family or household member” definition, even if the assault did not rise to the level of a felony or did not take place in the presence of the peace officer (Minn. Stat. § 629.34; Minn. Stat. § 629.341).

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

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

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

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

(d) The Shift Sergeant will determine whether a person arrested on a charge of stalking any person, domestic abuse, violation of an order for protection, violation of a domestic abuse no contact order or violation of a court-ordered transfer of firearms will be held in custody or be issued a citation in lieu of continued detention and released after booking. The person shall be held in custody whenever the Shift Sergeant determines that it reasonably appears the release of the person (Minn. Stat. § 629.72):

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

the person shall be held in custody for these violations for at least 36 hours unless released by a court (Minn. Stat. § 518B.01; Minn. Stat. § 629.75).

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

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

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

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

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

309.9.2 REPORTS AND RECORDS

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

1. Names, addresses, telephone numbers of all involved persons
2. Condition of clothing
3. Description of the scene, including any property damage
4. Evidence of physical injury, including strangulation
5. Presence of elderly victims or persons with disabilities
6. Facts related to any person who may have been a primary aggressor
7. Excited utterances of the victim and the suspect
8. Demeanor of the victim and the suspect
9. Medical records, including the victim’s statements to paramedics, nurses and doctors
10. Detailed statements of interviews of witnesses, including children, who may have been present, noting any language barriers
11. A detailed explanation of the reasons for the officer’s decision not to arrest or seek an arrest warrant

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

12. Evidence of any prior domestic abuse, related convictions, including dates
13. Any existing orders for protection, harassment restraining order or no contact orders
14. Identifying information of a specific court order violated, including county of origin, the file number and the provision allegedly violated

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

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

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

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

309.9.3 SERVICE OF COURT ORDERS

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

309.9.4 COURT-ORDERED FIREARM SURRENDERS

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Search and Seizure

310.1 PURPOSE AND SCOPE

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

310.2 POLICY

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

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

310.3 SEARCHES

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

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

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

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

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

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

310.4 SEARCH PROTOCOL

Although conditions will vary, and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances reasonably permit:

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

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

(c) Searches should be carried out with due regard and respect for private property interests, and in a manner that minimizes damage.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations, or access codes when a search of locked property is anticipated, unless this may endanger officers serving the warrant, compromise the investigation, alert offenders to officers intent, or allow for the potential destruction of police evidence.

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

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

310.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Temporary Custody of Juveniles

311.1 PURPOSE AND SCOPE

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

This policy does not apply to secure detention facilities, shelter care facilities or the juvenile portion of an adult facility authorized to hold juveniles, but rather applies to the temporary custody of a juvenile before a juvenile is released, delivered to a court or delivered to any of these other facilities (Minn. Stat. § 260B.176 Subd. 3).

311.1.1 DEFINITIONS

Definitions related to this policy include:

Custodian or Guardian - A person who is under a legal obligation or who is in fact providing care and support for a minor (Minn. Stat. § 260B.007 Subd. 13; Minn. Stat. § 260C.007 Subd. 13).

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This includes those held as runaways (Minn. Stat. § 260C.175), truancy violators (Minn. Stat. § 260C.143) and juveniles 15 years old or younger in custody related to their engaging in prostitution or related activities (Minn. Stat. § 260B.007 Subd. 6(c)). This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes possession of a handgun in violation of Minn. Stat. § 624.713 (28 CFR 31.303). This does not include a juvenile petty offender under Minn. Stat. § 260B.007.

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices such as video does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area whether or not the cell door is locked.

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include underage possession of tobacco or curfew violation. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. Juvenile petty offenders taken into custody should be considered a status offender for purposes of this policy (Minn. Stat. § 260B.007; Minn. Stat. § 260B.143).

311.2 POLICY

The Brooklyn Center Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Brooklyn Center Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

311.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Brooklyn Center Police Department:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Brooklyn Center Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

311.3.1 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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

311.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Brooklyn Center Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Brooklyn Center Police Department without authorization of the arresting officer's supervisor or the senior officer.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Brooklyn Center Police Department (42 USC § 5633).

311.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Brooklyn Center Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible (Minn. Stat. § 260B.175; Minn. Stat. § 260C.143; Minn. Stat. § 260C.176). Juvenile non-offenders may not be held in secure custody (42 USC § 5633).

Juveniles detained for truancy violations may be released to a truancy service center, released to the superintendent or teacher at their school of enrollment, or released to a parent or legal guardian (Minn. Stat. § 260C.143; Minn. Stat. § 260A.04 Subd. 3).

311.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (42 USC § 5633).

311.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Brooklyn Center Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally juvenile offenders may be taken into custody under the authority of Minn. Stat. § 260B.175 when a court order authorizes the custody, when the juvenile has committed an offense

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

that would warrant the arrest of an adult or it is reasonably believed that the child has violated the terms of probation, parole or other field supervision.

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

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

(a) Endanger him/herself or others.

(b) Not return for a court hearing.

(c) Run away from or otherwise not remain in the care or control of his/her parent, guardian or custodian.

(d) Face immediate endangerment to his/her health or welfare.

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

311.5 ADVISEMENTS

When a juvenile is taken into custody on a warrant the juvenile and his/her parent, guardian or custodian, if present, shall immediately be informed of the existence of the warrant for immediate custody and, as soon as practicable, of the reasons why the juvenile is being taken into custody (Minnesota Rules of Juvenile Delinquency Procedure 4.03, Subd. 10).

If it is determined that a juvenile taken into custody is going to be placed into a secure detention facility or a shelter care facility, the officer shall advise both the juvenile and the juvenile's parent, guardian or custodian as soon as possible (Minn. Stat. § 260B.176 Subd. 3; Minn. Stat. § 260C.176 Subd. 3):

(a) Of the reasons for custody and the reasons for placement.

(b) Of the location of the facility unless there is reason to believe that disclosure would place the juvenile's health and welfare in immediate endangerment. If so, the disclosure shall not be made (Minn. Stat. § 260B.176 Subd. 5).

(c) That the juvenile's parent, guardian or custodian and attorney or guardian ad litem may make an initial visit to the facility at any time. Subsequent visits may also be made on a reasonable basis.

(d) That the juvenile may telephone parents and an attorney or guardian ad litem immediately after being admitted to the facility and thereafter on a reasonable basis.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(e) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007 Subd. 6 for longer than 36 hours excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260B.178.

(f) That the juvenile may not be detained under Minn. Stat. § 260C.175 Subd. 1, clause (1) or (2), item (ii) longer than 72 hours at a shelter care facility excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260C.178.

(g) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007 Subd. 6 for longer than 24 hours in an adult jail or municipal lockup excluding weekends and holidays or longer than six hours if the adult jail or municipal lockup is a standard metropolitan statistical area, unless a petition has been filed pursuant to Minn. Stat. § 260B.178 and a motion made to refer the juvenile for adult prosecution.

(h) Of the date, time and place of the detention hearing, if this information is available.

(i) That the juvenile and the juvenile's parent, guardian or custodian have the right to be present and to be represented by counsel at the detention hearing and that if they cannot afford counsel it will be appointed at public expense.

311.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department the custody shall be promptly and properly documented in the custody log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival, and release from the Brooklyn Center Police Department.

(c) Supervisor notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held, and classification of the juvenile as a juvenile offender, status offender, or non-offender.

(e) Any changes in status.

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The officer shall initial the log to approve the custody including any secure custody, and shall also initial the log when the juvenile is released.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

311.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (42 USC § 5633). There should also be sight and sound separation between non-offenders and juvenile or status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking) a member of the Brooklyn Center Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

311.8 TEMPORARY CUSTODY REQUIREMENTS

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

(a) The shift sergeant or duty command officer should be notified if it is anticipated that a juvenile may need to remain at the Brooklyn Center Police Department more than four hours. This will enable the sergeant to ensure no juvenile is held at the Brooklyn Center Police Department more than six hours.

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

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

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

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

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

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

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

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

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

(k) Blankets should be provided as reasonably necessary.

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

311.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Brooklyn Center Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Restraints shall only be used after less restrictive measures have failed.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

311.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Brooklyn Center Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Brooklyn Center Police Department.

311.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to himself/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is or later becomes a reasonable option.

When reasonably practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

311.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(b) Juveniles shall have constant auditory access to department members.

(c) Initial placement into and removal from a locked enclosure shall be logged.

(d) Random personal visual checks of the juvenile by a staff member no less than every 15 minutes shall occur.

1. All checks shall be logged.
2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room.

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

311.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Shift Sergeant will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Brooklyn Center Police Department. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police and Investigation Division Supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City attorney.

(e) Evidence preservation.

311.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent and does consent to an interview or interrogation.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

311.13.1 SCHOOL NOTIFICATION

Minnesota law requires that the Chief of Police or the authorized designee notify the superintendent or chief administrative officer of a juvenile's school of an incident occurring within our jurisdiction if (Minn. Stat. § 260B.171 Subd. 5):

(a) There is probable cause to believe a juvenile has committed an offense that would be a crime if committed as an adult, that the victim is a student or staff member, and the notice is reasonably necessary for the protection of the victim.

(b) For certain serious crimes regardless of whether the victim is a student or staff member.

However the Department is not required to notify the school if it is determined that notice would jeopardize an ongoing investigation.

311.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Photographing and fingerprinting of juveniles, not including a photograph taken related to a violation of Minn. Stat. § 169A.20 (driving while impaired), will only occur with the consent of the juvenile court (Minn. Stat. § 260B.171 Subd. 5).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Abuse of Vulnerable Adults

312.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure members of this department comply with laws designed to prevent and detect harm to adults who may need heightened protection due to their age or physical or mental infirmities (Minn. Stat. § 626.557).

312.1.1 DEFINITIONS

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

Abuse - Includes, but is not limited to, any act against a vulnerable person, including assault, the use of drugs to injure or facilitate crime, prostitution, criminal sexual conduct, conduct that produces or reasonably could produce physical pain, injury or emotional distress, and forcing or compelling a vulnerable adult to perform any services against his/her will for the advantage of another. Abuse need not constitute a crime. Serious and egregious conduct including verbal abuse that could reasonably be expected to cause emotional distress can be considered abuse.

Care or services - Care or services provided for the health, safety, welfare, or maintenance of a vulnerable adult.

Caregiver - An individual or facility responsible for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract or by agreement.

Financial exploitation - May include, but is not limited to, misuse of funds, breach of a fiduciary duty, or withholding a vulnerable adult's funds or property. The acts or omissions need not constitute a crime to qualify as financial exploitation.

Neglect - The failure or omission by a caregiver, that is not the result of an accident or therapeutic conduct, to supply a vulnerable adult with care or services including, but not limited to, food, clothing, shelter, health care, or supervision that is necessary to obtain or maintain the vulnerable adult's health, safety, or comfort, considering the physical and mental capacity or dysfunction of the vulnerable adult.

Vulnerable adult - A person 18 years of age or older who:

(a) Is a resident or patient of a facility.

(b) Receives services at or from a specific and licensed facility that is required to be licensed to serve adults under Sections 245A.01 to 245A.15.

(c) Receives services from a licensed home care provider or a particular medical assistance program.

(d) Who possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1. That impairs the individual's ability to provide adequately for his/her own care without assistance, including the provision of food, shelter, clothing, health care, or supervision.
2. Because of the dysfunction or infirmity and the need for care or services, the individual has an impaired ability to protect himself/herself from abuse, neglect or financial exploitation.

312.2 POLICY

The Brooklyn Center Police Department will meet Minnesota mandates related to adults who may need heightened protection due to their age or infirmities. Members of the Brooklyn Center Police Department will treat these persons with a high level of compassion and care.

312.3 MANDATORY REPORTING REQUIREMENTS

Officers are mandated reporters (Minn. Stat. §626.5572 Subd. 16). If, during the course of an investigation, an officer has reason to believe that a vulnerable adult is being or has been abused, neglected, or financially exploited, or who has knowledge that a vulnerable adult has sustained a physical injury that is not reasonably explained, the officer shall take a report, investigate, and immediately make a telephone report to the county agency designated to receive such reports (Minn. Stat. § 626.557 Subd. 3; Minn. Stat. § 626.557 Subd. 4).

Failure to report or document an incident, which includes providing false, deceptive, misleading, or omitted information by any employee, may be a crime (Minn. Stat. § 609.234 Subd. 1).

312.3.1 NOTIFICATION PROCEDURE

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

(a) The identity the vulnerable adult and any caregiver

(b) The nature and extent of the suspected maltreatment

(c) Any evidence of previous maltreatment

(d) The name and addresses of the person initiating the report or other witnesses

(e) The time, date, and location of the incident

(f) Any other information that might be helpful in investigating the suspected maltreatment

If notification of maltreatment is first made to the Brooklyn Center Police Department, the member receiving the notification shall complete and forward the intake form to the entity responsible for receiving such reports.

312.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Minn. Stat. § 626.5571).

312.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. Investigations should be initiated a soon as possible, but in all cases within 24 hours (Minn. Stat. § 626.557).

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

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

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

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

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

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

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

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

(h) Previous addresses of the victim and suspect.

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

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

Assigned members shall initiate an investigation of vulnerable adult abuse as soon as possible, but in all cases within 24 hours when there is reason to believe a crime has been committed (Min. Stat. § 626.557).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

312.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact an appropriate protective services agency. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

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

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

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

312.7 MEDICAL EXAMINATIONS

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

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

312.8 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

312.8.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) Work with professionals from the appropriate agencies, including the applicable adult protective services agency, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

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

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

312.9 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

312.9.1 SUPPORT SERVICES RESPONSIBILITIES

The Support Services is responsible for:

(a) Providing a copy of the adult abuse report to the applicable entity in the county responsible for receiving such reports as required by law.

(b) Retaining the original adult abuse report with the initial case file.

312.9.2 RELEASE OF REPORTS

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

312.10 INTERVIEWS

312.10.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

312.10.2 DETAINING VICTIMS FOR INTERVIEWS

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

(a) Exigent circumstances exist, such as:

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Discriminatory Harassment

313.1 PURPOSE AND SCOPE

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

313.2 POLICY

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

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

313.3 DISCRIMINATION PROHIBITED

313.3.1 DISCRIMINATION

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

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

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

313.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

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

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

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

313.3.3 ADDITIONAL CONSIDERATIONS

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

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

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

313.3.4 RETALIATION

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

313.4 RESPONSIBILITIES

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

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

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

313.4.1 SUPERVISOR RESPONSIBILITY
Each supervisor and manager shall:

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

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

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

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

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

313.4.2 SUPERVISOR'S ROLE

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

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

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

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

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

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

313.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

313.5.1 SUPERVISORY RESOLUTION

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

313.5.2 FORMAL INVESTIGATION

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

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

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

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

313.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

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

313.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

313.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

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

313.8 TRAINING

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

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

313.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Director of Human Services or the City Manager, or they may contact the Minnesota Department of Human Rights.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Child Abuse

314.1 PURPOSE AND SCOPE

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

314.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

314.2 POLICY

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

314.3 MANDATORY NOTIFICATION

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

(a) A child is being neglected or has been neglected within the preceding three years.

(b) A child is being physically abused or has been physically abused within the preceding three years by a person responsible for the child's care.

(c) A child is being sexually abused, threatened with sexual abuse or has been sexually abused within the preceding three years by a person responsible for the child's care, by a person who has a significant relationship to the child or by a person in a position of authority.

(d) A woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol (marijuana), or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive (Minn. Stat. § 626.5561).

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

For purposes of notification, physical abuse includes injuries, mental injuries or injuries that cannot be reasonably explained (e.g., punching, kicking, burning). Sexual abuse includes criminal sexual conduct and prostitution offenses. Neglect includes failure to supply a child with necessary

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

clothing, shelter, medical care, etc. See Minn. Stat. § 626.556, Subd. 2 for full definitions of physical abuse, sexual abuse and neglect.

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

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

(b) Notification, when possible, should include:

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

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

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

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

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Coordinate interviews at an appropriate facility with qualified personnel.

(b) Present all cases of alleged child abuse to the prosecutor for review.

(c) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) Participate in or coordinate with multidisciplinary investigative teams, as applicable.

314.5 INVESTIGATIONS AND REPORTING

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

In all cases of suspected child abuse, neglect, consideration should be given to whether a forensic interview is needed.

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

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

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

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

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

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

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

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

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

(i) Previous addresses of the victim, and suspect if known.

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

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

314.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the county social services agency (First Response).

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the county social services agency.

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

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

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

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

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

314.6.1 NOTICE TO PARENT OR CUSTODIAN

Whenever an officer takes a child into protective custody, the officer shall notify the parent or custodian that he/she may request that the child be placed with a relative or a designated caregiver instead of in a shelter care facility. The officer also shall give the parent or custodian a list, published by the Minnesota Department of Human Services, of names, addresses and telephone numbers of social services agencies that offer child welfare services. If the parent or custodian was not present when the child was removed from the residence, the list shall be left with an adult who is on the premises or left in a conspicuous place on the premises if no adult is present. If the officer has reason to believe the parent or custodian is not able to read and understand English, the officer must provide a list that is written in the language of the parent or custodian (Minn. Stat. § 260C.175; Minn. Stat. § 260C.181).

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

314.6.2 SAFE PLACE FOR NEWBORNS

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

314.7 INTERVIEWS

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

314.7.1 PRELIMINARY INTERVIEWS

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

314.7.2 DETAINING ABUSE VICTIMS FOR INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

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

314.7.3 NOTIFICATION TO PARENTS

Officers should cooperate with parents and guardians and seek consent prior to conducting interviews of children, and if contact/notification does not jeopardize the investigation. However, when reasonably necessary, state law grants officers the authority to interview a child who is the alleged victim of abuse or neglect, and any other children who currently reside or have resided with the alleged victim, without parental consent (Minn. Stat. § 626.556, Subd. 10).

The interview may take place at school or at any facility or other place where the alleged victim or other children might be found, or the child may be transported to, and the interview conducted at, a place that is appropriate for the interview and has been designated by the local welfare agency or law enforcement agency. The interview may take place outside the presence of the parent, legal custodian, guardian, or school official (Minn. Stat. § 626.556, Subd. 10).

The officer shall notify the parent, legal custodian, or guardian that the interview occurred as soon as reasonably practicable after the interview, unless the juvenile court has determined that reasonable cause exists to withhold the information (Minn. Stat. § 626.556, Subd. 10).

314.7.4 INTERVIEWS AT SCHOOL

If officers assigned to investigate a report of maltreatment determine that an interview should take place on school property, written notification of the intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

the child to be interviewed, the purpose of the interview and a reference to the statutory authority to conduct an interview on school property (Minn. Stat. § 626.556, Subd. 10).

The investigating officer shall determine who may attend the interview, although school officials may set reasonable conditions as to the time, place and manner of the interview (Minn. Stat. § 626.556, Subd. 10).

314.7.5 DOCUMENTING AND RECORDING INTERVIEWS

Any statement made by an alleged child abuse victim during the course of a criminal investigation shall be documented. The documentation of the interview must contain, at a minimum (Minn. Stat. § 626.561):

(a) The date, time, place and duration of the interview.

(b) The identity of the persons present at the interview.

(c) A summary of the information obtained during the interview if it was not audio recorded.

Members should follow the written guidelines of the county attorney's office regarding recording interviews of a child abuse victim.

314.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child’s transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

314.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

314.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including the county social services agency, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Activate any available interagency response when an officer notifies the Investigations Division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social, and other conditions of the child using photography as appropriate.

(b) Notify the Investigations Division supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

314.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Minn. Stat. § 626.556, Subd. 11).

314.10.2 CHILD MORTALITY REVIEW PANELS

Child mortality review panels are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This department shall cooperate fully with any such team and investigation (Minn. Stat. § 256.01, Subd. 12).

314.10.3 COORDINATION WITH SOCIAL SERVICES

In every case of child abuse that would require notification to a local county social services agency, the investigating officer shall coordinate the planning and execution of the investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. The investigating officer shall prepare a report separate from the social services agency (Minn. Stat. § 626.556, Subd. 10).

Members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Minn. Stat. § 626.556 (Minn. Stat. § 243.166).

314.10.4 NOTIFICATION PROCESS

The Patrol Supervisor is responsible for ensuring the mandatory notifications to the county social service agency are carried out. This should be achieved, in part, by establishing and reviewing related procedures and through ongoing training (Minn. Stat. § 626.556).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

314.10.5 COURT-ORDERED FIREARM SURRENDERS

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

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

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

314.11 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

Endangered - A person the Department has confirmed is missing and there is sufficient evidence to indicate that the person is at risk of physical injury or death. Examples include (Minn. Stat. § 299C.52):

(a) The person is missing because of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary.

(b) The person is missing under known dangerous circumstances.

(c) The person is missing more than 30 days.

(d) The person is under the age of 21 and at least one other factor is applicable.

(e) There is evidence that the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication.

(f) The person does not have a pattern of running away or disappearing.

(g) The person is mentally impaired.

(h) There is evidence that a non-custodial parent may have abducted the person.

(i) The person has been the subject of past threats or acts of violence.

(j) There is evidence that the person is lost in the wilderness, backcountry or outdoors where survival is precarious and immediate and effective investigation and search-and-rescue efforts are critical.

(k) Any other factor the Department deems to indicate the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.

(l) There is sufficient evidence that a child is with a person who presents a threat of immediate physical injury to the child or physical or sexual abuse of the child.

(m) Qualify for a state AMBER Alert™ pursuant to Minn. Stat. § 299A, Subd. 1.

Missing person - Any person who is reported missing to law enforcement when that person’s location is unknown. This includes any person under the age of 18 or who is certified or known to be mentally incompetent (Minn. Stat. § 299C.52).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse and the Minnesota Crime Alert Network.

315.2 POLICY

The Brooklyn Center Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Brooklyn Center Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations Division supervisor shall ensure the following forms and kits are developed and available:

- Missing Person Report Form
- Missing Person Investigation Checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing Person School Notification Form
- Medical Records Release Form
- Biological sample collection kits

315.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction (Minn. Stat. § 299C.53, Subd.1(a)).

315.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

(a) Respond to a dispatched call as soon as practicable. Obtain a detailed description of the missing person, as well as a description of any related vehicle and/or abductor.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be endangered (Minn. Stat. § 299C.53, Subd. 1(b)). Interviews should be conducted separately, if practicable.

(c) Consult with the Bureau of Criminal Apprehension (BCA) if the person is determined to be an endangered missing person (Minn. Stat. § 299C.53, Subd. 1(b)).

(d) Canvass the last known area where the missing person was seen, if known. A search of the location where the incident took place, if known, should also be conducted and a search warrant obtained if necessary.

(e) Determine when, where and by whom the missing person was last seen. Interview the person who last had contact with the missing person.

(f) Notify a supervisor immediately if there is evidence that a missing person is either endangered or may qualify for a public alert, or both (see the Public Alerts Policy).

(g) Broadcast an “Attempt to Locate” (ATL) or similar alert if the person is under 18 years of age or there is evidence that the missing person is endangered. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be endangered.

(h) Relay known details to all on-duty personnel as well as other local or surrounding law enforcement agencies using local and state databases.

(i) Ensure that entries are made into the appropriate missing person networks:

1. Immediately, when the missing person is endangered (Minn. Stat. § 299C.53, Subd. 1(b)).

2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(j) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(k) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available (Minn. Stat. § 299C.54, Subd. 2).

   (a) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

2. Any documents that may assist in the investigation, such as court orders regarding custody.

3. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(l) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(m) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an endangered missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(n) Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:

1. The primary agency has limited resources.
2. The investigation crosses jurisdictional lines.
3. Jurisdictions have pre-established task forces or investigative teams.

315.5.1 CRIME SCENE INVESTIGATION AND MANAGEMENT

If a crime scene is identified, it should be secured and a command post or operation base located at a reasonable distance from the crime scene. Staff and assign the responsibilities for command post supervisor, media specialist, search coordinator, investigative coordinator, communication officer and support unit coordinator. Provide two liaison officers (one at the command post and one at the crime scene). The role of the liaison at the home will include facilitating support and advocacy for the family.

The investigation of the scene and the crime should consider various elements, including:

(a) Establishing the ability to “trap and trace” all incoming calls. Consider setting up a separate telephone line or cellular telephone for department use and follow-up on all leads.

(b) Compiling a list of known sex offenders in the region.

(c) In cases of infant abduction, investigating claims of home births made in the area.

(d) In cases involving children, obtaining child protective agency records for reports of child abuse.

(e) Reviewing records for previous incidents related to the missing person and prior law enforcement activity in the area, including prowlers, indecent exposure, attempted abductions, etc.

(f) Obtaining the missing person’s medical and dental records, fingerprints and a biological sample when practicable or within 30 days.

(g) Creating a missing person profile with detailed information obtained from records and interviews with family and friends, describing the missing person’s heath, relationships, personality, problems, life experiences, plans, equipment, etc.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(h) Interviewing delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.

(i) Determining if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:

1. Investigative resources (e.g., search and rescue).
2. Interpretive resources.
3. Telephone services, such as traps, traces and triangulation.
4. Media assistance from local and national sources.

(j) Using secure electronic communication information, such as the missing person's cellular telephone number, e-mail address and information from social networking sites.

(k) Appointing an officer to communicate with the family/reporting party or their designee. The officer will be the primary point of contact for the family/reporting party or their designee, and should provide contact information and the family information packet (if available) to the family/reporting party or their designee.

(l) Providing general information to the family/reporting party or their designee about the handling of the missing person case or about any intended efforts, only to the extent that disclosure would not adversely affect the department's ability to locate or protect the missing person or to apprehend or criminally prosecute any person in connection to the case.

315.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

315.6.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate, initiating a command post as needed. The reports should be promptly sent to the Support Services.

The supervisor shall also ensure applicable notifications and public alerts are made and documented, and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

315.6.2 SUPPORT SERVICES RESPONSIBILITIES

The responsibilities of the Support Services receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigations Division.

(e) Coordinating with the NCIC Terminal Contractor for Minnesota to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (42 USC § 5780).

315.7 INVESTIGATIONS DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.
2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

(c) Shall review the case file to determine whether any additional information received on the missing person indicates that the person is endangered, and shall update applicable state or federal databases accordingly (Minn. Stat. § 299C.535(b); Minn. Stat. § 299C.535(c)).

(d) Shall attempt to obtain the following, if not previously obtained, if the person remains missing after 30 days (Minn. Stat § 299C.535(a)):

1. Biological samples from family members and, if possible, from the missing person
2. Dental information and X-rays
3. Additional photographs and video that may aid the investigation or identification
4. Fingerprints
5. Any other specific identifying information

(e) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(f) Shall verify and update the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, NCIC and any other applicable missing

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (42 USC § 5780).

(g) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(h) Should consider taking certain actions if a person is missing after a prolonged period, generally exceeding 45 days. Those actions include:

1. Developing a profile of the possible abductor.
2. Using a truth verification device for parents, spouse and other key individuals.
3. Reviewing all reports and transcripts of interviews, revisiting the crime scene, reviewing all photographs and videotapes, reinterviewing key individuals and reexamining all physical evidence collected.
4. Reviewing all potential witness/suspect information obtained in the initial investigation and considering background checks on anyone of interest identified in the investigation.
5. Periodically checking pertinent sources of information about the missing person for any activity, such as telephone, bank, Internet or credit card activity.
6. Developing a time line and other visual exhibits.
7. Critiquing the results of the ongoing investigation with appropriate investigative resources.
8. Arranging for periodic media coverage.
9. Considering the use of rewards and crime-stoppers programs.
10. Maintaining contact with the family and/or the reporting party or designee, as appropriate.

(i) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (42 USC § 5780).

(j) Should make appropriate inquiry with the Medical Examiner.

(k) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

(l) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, forward the photograph to BCA (Minn. Stat. § 299C.54) and enter the photograph into applicable missing person networks (42 USC § 5780).

(m) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(n) In the case of an endangered missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

315.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Support Services Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to BCA.

(b) A missing child's school is notified.

(c) Entries are made in the applicable missing person networks (Minn. Stat § 299C.53, Subd. 2).

(d) When a child is endangered, the fact that the child has been found shall be reported within 24 hours to BCA.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

315.8.1 PERSONS FOUND ALIVE

Additional responsibilities related to missing persons who are found alive include:

(a) Verification that the located person is the reported missing person.

(b) If appropriate, arranging for a comprehensive physical examination of the victim.

(c) Conducting a careful interview of the person, documenting the results of the interview and involving all appropriate agencies.

(d) Notifying the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of his/her whereabouts and contact information, the family/reporting party may be given this information.

(e) Depending on the circumstances of the disappearance, considering the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.

(f) Performing a constructive post-case critique. Reassessing the procedures used and updating the Department policy and procedures as appropriate.

315.8.2 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

315.8.3 DECEASED PERSONS

If a deceased person has been identified as a missing person, the Investigations Division shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained (Minn. Stat. § 390.25, Subd. 2).

Additional investigation responsibilities include the following:

(a) Secure the crime scene if this department has jurisdiction.

(b) Contact the coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.

(c) Collect and preserve any evidence at the scene.

(d) Depending on the circumstances, consider the need for intervention, counseling or other services for the family/reporting party.

(e) Cancel alerts and remove the case from NCIC and other information systems; remove posters and other publications from circulation.

(f) Perform a constructive post-case critique. Reassess the procedures used and update the department policy and procedures as appropriate.

315.9 CASE CLOSURE

The Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Brooklyn Center or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

315.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Public Alerts

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

316.3 RESPONSIBILITIES

316.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Brooklyn Center Police Department should notify their supervisor, Shift Sergeant or Investigations Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

316.4 AMBER ALERTS

America's Missing: Broadcast Emergency Response (AMBER) Alert™ is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how it can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

partnership between the community, the media and law enforcement through the Minnesota Crime Alert Network (Minn. Stat. § 299A.61 Subd. 1).

316.4.1 CRITERIA

Any non-familial case in which an individual is abducted and the public can assist will trigger the activation of either the AMBER Alert and/or the Minnesota Crime Alert Network (MCAN) to inform the public and request its assistance in locating the individual.

The criteria for issuance of an Amber Alert are as follows:

(a) A child 17 years of age or younger was abducted and there is reason to believe the victim is in imminent danger of serious bodily injury or death.

(b) There is information available to disseminate to the general public that could assist with the safe recovery of the victim and/or the apprehension of the suspect.

An AMBER Alert should not be requested if there is no information to distribute.

316.4.2 PROCEDURE

The supervisor shall review the AMBER Alert checklist provided by the Bureau of Criminal Apprehension (BCA) to determine whether the abduction meets the AMBER Alert criteria.

As soon as possible, Support Services personnel shall enter the child's name and other critical data into the National Crime Information Center (NCIC), with appropriate flags.

If the AMBER Alert criteria is met, the supervisor, Shift Sergeant or Investigations Division supervisor will notify the Operations Center at the BCA. The BCA will determine whether an AMBER Alert will be issued and, if so, will activate the Minnesota Emergency Alert System (EAS) through the Minnesota Department of Public Safety (DPS) Division of Homeland Security and Emergency Management (HSEM).

BCA will manage press notifications through the EAS.

As additional information becomes available, the BCA shall be apprised and they will disseminate the information, as appropriate.

When the child is found, or the alert should be cancelled for other reasons, the Investigations Division supervisor shall immediately notify BCA with the pertinent information.

316.5 MINNESOTA CRIME ALERT NETWORK

MCAN is a statewide communications network that enables law enforcement agencies to quickly alert the public (Minn. Stat. § 299A.61). In cases where the AMBER Alert criteria are not met, MCAN can be activated to notify the public and request information on the case. Law enforcement agencies, businesses, schools and community members participate in the network.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

316.5.1 CRITERIA
MCAN is available for disseminating information regarding the commission of crimes, including information on missing and endangered children or vulnerable adults, or attempts to reduce theft and other crime.

316.5.2 PROCEDURE
If a supervisor determines that a MCAN alert should be requested, the supervisor should contact the BCA Operations Center and provide the requested information using the following contact numbers:

- (651) 649-5451
- (800) 832-6446

316.6 PUBLIC MEETING CHECKLIST

In an effort to make sure all of the department's public speaking events are as successful as possible, a checklist of essential items must be completed. This list can be expanded on, but serves as the minimum. The person requesting the meeting is also responsible for assigning or completing each item on the checklist.

A public meeting is any meeting held with an open invitation to the public no matter how large or small.

Checklist:

1) Complete topic of discussion and agenda.
2) Staff to reserve site and ensure all presentation material/equipment needed is available.
3) Confirmation of schedules for those speaking.
4) Set and confirm meeting date and time.
5) Create flyer or invitation.
    a. Chief or designate to approve flyer/invitation.
6) Send information to the City Clerk or designate for posting on the city's public calendar.

Final information packets should be sent to the City Clerk at least a week before the scheduled meeting time, if at all possible.

316.7 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

316.7.1 CRITERIA

The following criteria should be utilized to determine if a request to activate a Blue Alert will be made:

(a) A law enforcement officer has been killed, seriously injured or is missing while in the line of duty under circumstances evidencing concern for the officer's safety.

(b) The investigating law enforcement agency has determined that:

1. The suspect poses a serious risk to the public or other law enforcement personnel.
2. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

(c) A description of the offender, the offender's vehicle (including license plate or partial license plate) is available for broadcast.

316.7.2 PROCEDURE

The on-duty supervisor should ensure that contact is made with the Minnesota Bureau of Criminal Apprehension (BCA) to request activation of a Blue Alert. The on-duty supervisor should also ensure that any changes to information (e.g., vehicle information, broadcast area) are communicated to BCA in a timely manner.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Victim and Witness Assistance

317.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

317.2 POLICY

The Brooklyn Center Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Brooklyn Center Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

317.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Brooklyn Center Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

317.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison shall assist the Minnesota Crime Victims Reparations Board in performing its duties and ensure that the Support Services forwards copies of requested reports to the board or other authorized organizations within 10 days of receipt, in compliance with the Records Maintenance and Release Policy. These reports include those maintained as confidential or not open to inspection under Minn. Stat. § 260B.171; Minn. Stat. § 260C.171 (Minn. Stat. § 611A.66).

317.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

317.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime.

(g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(h) Notice regarding U-Visa and T-Visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the officer's name, badge number and any applicable case or incident number.

(k) Notices and information regarding the rights of crime victims, domestic abuse victims, and offender release as detailed in the following:

1. Safe at Home address confidentiality program (Minn. Stat. § 5B.03)
2. Offender release notification (Min. Stat. § 244.052; Minn. Stat. § 244.053; Minn. Stat. § 611A.06; Minn. Stat. § 629.73)
3. Tenancy issues (Minn. Stat. § 504B.205; Minn. Stat. § 504B.206)
4. Victim and specific domestic violence victim information/Minnesota CHOICE (Minn. Stat. § 611A.02 et seq.; Minn. Stat. § 629.341; Minn. Stat. § 629.72)

(l) A notice that a decision to arrest is the officer's and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution.

(m) Contact information for the Office of Justice Programs and the Emergency Fund and Crime Victims Reparations .

317.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Hate or Prejudice Crimes

318.1 PURPOSE AND SCOPE

The Brooklyn Center Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.1.1 FEDERAL JURISDICTION

The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

318.2 DEFINITIONS

Hate or Prejudice Crime - Conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (see generally Minn. Stat § 611A.79 Subd. 1).

318.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

(a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups relating to hate crime laws.

318.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this department receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

(a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.

(d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.

(e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned officers will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant report(s). All related reports will be clearly marked as “Hate or Prejudice Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.

(g) The assigned officers will provide the victim(s) of any suspected hate or prejudice crime with the brochure on hate and prejudice crimes authorized by the Department. Such brochures will also be available to members of the public upon request. The assigned officers should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.

(h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts, prosecuting attorney or City Attorney.

318.5 INVESTIGATIONS DIVISION RESPONSIBILITIES

If a case is assigned to the Investigations Division, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

(a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies, as appropriate.

(b) Maintaining contact with the victim(s) and other involved individuals as needed.

(c) Statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law is the responsibility of the support services manager.

318.5.1 STATE HATE CRIME REPORTING

This department shall report hate or prejudice crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Support Services Supervisor or assigned to the Investigations Division (Minn. Stat § 626.5531). Reports are required to include:

(a) The date of the offense.

(b) The location of the offense.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) Whether the target of the incident was a person, private property or public property.

(d) The crime committed.

(e) The type of bias and information about the offender and the victim that is relevant to that bias.

(f) Any organized group involved in the incident.

(g) The disposition of the case.

(h) Whether the determination that the offense was motivated by bias was based on the officer's reasonable belief or on the victim's allegation.

(i) Any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

318.5.2 FEDERAL HATE CRIME REPORTING

The support services manager should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR), and Summary Reporting System (SRS) reports, pursuant to Support Services procedures and in compliance with (28 USC § 534 (a)).

318.6 TRAINING

All members of this department will receive training on hate and prejudice crime recognition and investigation and will attend periodic training that incorporates a hate and prejudice crime training component (Minn. Stat § 626.8451 Subd. 1 and 4).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Brooklyn Center Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

319.2 CONDUCT POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on duty or off duty, may be cause for disciplinary action (see generally Minn. R. Ch. 6700.2000 to Minn. R. Ch. 6700.2600).

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to acts that may materially affect or arise from the employee's ability to perform official duties, that it may be indicative of unfitness for his/her position, or that brings discredit or harm to the professional image or reputation of the Department, its members, the City, or the law enforcement profession.

Any disciplinary actions against officers arising from violations of this policy shall be investigated in accordance with Personnel Complaint and Misconduct Procedure Policy and the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89).

319.2.1 LAWFUL ORDERS

Employees shall comply with lawful directives and orders from any supervisor or person in position of authority, absent a reasonable and bona fide excuse.

An employee who believes any written or verbal order to be in conflict with another order or unlawful shall:

(a) Immediately inform the supervisor issuing the order, the employee's immediate supervisor, or the duty command officer (DCO) of the conflict or error of the order.

(b) Provide details explaining the grounds for the belief of the conflict or error of the order.

(c) Request clarification, guidance, and direction regarding following the order.

(d) Request the order in writing, should the conflict or error be unresolved.

(e) Respectfully inform the supervisor if he/she intends to disobey what he/she reasonably believes to be an unlawful order.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

An employee's election to disobey an order he/she believes to be unlawful is not a bar to discipline, should the order be determined as lawful.

319.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following causes for disciplinary action constitute a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct, and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service.

Employees shall conduct themselves, whether on duty 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.

Any of the following actions may be deemed sufficient cause for the discipline, discharge, suspension, demotion, or removal of any employee:

(a) Failure to abide by the standards of ethical conduct for employees, including fraud in securing appointment or hire.

(b) Activity that is incompatible with an employee's conditions of employment established by law, or that violates a provision of any agreement or contract.

(c) Violation of any rule, order, requirement, or the failure to follow instructions contained in Department or City manuals.

(d) Willful disobedience to any legal order properly issued by any superior officer of the Department.

(e) Willful neglect of duty, including failure or refusal to perform a known mandatory, non-discretionary, ministerial duty of the office, or employment within the time or in the manner required by law to perform (Minn. Stat. § 609.43 (1)).

(f) Making public any active investigation or other data classified as not public of the Department to any unauthorized person.

(g) Unreasonable and unwarranted violence to a person encountered or person under arrest.

(h) Under pretense or color of official authority intentionally and unlawfully injures another in the other's person, property, or rights (Minn. Stat. § 609.43 (3)).

(i) Use of any unreasonable obscene, profane, or derogatory language while on duty or in uniform.

(j) Unauthorized attendance while on duty at official legislative or political sessions or functions.

(k) Willful and inexcusable destruction or loss of Department property.

(l) Violations of federal, state, local, or administrative laws that are willful or inexcusable or involve moral turpitude, including violations of Minn. R. Ch. 6700.1600.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(m) Commits any act in an official capacity knowing it is excess of authority or forbidden by law (Minn. Stat. § 609.43 (2))

(n) Any on-duty or off-duty conduct that any employee knows or reasonably should know is unbecoming of a member of the Department or that is contrary to good order, efficiency or morale, disgraceful, or that tends to reflect unfavorably upon the Department or its members.

319.3.1 ATTENDANCE

(a) Leaving the job to which assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Tardiness on scheduled day(s) of work.

(c) Failure to report to work or to place of assignment at time specified, and fully prepared to perform duties without reasonable excuse.

(d) Failure to notify the Department within 24 hours of any change in residence address, home phone number, or emergency contact information.

(e) Unauthorized absence from duty or abuse of leave privileges.

319.3.2 GENERAL CONDUCT

(a) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(b) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.

(c) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.

(d) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on duty, on Department or City property or while in any way representing himself/herself as a member of this department, except as expressly authorized by the Chief of Police.

(e) Engaging in political activities during assigned working hours, except as expressly authorized by the Chief of Police.

(f) Failure to maintain required and current licenses (e.g. driver's license, POST license) and certifications (e.g. first aid).

(g) Establishing an inappropriate social relationship with a known victim, witness, suspect, or defendant of a case while such case is being investigated or prosecuted as a result of such investigation.

(h) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment, and non-subpoenaed records.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(i) Engaging in horseplay resulting in injury or property damage, or the reasonable possibility thereof.

(j) Unauthorized possession of, loss of, or damage to Department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.

(k) Failure of any employee to promptly and fully report activities on his/her part or the part of any other employee where such activities may result in criminal prosecution or discipline.

(l) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency resulting in citation for a moving violation, arrest, or potential prosecution for a criminal offense.

(m) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Department business or activity.

(n) The use of any not public data obtained or accessed as a result of employment with the Department for personal or financial gain, or without the express authorization of the Chief of Police or a designee may result in discipline.

(o) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.

(p) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.

(q) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact.

319.3.3 DISCRIMINATION, OPPRESSION, HARASSMENT OR FAVORITISM

(a) Discriminate against, oppress, or provide favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability, or medical condition, or intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

(b) Discourteous, disrespectful, or discriminatory treatment toward any member of the public or any member of this department.

(c) Intentionally subjecting another to sexual harassment.

(d) Racial profiling (Minn. Stat. § 626.8471 Subd. 2).

319.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties, or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties without prior notification of a supervisor.

(d) Unauthorized possession, use of, or attempting to bring a controlled substance or other illegal drug to any work site.

319.3.5 PERFORMANCE

(a) Sleeping during on-duty time or assignments without permission.

(b) Careless workmanship of an unacceptable nature as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance, including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency, and discipline of the Department or that would tend to discredit any member thereof.

(h) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any Department record, public record, book, paper document (Minn. Stat. § 609.43 (4)).

(i) Wrongfully loaning, selling, allowing unauthorized use, giving away, or appropriating any Department badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(j) Carrying, while on the premises of the workplace, any firearm or other deadly weapon that is not required for the performance of the employee's current job duties or authorized by his/her appointing authority.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(k) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits are allowed).

(l) Any knowing or negligent violation of the provisions of the Department manual, operating procedures, or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with this manual and each of the policies contained herein.

(m) Work-related dishonesty, failure to disclose, being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm or destroy the reputation, authority, or official standing of the Department or members thereof, misrepresenting material facts, including upon or within any application, examination form or other official document, report or form, or during the course of any investigation, including failure to participate in any Department-related investigation or business.

(n) Violating a law related to employment or any misdemeanor or felony statute; involvement in any criminal, dishonest, infamous, or disgraceful conduct adversely affecting the employee/employer relationship, whether on duty or off duty, including associating with, or joining a criminal gang, organized crime and/or criminal syndicate, security threat group or persons who engage in serious violations of state or federal laws when an employee knew or reasonably should have known of the criminal nature of the organization, except as specifically directed and authorized by the Department.

(o) Attempted or actual theft of Department property, misappropriation or misuse of public funds, property, personnel or services or the property of others, or the unauthorized removal or possession of Department property, or the property of another person.

(p) Failure to take reasonable action while on duty and when required by law, statute, resolution, or approved Department practices or procedures.

(q) Offer or acceptance of a bribe or gratuity.

(r) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(s) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on Department premises
2. At any work site
3. While on duty or while in uniform
4. While using any Department equipment or system

Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

319.3.6 SAFETY

(a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within Department facilities, or to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain physical condition sufficient to adequately and safely perform law enforcement duties.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits, or actions in the course of employment.

(f) Violating Department safety standards or safe working practices.

319.3.7 SECURITY

(a) Unauthorized, intentional release of designated confidential, private, non-public, or protected non-public data.

319.3.8 SUPERVISOR RESPONSIBILITIES

If an employee's conduct is a cause of action for discipline, the supervisor shall inform the employee promptly and specifically of the improper conduct.

Supervisors and managers are required to follow all policies and procedures, and may be subject to discipline for:

(a) Failure to take appropriate action to ensure that employees adhere to the policies and procedures of this department, and that the actions of all personnel comply with all laws.

(b) Failure of a supervisor to report in a timely manner any known misconduct of an employee to his/her immediate supervisor, or to document such misconduct appropriately or as required by policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Department Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Brooklyn Center Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, **permanent file** or **file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

320.2 INTERNET USE

Access to Department technology resources including Internet access provided by, or through, the Department shall be strictly limited to Department-related business activities. Data stored on, or available through, Department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or Department business-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to Department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms, and similar or related websites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail, and data files. No software program files may be downloaded without authorization of the IT Department, or when related to criminal investigations, the Chief of Police, or designee.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

320.3 PROTECTION OF DEPARTMENT SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage, and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Report Preparation

321.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

321.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficient for their purpose, and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off duty, unless permission to hold the report has been approved by a supervisor. Generally, reports of a serious nature requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal, or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports, unless specifically identified as such.

321.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Department-approved form unless otherwise approved by a supervisor.

321.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim does not desire prosecution is not an exception to documenting a report. The following are examples of required documentation:

(a) In every instance where a crime has occurred, the documentation shall take the form of a report or other proper documentation.

(b) In every case where any force is used against any person by police personnel.

(c) All incidents involving family violence or the threat of violence.

(d) All incidents of crimes motivated by bias (Minn. Stat. § 626.5531).

(e) All arrests.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

321.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any time an officer points a firearm at any person

(b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Response and Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

(k) Any watercraft collision or accident, drowning death and/or general water accident should be reported on the appropriate Department of Natural Resource Form (Minn. Stat. § 86B.105(a))

321.2.3 DEATH REPORTS

Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigations Policy.

321.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

321.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

(a) The injury is a result of a drug overdose.

(b) Attempted suicide.

(c) The injury is major or serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should advise the originating employee, stating the reasons for rejection. The original report should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

321.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Support Services for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Support Services may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

321.6 ELECTRONIC SIGNATURES

The Brooklyn Center Police Department has established an electronic signature procedure for use by all employees of the Brooklyn Center Police Department. The Patrol Division Commander shall be responsible for maintaining the electronic signature system, for ensuring that each employee creates a unique, confidential password for his/her electronic signature and that the use of electronic signatures otherwise complies with the law.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

321.7 FIREARM INJURY REPORTING FROM HEALTH PROFESSIONALS

Members receiving a report from a health professional of a bullet or gunshot wound, powder burns or any other injury arising from, or caused by, the discharge of any gun, pistol or any other firearm shall thoroughly investigate the facts surrounding the incident (Minn. Stat. § 626.52, Subd. 2; Minn. Stat. § 626.553, Subd. 1).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The Support Services shall ensure that the report received from the health professional is forwarded to the commissioner of the Department of Health (Minn. Stat. § 626.53, Subd. 2). If the injury resulted from a hunting incident, the Support Services shall ensure that the findings of the investigation are forwarded to the commissioner of the Department of Natural Resources using the form provided by the commissioner (Minn. Stat. § 626.553, Subd. 1).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

News Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

322.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Shift Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

322.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

322.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

    1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

322.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through a supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).

322.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

322.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Sergeant. This log will consist of data classified as public and should generally contain the following information (Minn. Stat. § 13.82):

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee be publicly released without prior approval of a competent court or as permitted by state law (Minn. Stat. § 260B.171, Subd. 5).

At no time shall identifying information pertaining to a victim be publicly released without prior approval of a competent court when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or a violation of Minn. Stat. § 617.246, Subd. 2 (Minn. Stat. § 13.82 Subd. 17 (b)).

At no time shall identifying information pertaining to a juvenile witness be publicly released without prior approval of a competent court when this department has determined that the identity of a juvenile witness reasonably requires protection (Minn. Stat. § 13.82, Subd. 17 (g)).

Information concerning incidents involving persons whose identities are classified as private data under Minn. Stat. § 13.82, Subd. 17, shall be restricted from disclosure in accordance with that statute. Further detail is available in the Records Maintenance and Release Policy.

Identifying information concerning deceased individuals should only be released to the media when the decedent's identity has been verified and the release is approved by a supervisor.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated media representative, the custodian of records, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Minnesota Data Practices Act (Minn. Stat. § 13.03).

322.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (See the Records Release and Security Policy and the Personnel Files Policy). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) The identities of involved officers only when the release hinders a law enforcement purpose or reveals the identity of an undercover law enforcement officer and as otherwise required by law (Minn. Stat. § 13.82).

(b) Photographs of an officer without his/her permission except as provided in Minn. Stat. § 626.89 Subd. 12.

(c) Copies of traffic collision reports except to those authorized pursuant to Minn. Stat. § 169.09 Subd. 13.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(e) Information pertaining to pending litigation involving this department.

(f) Information that uniquely describes stolen, lost, confiscated or recovered property (Minn. Stat. § 13.82 Subd. 20).

(g) Any information that is otherwise privileged or restricted under state or federal law.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Court Appearance and Subpoenas

323.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and court notices, and to ensure that employees appear in court when requested and present a professional appearance.

323.1.1 DEFINITIONS

On Call - When an employee has appeared in court, or is at the time on -duty, and has been told by a member of the court that the employee is free to leave the court or return to duty, subject to being available by telephone or pager if called back.

Standby - When an employee receives a subpoena or court notice of a type that allows him/her to not appear in court, but to remain available by telephone or pager so that the employee may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas and court notices require an employee's physical appearance in the specified court at the specified time, unless advised by the notice or issuing attorney otherwise. Failure to appear either intentionally or by negligence may result in disciplinary action.

323.2 COURT SUBPOENAS

Employees who receive subpoenas or court notices related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas and notices. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case (Minn. R. Crim. Proc. Rule 22.01 and Minn. R. Civ. Proc. Rule 45.02).

323.2.1 SERVICE OF SUBPOENA OR DELIVERY OF COURT NOTICES

Service of a subpoena or court notice requiring the appearance of any employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by:

(a) Delivering a copy of the subpoena to the employee personally.

(b) Delivering a copy to the usual place of residency.

(c) Delivering a copy of the subpoena to the Department subpoena clerk or designee.

(d) Reading the subpoena in the hearing or case where the officer is present.

(e) Electronically transmitting a copy of the subpoena to the officer requiring an acknowledgment of receipt.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(f) Mail delivery requiring an acknowledgement of receipt.

(g) Oral delivery, including telephonic communications, with proper proof of service and acknowledgment of receipt.

(h) Delivering a copy of the court notice or subpoena from a prosecutor or other government attorney to the employee's work station or mail box. Employees shall check for delivery of such documents during each shift worked.

323.2.2 VALID SUBPOENAS

No subpoena or court notice shall be accepted for an employee of this department unless it has been properly served.

323.2.3 ACCEPTANCE OF SUBPOENA

(a) Unless served at the employee's residence, only the employee named in a subpoena may accept service. Such service may be performed by any sheriff or officer of the State of Minnesota, or any person who is not a party and is 18 years of age or older. A subpoena must be served by delivering a copy to the witness, and tendering to that person any fees required by law. If the witness is a party and is represented by an attorney of record in the proceeding, the subpoena may be served on the witness's attorney of record. Any employee accepting a subpoena shall immediately provide a copy of the subpoena to the Department subpoena clerk. The subpoena clerk shall maintain a chronological log of all Department subpoenas.

(b) Proof of service is by filing either:

1. The witness's signed written memorandum attached to the subpoena showing that the witness accepted the subpoena.
2. A statement by the person who made the service stating the date, time, manner of service, and the name of the person served.

323.2.4 COURT STANDBY

To facilitate court standby agreements, employees are required to provide and maintain current information on their address and telephone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or telephone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case, the prosecutor handling the case is the only person authorized to excuse an employee from standby status.

323.2.5 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off duty not related to their employment with Brooklyn Center Police Department shall comply with the requirements of the subpoena.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Employees receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisor.

323.2.6 FAILURE TO APPEAR
Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline, as well as court-imposed civil and/or criminal sanctions for contempt of court.

323.3 SUBPOENAS
Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so (Minn. R. Civ. P. 45.02; Minn. R. Crim. P. 22.03).

A court notice from a prosecutor or other government attorney may be served by delivery to the member's workstation or mail box. Members shall check for delivery of such documents during each shift worked.

Subpoenas shall not be accepted in a civil action in which the member or Department is not a party without properly tendered fees pursuant to applicable law (Minn. Stat. § 357.23; Minn. R. Civ. P. 45.03).

323.3.1 PROCEDURE
To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the Department's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

323.3.2 CIVIL SUBPOENA ACCEPTANCE
Subpoenas shall not be accepted in a civil action in which the employee or Department is not a party, without properly posted fees pursuant to applicable law.

If an employee of this department receives a civil subpoena requesting an interview or deposition they must present a copy of the subpoena to a supervisor. It will be the responsibility of the supervisor to determine if legal representation from a member of the city attorney's office is necessary.

323.3.3 PARTY MUST DEPOSIT FUNDS
A private party in a civil action who seeks to subpoena an employee must deposit the statutory fee, if any, for each day's appearance before such subpoena will be accepted. Parties seeking to have the employee make multiple appearances must make an additional deposit in advance to include mileage reimbursement and per diem allowed by law.

323.4 OVERTIME APPEARANCES
If the employee appeared on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

323.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court, and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

323.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed employee shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

323.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for male employees would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

323.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

323.7 TESTIFYING AGAINST THE INTEREST OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the State of Minnesota, any county, city, other unit of government or any of its officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the divisional commander or Chief of Police and County Attorney's Office as may be indicated by the case.

This includes, but is not limited to, the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, city, other unit of government or any government official, or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, other unit of government or any government official, or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.

323.8 INTERVIEWS

Interviews given by an employee, apart from those required in the official course of duty, to any third party regarding occurrences the employee witnessed or investigated while acting in his/her capacity as a department employee, shall be done off-duty.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

323.8.1 OFF-DUTY WAIVER

The off-duty requirement may be waived by the sergeant or divisional commander in the event of a hardship, or if deemed to be in the public interest.

323.8.2 FEES

Fees for an hourly rate and mileage may be charged as follows:

a. A fee of $75.00 an hour, minimum of two hours, is authorized for off-duty interviews.

b. Mileage to and from the location of the off-duty interview may be charged at the current city mileage rate, as set by the city council each year, when driving a personal vehicle.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Mutual Aid and Outside Agency Assistance

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of, or answering the request for, assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever reasonably possible, in accordance with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

The Department may, at the discretion of the Chief of Police, establish an agreement with another agency to (Minn. Stat. § 626.76 Subd. 1):

(a) Assist other peace officers in the line of their duty, and within the course of their employment.

(b) Exchange Department peace officers with peace officers of another agency on a temporary basis.

324.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are received via radio transmission. Any such response to assist an outside agency may be considered for authorization regardless of whether an agreement for reciprocal aid under Minn. Stat. § 626.76 Subd. 1 exists.

When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor as soon as practical. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, action taken will be documented in a report or CAD comments.

324.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance should, if practicable, first notify a supervisor of his/her intentions, except in those situations where the employee or another is in imminent danger and there is an immediate need for assistance. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

324.2 HAZARDOUS MATERIAL EMERGENCIES MUTUAL AID

The Minnesota Department of Health All-Hazards Response and Recovery Base Plan identifies on-scene command and control responsibilities when an incident occurs (http://www.health.state.mn.us/oep/plans/allhazardsbase.pdf). The incident commander is charged with making an immediate appraisal of the situation and its potential in compliance with mutual aid response guidelines. The All-Hazards Response and Recovery Base Plan base elements recommends that responders should:

- Establish scene management.
- Detect the presence of hazardous materials.
- Begin identification of hazardous materials.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection and decontamination.
- Isolate incident, and identify zones of activity.
- Contain the incident without risking exposure.
- Perform fire fighting, rescue, emergency medical, and other critical life-saving response activities in accordance with the City Emergency Plan Manual.
- Seek additional appropriate resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state, or federal assistance, this Department should clarify if it is requesting assistance only or complete scene management.

Officers should contact the Minnesota Pollution Control Agency's (MPCA) Emergency Response Team (ERT) Duty Officer to request assistance at hazardous material emergencies (800-422-0798 or 651-649-5451).

324.3 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the training sergeant . The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation. Copies of the list should be provided to Dispatch and the shift sergeant to ensure proper use in compliance with agreements.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Registered Predatory Offender

325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Brooklyn Center Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

325.2 POLICY

It is the policy of the Brooklyn Center Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

325.3 REGISTRATION

The support services manager shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the support services manager shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minn. Stat. § 243.166 within 2 days of the registration.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

325.3.1 REGISTRATION PROCESS

When an offender arrives to register with this department, the assigned investigator should:

(a) Determine in what state the offense was committed.

(b) Confirm the individual is required to register by reviewing the list of offenses on the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual.

(c) If a person is required to register, contact BCA to verify whether the offender is already registered and a DNA sample has been submitted.

(d) If the offender is already registered, complete a Change of Information Form (available at BCA's website).

(e) If the offender is not registered, complete a Predatory Offender Registration Form (available at BCA's website).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(f) If the offender is from another state, contact the state (information for each state is listed on BCA's website) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit by phone or through the BCA website.

325.4 MONITORING OF REGISTERED OFFENDERS

The Support Services Manager should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence by conducting periodic home visits. During home visits all registrant information will be verified.

(b) Review of information on the Department of Corrections Offender Information website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to BCA.

The Support Services Manager should also establish a procedure to routinely disseminate information regarding registered offenders to Brooklyn Center Police Department personnel, including timely updates regarding new or relocated registrants.

325.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Department of Corrections Offender Information website or the Brooklyn Center Police Department's website.

The Support Services Supervisor shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

325.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) Other cautionary notices included in the Minnesota Department of Correction's (DOC) material for public recipients.

325.5.2 MANDATORY DISSEMINATION

The Department shall provide and release all predatory offender data, or updated data, obtained from BCA or the DOC based upon the offender's status of a Level 1, 2 or 3.

The Department shall continue to disclose data on an offender as required by law for as long as the offender is required to register under Minn. Stat. § 243.166.

Disclosure to the health care facility of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving inpatient care shall be made by this department (Minn. Stat. § 244.052 Subd. 4c).

325.5.3 LEVEL 1 DISCLOSURE

Data maintained by law enforcement may be subject to limited disclosure (Minn. Stat. § 244.052, Subd. 4) (refer to the BCA document "Confidential Fact Sheet - For Law Enforcement Agency Use Only" or other BCA guidance):

(a) Mandatory disclosure:

1. Victims who have requested disclosure
2. Adult members of the offender's immediate household

(b) Discretionary disclosure:

1. Other witnesses or victims
2. Other law enforcement agencies

325.5.4 LEVEL 2 DISCLOSURE

Data is subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution (Minn. Stat. § 244.052, Subd. 4) (refer to BCA document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota - Risk Level 2" or other BCA guidance):

(a) In addition to Level 1 disclosure, the Department may disclose data to:

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

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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 the Minnesota Department of Human Services (DHS).

325.5.5 LEVEL 3 DISCLOSURE

Data is subject to disclosure not only to safeguard facilities and protect the individuals they serve but also to protect the community as a whole (Minn. Stat. § 244.052, Subd. 4) (refer to the BCA document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota" or other BCA guidance):

(a) The Department shall disclose information to the persons and entities provided for Level 1 and 2 disclosures.

(b) The Department shall disclose data to other members of the community that the offender is likely to encounter unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.

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

(d) The process of notification is determined by this department. The DOC has recommended that the community be invited to a public meeting and disclose the necessary data. Assistance is available from DOC Risk Assessment/Community Notification (RA/CN) Unit.

Data disclosed to the public of a Level 3 predatory offender shall be forwarded to DOC within 48 hours of the department's determination to disclose (Minn. Stat. § 244.052, Subd. 4(g)).

325.5.6 LEVEL 3 NOTIFICATION PROCEDURE

1. Notification information should be directed to the Support Services Manager.

2. Upon receiving notification that a Level 3 offender is moving into Brooklyn Center, review the packet sent from the DOC (or BCA). Make sure the FACT SHEET that can be distributed to the public is included in the packet.

3. The Support Services Manager will schedule the Community Notification Meeting.

a. Check with the Chief for date approval.

b. Check with Community Activities, Recreation and Services (CARS) secretary to book Constitution Hall.

i. Request room be set up for 100 attendees.

ii. Request three rows of chairs with an aisle in between rows.

iii. Request projector be up front and chairs for presenters.

c. The Support Services Manager will contact the DOC to find out who will be attending on their behalf.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

i. Contacts are:

Mark Bliven, mbliven@co.doc.state.mn.us - 651-643-3455

Mike Schommer michael.a.schommer@co.doc.state.mn.us or 651-361-7350

Sara Hustad, shustad@co.doc.state.mn.us - 651-603-0196

d. Fax or email notification to at least one media outlet.

4. The Support Services Manager or designee will prepare the Community Notification Meeting Flyer and Community Notification Meeting Agenda.

5. The Support Services Manager or designee, using LOGIS Maps, will print out labels for all residents living within 1/2 mile of the address where the offender is moving. The Community Notification Meeting Flyer will be placed into envelopes and mailed out if time permits. If not, a CSO will deliver.

a. Open LOGIS Maps

b. Enter address of where offender will be moving to

c. Select PID/Homeowner - the location will center on the screen

d. Click Mailing Labels from the top toolbar

e. Select BC Mail Labels, select Point, select Property

f. Type in 2640 for 1/2 mile radius or 5280 for 1 mile radius

g. Click on Get Labels

h. On the map, click on the center where it displays the property number

i. Labels will automatically pop up

j. Print labels and attach to envelopes

k. Bring envelopes to City Hall to be sealed and postmarked

6. The Support Services Manager or designee will forward the Community Notification Meeting Flyer and Predatory Offender Fact Sheet to the Administrative Assistant so the information can be uploaded to the City's web site.

7. The Support Services Manager or designee will print and staple 100 copies of the Community Notification Meeting Agenda, Predatory Offender Public Fact Sheet, and Commonly Asked Questions (available on the BCA POR web site) for distribution at the Community Notification Meeting.

8. The Support Services Manager will provide a copy of the packet as well as the total number of offenders living in the City to the Chief.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

325.5.7 HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender without a supervising agent has been admitted to a health care facility in this jurisdiction, this department shall provide a fact sheet to the facility administrator with the following data (Minn. Stat. § 243.166, Subd. 4b) (refer to the BCA documents, “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender Not For Distribution to Facility Residents” and “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender For Distribution to Facility Residents” or other BCA guidance):

(a) Name and physical description of the offender

(b) Offender’s conviction history, including the dates of conviction

(c) Risk level assigned to the offender, if any

(d) Profile of likely victims

325.5.8 SPECIALIZED NOTIFICATION

Offenders from other states and offenders released from federal facilities are also subject to notification (Minn. Stat. § 244.052, Subd. 3a):

(a) If this department learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Department must contact DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this department whether to proceed with community notification in accordance with the level assigned by the other state.

(b) If DOC determines that the governing law in the other state is not comparable, community notification by this department may be made consistent with that authorized for risk Level 2.

(c) If this department believes that a risk level assessment is needed, the Department may request an end-of-confinement review. The Department shall provide to DOC the necessary documents required to assess a person for a risk level.

325.5.9 VICTIM NOTIFICATION

If a predatory offender resides, expects to reside, is employed or is regularly found in this jurisdiction, the Department shall provide victims who have requested notification with data that is relevant and necessary to protect the victim.

The DOC will provide victim contact data to this department when there is a victim who has requested notification (refer to the BCA document “Victim Data Confidential for Law Enforcement Agency Use Only”).

It may be appropriate for members of the Department to directly contact the victim. Community victim advocacy or prosecutor resources may also be available to assist with locating and notifying a victim. Assistance is also available from the DOC victim services staff.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Members of the Department may contact other victims, witnesses and other individuals who are likely to be victimized by the offender.

325.5.10 HOMELESS NOTIFICATION PROCESS
If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should be as specific as possible. These offenders are generally required to check in weekly with local law enforcement (Minn. Stat. § 243.166, Subd. 3a).

325.5.11 LIMITATIONS OF RELEASE OF DATA
Disclosures permitted or required for Level 2 or 3 offenders shall not be made if the offender is placed or resides in a DOC-licensed residential facility. Upon notification that the offender is released to a permanent address, the disclosures permitted or required by law shall be made (Minn. Stat. § 244.052, Subd. 4). Data regarding the victim or witnesses shall not be disclosed (Minn. Stat. § 244.052, Subd. 4(e)).

The broadest disclosures authorized under Minn. Stat. § 244.052, Subd. 4 may still be made for certain offenders (sexually dangerous persons or persons with a sexual psychopathic personality) even though still residing in a residential facility (Minn. Stat. § 253D.32, Subd. 1).

325.6 DISCLOSURE TO LOCAL WELFARE AGENCY

Upon request, members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Minn. Stat. § 626.556 (Minn. Stat. § 243.166).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Major Incident Notification

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

326.2 POLICY

The Brooklyn Center Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

326.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected division commander.

The following list of incident types is provided as a guide for notification, and is not intended to be all inclusive:

- Homicides
- Traffic collisions with fatalities
- Officer-involved shooting, whether on-duty or off-duty (See Officer-Involved Shooting Police for special notifications)
- Significant injury or death to an employee, whether on-duty or off-duty
- Death of a prominent Brookyn Center official
- Arrest of a Department employee or prominent Brooklyn Center official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Any other incident, which has or is likely to attract significant media attention

326.4 SUPERVISOR RESPONSIBILITIES

The supervisor is responsible for making the appropriate notifications. The supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The supervisor shall attempt to make the notifications as soon as practicable.

326.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification, the duty command officer and commander of patrol shall be notified.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

326.4.2 DETECTIVE NOTIFICATION

If the incident requires that an officer or investigator respond from home, notification will be made by a supervisor or duty command officer.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Death Investigation

328.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

Death investigations shall be conducted pursuant to Minn. Stat. § 390.005 through 390.252 if the county has an elected or appointed Coroner (Minn. Stat. § 390.34).

328.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). Peace officers are not authorized to pronounce death unless they are also Coroners or deputy coroners. A supervisor shall be notified in all death investigations.

328.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes, including, but not limited to (Minn. Stat. § 390.11):

(a) Unnatural deaths, including violent deaths arising from homicide, suicide or accident.

(b) Deaths due to a fire or associated with burns or chemical, electrical or radiation injury.

(c) Unexplained or unexpected perinatal and postpartum maternal deaths.

(d) Deaths under suspicious, unusual or unexpected circumstances.

(e) Deaths of persons whose bodies are to be cremated or otherwise disposed of so that the bodies will later be unavailable for examination.

(f) Deaths of inmates of public institutions and persons in custody of law enforcement officers who have not been hospitalized primarily for organic disease.

(g) Deaths that occur during, in association with or as the result of diagnostic, therapeutic or anesthetic procedures.

(h) Deaths due to culpable neglect.

(i) Stillbirths of 20 weeks or longer gestation unattended by a physician.

(j) Sudden deaths of persons not affected by recognizable disease.

(k) Unexpected deaths of persons notwithstanding a history of underlying disease.

(l) Deaths in which a fracture of a major bone, such as a femur, humerus or tibia, has occurred within the past six months.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(m) Deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program.

(n) Deaths of persons not seen by their physician within 120 days of demise.

(o) Deaths of persons occurring in an emergency department.

(p) Stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances, including street drugs, or in which there is a history or evidence of maternal trauma.

(q) Unexpected deaths of children.

(r) Solid organ donors.

(s) Unidentified bodies.

(t) Skeletonized remains.

(u) Unexpected deaths occurring within 24 hours of arrival at a health care facility.

(v) Deaths associated with the decedent's employment.

(w) Deaths of non-registered hospice patients or patients in non-licensed hospice programs.

(x) Deaths attributable to acts of terrorism.

328.2.2 SEARCHING DEAD BODIES

The Medical Examiner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle, or search a body known to be dead.

An officer is permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal (Minn. Stat. § 525A.12 (a) (1)). If a donor document is located, the Medical Examiner shall be promptly notified.

Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating officer shall first obtain verbal consent from the Medical Examiner.

The Medical Examiner is required to release property or articles to law enforcement that are necessary for conducting an investigation unless reasonable basis exists pursuant to Minn. Stat. § 390.225 Subd. 2 to not release the property or articles (Minn. Stat. § 390.221).

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer, pending the arrival of the Medical Examiner.

The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

328.2.3 DEATH NOTIFICATION

Should a human death result from a fire, this department shall immediately notify the state fire marshal (Minn. Stat. § 299F.04 Subd. 5 (b)).

If not handled by the Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned investigators may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains once identity has been confirmed by the Medical Examiner. All efforts to locate and notify family members shall be recorded in appropriate reports, and properly retained (Minn. Stat. § 390.25 Subd. 2 (b)).

328.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue a “John Doe" or "Jane Doe” number for the report.

328.2.5 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, any information or items pertaining to identifying features of the unidentified body, dental records, fingerprints, any unusual physical characteristics, description of clothing or personal belongings found on or with the body, that are in the possession of BCPD shall be forwarded to the Medical Examiner for transmission to the BCA for eventual entry into systems designed to assist in the identification process, such as the Missing Children and Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) files (Minn. Stat. § 390.25 Subd. 2 (a)).

328.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

328.2.7 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene, and the on-call detective and DCO shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the DCO or Investigations Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The investigator of a homicide or suspicious-circumstances death may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests and provide a report with the costs borne by the Department (Minn. Stat. § 390.251).

328.2.8 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, should ensure that the nearest office of the Minnesota Department of Labor and Industry is notified with all pertinent information.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Identity Theft

329.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

329.2 REPORTING

(a) A report shall be taken any time a person living within the jurisdiction of the Brooklyn Center Police Department reports that he/she has been a victim of identity theft (Minn. Stat. § 609.527, Subd. 5). This includes:

1. Taking a report even if the location of the crime is outside the jurisdiction of this department or has not been determined.
2. Providing the victim with department information, as set forth in the Victim and Witness Assistance Policy. Officers should encourage the individual to review the material, and assist with any questions.

(b) A report should also be taken if a person living outside the department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Brooklyn Center to facilitate the crime).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim’s name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Department of Public Safety's Driver and Vehicle Services Division) with all known report numbers.

(e) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

329.3 PREVENTATIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report as allowed by law (Minn. Stat. § 13C.016 Subd. 2). A victim may also access the Minnesota Attorney General's office for additional detailed information.

329.4 VICTIM DATA

The victim may be provided the Consent to Create an FBI Identity Theft File Form and a Notice About Providing Your Social Security Number. These completed forms should be submitted to the Support Services for appropriate filing and entry into the NCIC Identity Theft File. Forms and details are available on the Bureau of Criminal Apprehension identity theft website.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

329.5 INFORMATION

The victim should also be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online or by telephone. Additional information may be found at the U.S. Department of Justice (USDOJ) website.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Private Persons/Citizen's Arrests

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Minn. Stat. § 629.30 Subd. 2 (4).

330.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

All officers shall advise civilians of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all situations, officers should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest, and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

(c) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (Minn. Stat. § 629.39).

330.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (Minn. Stat. § 629.37):

(a) For a public offense committed or attempted in his/her presence.

(b) When the person arrested has committed a felony, although not in his/her presence.

(c) When a felony has been committed, and he/she has reasonable cause for believing the person to be arrested committed the felony.

(d) When directed by a judge or a peace officer to arrest another person (Minn. Stat. § 629.403).

330.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest, and protect the public safety.

    1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual upon a misdemeanor citation or pending formal charges.

330.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Department Citizen's Arrest Form. If the person fails or refuses to do so, the arrest subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the Citizen's Arrest Form (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Limited English Proficiency Services

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

331.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations. This includes individuals who, because of difficulty in speaking or comprehending the English language, cannot fully understand any charges made against them, the seizure of their property, or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31).

Qualified bilingual member - A member of the Brooklyn Center Police Department, designated by the Department, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language, but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

331.2 POLICY

It is the policy of the Brooklyn Center Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs, and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

331.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with Department members, programs, or services.

(c) The nature and importance of the contact, program, information, or service provided.

(d) The cost of providing LEP assistance and the resources available.

331.4 TYPES OF LEP ASSISTANCE AVAILABLE

Brooklyn Center Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept Department-provided LEP services at no cost, or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

331.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The Department will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

331.6 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

331.7 QUALIFIED BILINGUAL MEMBERS

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Bilingual members may be qualified to provide LEP services when they have demonstrated through established Department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator, and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence, or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other city departments, who have been identified by the Department as having the requisite skills and competence may be requested.

331.8 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

331.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

331.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

331.9 CONTACT AND REPORTING

While all law enforcement contacts, services, and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized, and whether the individual elected to use services provided by the Department or some other identified source.

331.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Brooklyn Center Police Department will take reasonable steps, and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

331.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members or supervisors must assess each situation to determine the need and availability of

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

language assistance to all involved LEP individuals, and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

331.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual, and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized Department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors, or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

331.13 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

331.13.1 OTHER TIMING AND NOTIFICATION MANDATES

The investigating or arresting officer shall immediately make necessary contacts to get an authorized interpreter for an in-custody LEP person at the earliest possible time in order to assist the person throughout the interrogation or taking of a statement. This applies even when the interrogation will be conducted by a bilingual member (Minn. Stat. § 611.32).

The following shall be explained to the LEP person with the assistance of the authorized interpreter (Minn. Stat. § 611.32):

(a) All charges filed against the person

(b) All procedures relating to the person's detainment and release

(c) In the case of any seizure under the provisions of the Asset Forfeiture Policy:

1. The possible consequences of the seizure
2. The person's right to judicial review

331.13.2 OATH

Every authorized interpreter shall be administered and take the following oath prior to assisting in taking a statement related to a criminal matter from an in-custody LEP person (Min. Stat. § 611.33):

"I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place."

331.14 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained, or that booking instructions may not be properly understood by an LEP individual.

331.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party, pursuant to the Personnel Complaints Policy, should be translated or otherwise communicated in a language-accessible manner.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

331.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

331.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access Department-authorized telephonic and in-person interpreters and other available resources.

The training sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The training sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

331.17.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Communications with Persons with Disabilities

332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

332.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102). This includes those who, because of a hearing, speech or other communication disorder, cannot fully understand any charges made against them, the seizure of their property or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31).

Qualified Interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

332.2 POLICY

It is the policy of the Brooklyn Center Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects, and arrestees have equal access to law enforcement services, programs, and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights, or programs based upon disabilities.

332.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107). The ADA coordinator shall be appointed by and directly responsible to the Community Services division commander, or the authorized designee.

The responsibilities of the ADA coordinator shall include, but not be limited to:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) Working with the City ADA coordinator regarding the Brooklyn Center Police Department's efforts to ensure equal access to services, programs, and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to Department services, programs, and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Department member. The list should include information regarding the following:

1. Contact information
2. Availability
3. Type of services provided

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to Department services, programs, and activities.

332.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs, and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

332.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length, and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference, and give primary consideration to that preference.

If an individual who is deaf, hard of hearing, or has impaired speech must be handcuffed while in the custody of the Brooklyn Center Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

332.6 TYPES OF ASSISTANCE AVAILABLE

Brooklyn Center Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept Department-provided auxiliary aids or services, or they may choose to provide their own.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

332.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form; for example, a personnel complaint form, or provide forms with enlarged print.

332.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available by some means, even remotely, within a reasonable amount of time, but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use Department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made, or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

332.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing, or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time as needed for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing, and received via a telecommunications relay service (28 CFR 35.162).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

332.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Department members must carefully consider the nature of the contact, and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

332.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact, and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon, except in emergency or critical situations, when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

332.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized, and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

332.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and supervisors must assess each situation and consider the length, complexity, and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

332.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

332.14 CUSTODIAL INTERROGATIONS

In an effort to ensure the rights of individuals who are deaf, hard of hearing, or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter, or by providing a written *Miranda* warning card.

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, as with all custodial interviews, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

332.14.1 OTHER TIMING AND NOTIFICATION MANDATES

The investigating or arresting officer shall immediately make necessary contacts to get a qualified interpreter for a person in custody at the earliest possible time (Minn. Stat. § 611.32).

The following shall be explained with the assistance of the qualified interpreter (Minn. Stat. § 611.32):

(a) All charges filed against the person

(b) All procedures relating to the person's detainment and release

(c) In the case of any seizure under the Asset Forfeiture Policy:

1. The possible consequences of the seizure
2. The person's right to judicial review

332.14.2 OATH

Every qualified interpreter shall be administered and take the following oath prior to assisting in taking a statement related to a criminal matter from an in-custody deaf or hard of hearing person (Minn. Stat. § 611.33):

"I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place."

332.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee’s health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

332.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

332.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

332.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms, and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The training sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The training supervisor shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

332.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

School Employee Arrest Reporting

333.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a public or private school employee, teacher, and non-teacher, has been arrested under certain circumstances.

333.2 SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense, a felony involving moral turpitude, child abuse, or sexual abuse offense, the Chief of Police or designee should report the arrest as follows:

333.2.1 ARREST OF PUBLIC SCHOOL TEACHER

Upon arrest for one of the above crimes, the Chief of Police or designee may notify by telephone the superintendent of the school district employing the teacher, and give written notice of the arrest to the superintendent of schools in the county where the person is employed.

333.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above crimes, the Chief of Police or designee may notify by telephone the superintendent of the school district employing the non-teacher, and may give written notice of the arrest to the governing board of the school district employing the person.

333.2.3 ARREST OF PRIVATE SCHOOL OR LICENSED DAY-CARE TEACHER

Upon arrest for one of the above crimes, the Chief of Police or designee may notify by telephone the private school or licensed day-care authority employing the teacher, and may give written notice of the arrest to the private school authority employing the teacher.

333.2.4 ARREST OF PRIVATE SCHOOL OR LICENSED DAY-CARE EMPLOYEE

Upon arrest for one of the above crimes, the Chief of Police or designee may notify by telephone the private school or licensed day-care authority employing the non-teacher, and may give written notice of the arrest to the private school authority employing the person.

333.2.5 ALL OTHER LICENSED CHILD CARE WORKERS

Upon arrest for one of the above crimes, the Chief of Police or designee may notify by telephone the licensing authority.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Pupil Arrest Reporting

334.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

334.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting officer shall include the necessary information in the report to ensure that the Support Services notifies the chief administrative officer of the school, or an appropriate designee, of the pupil's arrest.

If there is probable cause to believe an incident involved alcohol or a controlled substance, the Support Services shall complete the appropriate form and submit the form with the report. The Support Services shall ensure the form is distributed to the chemical abuse pre-assessment team of the school within two weeks of the occurrence (Minn. Stat. § 121A.28).

334.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school may reduce disruption to school operations and other students.

334.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation, or if notification creates additional risks to students, faculty, the officer, or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

334.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented, and include the charges against the pupil and where the pupil will be taken.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Biological Samples

335.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

335.2 POLICY

The Brooklyn Center Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state, and with as little reliance on force as practicable.

335.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following persons must submit a biological sample:

(a) Adults who are subject to a court order requiring a biological sample after sentencing (Minn. Stat. § 609.117).

(b) Juveniles who are subject to a court order requiring a biological sample after being adjudicated delinquent (Minn. Stat. § 609.117).

335.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

335.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Minn. Stat. § 609.117.

(b) Verify that a biological sample has not been previously collected from the offender by querying the person's criminal history. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use the designated collection kit provided by the Minnesota Bureau of Criminal Apprehension to perform the collection, and take steps to avoid cross contamination.

335.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

335.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Chaplains

336.1 PURPOSE AND SCOPE

The Brooklyn Center Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families, and members of the public.

336.2 POLICY

It is the policy of this department that the Chaplain Program shall be a nondenominational, ecumenical ministry provided by volunteer clergy without financial compensation.

336.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

(a) By serving as a resource for Department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs, and the Department.

(c) By providing counseling, spiritual guidance, and insight for Department personnel and their families.

(d) By being alert to the spiritual and emotional needs of Department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

336.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements before formally being designated as a Law Enforcement Chaplain:

(a) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.

(b) Must have at least five years of successful ministry experience within a recognized faith community.

336.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

336.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

336.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Appropriate written application.

(b) Recommendation from their faith's community elders, board, or council.

(c) Interview with Chief of Police and chaplain supervisor

(d) Successfully complete an appropriate level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

336.6 DUTIES AND RESPONSIBILITIES

Chaplains are volunteer members of the Department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy in this manual, and other applicable Department policies. The duties of a chaplain may include, but are not limited to, the following:

(a) Assisting in making notification to families of Department members who have been seriously injured or killed.

(b) After notification, responding to the hospital or home of the Department member.

(c) Visiting sick or injured law enforcement personnel in the hospital or at home.

(d) Attending and participating, when requested, in funerals of active or retired members of the Department.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(e) Assisting other personnel in the diffusion of a conflict or incident when requested to by on-scene staff.

(f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances, and any other incident that, in the judgment of the shift sergeant or supervisor, aids in accomplishing the mission of the Department.

(g) Being on call, and if possible on duty, during major demonstrations or any public function that requires the presence of a large number of Department personnel.

(h) Attending Department and academy graduations, ceremonies, and social events, and offering invocations and benedictions, as requested.

(i) Responding to all major disasters, such as floods, bombings, and similar critical incidents.

(j) Providing liaison with various religious leaders of the community.

(k) Assisting public safety personnel and the community in any other function of the clergy profession as requested.

(l) Participating in in-service training classes.

(m) Willing to train to enhance effectiveness.

(n) Promptly facilitating requests for representatives or leaders of other denominations.

(o) Making referrals in cases where specialized attention is needed, or in those cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while on duty, unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service, or any subsequent actions and follow-up provided, while functioning as a chaplain for the Brooklyn Center Police Department.

336.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the Department may work or volunteer for the Brooklyn Center Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege, and shall inform Department members when it appears reasonably likely that the Department member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the Department chaplain should consider referring the member to a non-Department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Brooklyn Center Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

336.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

336.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with Brooklyn Center Police Department personnel a minimum of eight hours per month.

(c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.

(d) Chaplains shall be permitted to ride with officers during any shift and observe Brooklyn Center Police Department operations, provided the Shift Sergeant has been notified and has approved the activity.

(e) Chaplains shall not be evaluators of members of the Department.

(f) In responding to incidents a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the Brooklyn Center Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private personnel data and each chaplain will exercise appropriate security measures to prevent distribution of the data.

336.7.3 ASSISTING DEPARTMENT/OFFICE MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and after notification responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

336.7.4 ASSISTING THE DEPARTMENT/OFFICE

The responsibilities of a chaplain related to this department include, but are not limited to:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) Assisting members in the diffusion of a conflict or incident when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if reasonably possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

336.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

336.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

336.8 COMMAND STRUCTURE

(a) Under the general direction of the Chief of Police or designee, chaplains shall report to the Senior Chaplain and/or shift sergeant.

(b) The Chief of Police shall make all appointments to the Chaplain Program, and will designate a Senior Chaplain/Chaplain Commander.

(c) The Senior Chaplain shall serve as the liaison between the Chaplain Unit and the Chief of Police. He/she will arrange for meetings, act as chairman of all chaplain meetings, prepare schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit, and arrange for training classes for chaplains.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

336.9 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on call for a period of seven days at a time during each month, beginning on Monday and ending on the following Sunday.

(b) Chaplains shall be permitted to ride with officers during any shift and observe Brooklyn Center Police Department operations, provided the shift sergeant has been notified and has approved the activity.

(c) Chaplains shall not be evaluators of employees.

(d) In responding to incidents, a chaplain shall never function as an officer.

(e) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.

(f) Chaplains shall serve only within the jurisdiction of the Brooklyn Center Police Department unless otherwise authorized by the Chief of Police or designee.

336.9.1 UNIFORMS AND BADGES

A distinct uniform, identification, and the necessary safety equipment will be provided for the chaplains. This uniform may be similar to that worn by the personnel of this department.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Child and Dependent Adult Safety

337.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or vulnerable adult investigation. These are covered in the Child Abuse and Adult Abuse.

337.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Brooklyn Center Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

337.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

337.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the county social services agency, if appropriate.

(e) Notify the field supervisor or Shift Sergeant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

337.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

337.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting employee will document the following information:

1. Name
2. Sex
3. Age
4. How, where and with whom or which agency the child was placed

(b) For all arrests where dependent adults are present or living in the household, the reporting employee should document the following information about the dependent adult:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

337.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

337.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service entity to determine whether protective custody is appropriate (Minn. Stat. § 260C.007; Minn. Stat. § 260C.175).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

337.5 TRAINING

The Training Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Service Animals

338.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Brooklyn Center Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

338.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler’s control, the facility can accommodate the horse’s type, size and weight, and the horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

338.2 POLICY

It is the policy of the Brooklyn Center Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

338.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Brooklyn Center Police Department affords to all members of the public (see generally Minn. Stat. § 256C.02; Minn. Stat. § 363A.19).

338.3.1 REMOVAL

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

338.3.2 INQUIRY
If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

338.3.3 CONTACT
Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

338.3.4 COMPLAINTS
When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice or the Minnesota Department of Human Rights.

338.4 IDENTIFICATION AND USE OF SERVICE ANIMALS
Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Examples of the ways service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Volunteer Program

339.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

339.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

339.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as a Brooklyn Center Police Department volunteer include:

(a) Residency in the City of Brooklyn Center, or approval of the Chief of Police.

(b) At least 18 years of age for all positions other than Explorer.

(c) At least 14 years of age for Explorer.

(d) A valid driver's license if the position requires vehicle operation.

(e) Liability insurance for any personally owned equipment or vehicles utilized during volunteer work.

(f) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.

(g) No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.

(h) The applicant must not have any mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.

(i) Physical requirements reasonably appropriate to the assignment.

(j) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

339.2 VOLUNTEER MANAGEMENT

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

339.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or designee shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Maintaining records for each volunteer.

(c) Tracking and evaluating the contribution of volunteers.

(d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(e) Maintaining a record of volunteer schedules and work hours.

(f) Completion and dissemination as appropriate of all necessary paperwork and information.

(g) Planning periodic recognition events.

(h) Administering discipline when warranted.

(i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

339.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

339.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check

(b) Employment

(c) References

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals, shall require submission of prints and clearance through the Bureau of Criminal Apprehension (BCA).

339.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Program Manager. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and paperwork. At the time of final acceptance, each volunteer should complete all necessary enrollment paperwork and will receive a copy of the job description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

339.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies, and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position, and should receive periodic ongoing training as deemed appropriate by their supervisor or the volunteer coordinator.

Depending on the assignment, training may include:

(a) Role of the volunteer.

(b) Department policies.

(c) Training specific to the procedure manual for the volunteer position.

(d) Discrimination and harassment training.

(e) CPR/first aid.

(f) CERT/Citizens Emergency Response Training.

(g) Search and rescue techniques.

(h) Scenario-based searching methods.

(i) Evidence preservation.

(j) Basic traffic direction and control.

(k) Roadway incursion safety.

(l) Self-defense techniques.

(m) Vehicle operations, including specialized vehicles.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer that they are, licensed officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation, or guideline in this manual refers to a licensed officer, it shall also apply to a volunteer unless by its nature it is inapplicable.

339.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

339.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

339.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer, and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

339.4 DATA PRACTICES

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

339.5 PROPERTY AND EQUIPMENT

Volunteers will not operate City-owned vehicles without the approval of the Chief of Police.

339.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing.

(b) Verification that the volunteer possesses a valid driver’s license.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and is being operated for maintenance purposes only; that it is operated during a POST-approved skills course; that it is being used to transports prisoners or equipment; or is being used to provide supplementary assistance under the direction of an on-

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

duty licensed officer (Minn. Stat. § 169.98 Subd. 1b. Volunteers are not authorized to operate a Department vehicle under emergency conditions (lights and siren).

339.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

339.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

339.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

339.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly and to ensure optimum job satisfaction on the part of volunteers.

339.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Native American Graves Protection and Repatriation

340.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

340.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

340.2 POLICY

It is the policy of the Brooklyn Center Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

340.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene, other than scene preservation activity, must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior.
- State land - State archaeologist (Minn. Stat. § 307.08, Subd. 7)
- Tribal land - Responsible Indian tribal official.

340.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

340.5 BURIAL GROUNDS

All human burials, human remains and human burial grounds shall be afforded equal treatment and respect for human dignity, regardless of ethnic origins, cultural backgrounds or religious affiliations (Minn. Stat. § 307.08, Subd. 1).

This department shall cooperate with other government agencies, the Minnesota Office of the State Archaeologist and the Minnesota Indian Affairs Council to carry out any provisions of state law (Minn. Stat. § 307.08, Subd. 9).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Off-Duty Law Enforcement Actions

341.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Brooklyn Center Police Department with respect taking law enforcement action while off-duty.

341.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any licensed member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death or significant property damage may take reasonable action to minimize the threat.

341.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

341.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration:

(a) The tactical disadvantage of being alone, and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, chemical restraint, or a baton.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

341.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if reasonably possible.

Whenever reasonably practicable, the officer should loudly and repeatedly identify him/herself as an Brooklyn Center Police Department officer until acknowledged. Official identification should also be displayed.

341.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

341.4.3 CIVILIAN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off duty, except to notify the local law enforcement authority and remain at the scene, if safe and reasonably practicable.

341.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

341.5 REPORTING

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports, as requested or as appropriate.

When an officer becomes physically involved in the event, an on-duty sergeant or the duty command officer shall be notified as soon as practical.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Chapter 4 - Patrol Operations

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-organization cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Brooklyn Center, respond to calls for assistance, act as a deterrent to crime, enforce state, local and, when authorized or empowered by agreement or statute, federal laws, and respond to emergencies 24 hours per day, 7 days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.

(b) Crime prevention activities, such as residential inspections, business inspections, and community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

The sharing of information between the Patrol and other divisions within the Department, as well as other government agencies.

(h) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Brooklyn Center Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism-related reports are forwarded to the Investigations Division Supervisor in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organization cooperation and information flow between the various divisions of the Brooklyn Center Police Department.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit will be the central unit for information exchange. Criminal information and reports can be submitted to the Support Services for distribution to all divisions within the Department.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate division for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, detectives, and officers assigned to other assignments are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings as time permits.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades, and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact, or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location, and when voluntary compliance with the law is not achieved.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Racial- or Bias-Based Profiling

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Brooklyn Center Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

401.1.1 DEFINITIONS

Definitions related to this policy include:

Racial- or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

This includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. It does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject (Minn. Stat. § 626.8471).

401.2 POLICY

The Brooklyn Center Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law (Minn. Stat. § 626.8471, Subd. 3).

401.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

Officers may take into account factors including the race, ethnicity, national origin, gender, sexual orientation, and religion of a specific suspect based on information that links specific, suspected, unlawful, or suspicious activity to a particular individual or group of individuals. This information may be used in the same manner officers use specific information regarding age, height, or weight about specific suspects.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

401.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

401.4.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 INFORMATION TO BE PROVIDED

Officers shall (Minn. Stat. § 626.8471, Subd. 3):

(a) Introduce or identify themselves and state the reason for a contact as soon as practicable unless providing the information could compromise officer or public safety.

(b) Attempt to answer questions the person may have regarding the contact, including relevant referrals to other agencies when appropriate.

(c) Explain the reason for the contact if it is determined the reasonable suspicion was unfounded.

(d) When requested, officers have a duty to give their name, badge number, and identify this department during routine stops.

(e) When requested, officers should inform a member of the public of the process to file a misconduct complaint for racial- or bias-based profiling against a member of the Department and that racial- or bias-based profiling complaints may be made by calling the Attorney General's office (Minn. Stat. § 626.9514).

401.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) Supervisors should periodically review MAV recordings, MDC data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

401.6 ADMINISTRATION

Each year, the Patrol Division Commander shall review the efforts of the Department to prevent racial- or bias-based profiling.

401.7 TRAINING

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Training Sergeant.

The Chief of Police and supervisors should receive and review training materials prepared by the Board of Peace Officer Standards and Training (POST) (Minn. Stat. § 626.8471, Subd. 7).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Roll Call Training

402.1 PURPOSE AND SCOPE

Roll Call training is generally conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call. However, officers may conduct Roll Call in the absence of a supervisor or for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Notifying officers of new Departmental Directives or changes in Departmental Directives.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

402.2 PREPARATION OF MATERIALS

The supervisor conducting Roll Call, or the officer if the supervisor is unable to participate in a group briefing session, is responsible for collection and preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

402.3 RETENTION OF BRIEFING TRAINING RECORDS

Roll Call training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records as appropriate.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 CRIME SCENE RESPONSIBILITIES

The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, it shall be maintained until the officer is relieved by a supervisor.

403.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order, and may be altered according to the demands of each situation:

(a) Ensure no suspects are still in the area.

(b) Broadcast emergency information including all requests for additional assistance.

(c) Provide first aid to injured parties if it can be done safely.

(d) Secure the inner perimeter with crime scene tape.

(e) Protect items of apparent evidentiary value.

(f) Start a chronological log noting critical times and personnel allowed access.

403.2.2 EXECUTION OF HEALTH ORDERS

Any licensed member of this department may assist in the enforcement of all directives of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Minn. Stat. § 144.4195 Subd. 2).

403.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are present and pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Emergency Operations Unit

404.1 PURPOSE AND SCOPE

The Emergency Operations Unit (EOU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Emergency Operations Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINED

SWAT team - A designated unit of law enforcement officers, including a multi-jurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 LEVELS OF CAPABILITY/TRAINING

404.2.1 LEVEL I

Level I SWAT team - Is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5 percent of the basic team's on-duty time should be devoted to training.

404.2.2 LEVEL II

Level II SWAT team - Is an intermediate level team capable of providing containment and intervention. These teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5 percent of their on-duty time should be devoted to training, with supplemental training for tactical capabilities above the Level I team.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

404.2.3 LEVEL III

Level III SWAT team - Is an advanced level team whose personnel function as a full-time unit. Generally 25 percent of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

404.3 POLICY

It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or designee.

404.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing.

(b) Team organization and function.

(c) Personnel selection and retention criteria.

(d) Training and required competencies.

(e) Procedures for activation and deployment.

(f) Command and control issues, including a clearly defined command structure.

(g) Multi-agency response.

(h) Out-of-jurisdiction response.

(i) Specialized functions and supporting resources.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to EOU members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

  1. All SWAT team members should have an understanding of operational planning.
  2. SWAT team training should consider planning for both spontaneous and planned events.
  3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

  1. When reasonably possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action, as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether a warrant should be regarded as high risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post-incident scene management including:

  1. Documentation of the incident.
  2. Transition to investigations and/or other units.
  3. Debriefing after every deployment of the SWAT team.

    (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments,

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

helps to identify training needs and reinforces sound risk management practices.

(b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.

(c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis.

(j) Standardization of equipment.

404.4 TRAINING NEEDS ASSESSMENT

The SWAT/EOU commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

404.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved Basic SWAT Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

404.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training.

404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a department-approved SWAT commander or tactical commander course or its equivalent.

404.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the EOU commander. The EOU commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) Annually each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require the officer to seek remedial training from a Armorer approved by the EOU commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(b) Annually each SWAT team member shall perform a mandatory SWAT qualification course for any specialty weapon issued to or used by the officer during SWAT operations. Failure to qualify will require the officer to seek remedial training from a Armorerapproved by the EOU commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

404.4.5 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

404.4.6 SCENARIO-BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Training Services. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

404.5 UNIFORMS, EQUIPMENT AND FIREARMS

404.5.1 UNIFORMS
SWAT teams from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.5.2 EQUIPMENT
SWAT teams from this department should be adequately equipped to meet the specific mission(s) identified by the Department.

404.5.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units and the supporting resources should be Department-issued or approved, including any modifications, additions or attachments.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

404.5.4 OPERATIONAL READINESS INSPECTION
The commander of the EOU shall appoint a EOU Supervisor to perform an operational readiness inspection of all unit equipment at least annually. The results of the inspection will be forwarded to the EOU commander. The inspections will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

404.6 MANAGEMENT/SUPERVISION OF EMERGENCY OPERATIONS UNIT

The commander of the EOU shall be selected by the Chief of Police upon recommendation of Staff.

404.6.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the EOU Commander, the Emergency Operations Unit shall be managed by a sergeant.

404.6.2 TEAM SUPERVISORS
The Crisis Negotiation Team and each SWAT team will be supervised by a sergeant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by Staff and the EOU Commander.

The following represent the supervisor responsibilities for the Emergency Operations Unit.

(a) The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the team, to include deployment, training, first-line participation, and other duties as directed by the EOU Commander.

(b) The SWAT team supervisor's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation, and other duties as directed by the EOU Commander.

404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

404.7.1 SELECTION OF PERSONNEL
Interested licensed personnel who are off probation shall submit a request to their appropriate Division Commander. A copy will be forwarded to the EOU Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be asked to submit a Letter of Interest. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training, or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

Recommendation of personnel selected shall be submitted to the Chief of Police for approval.

404.7.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Crisis Negotiation Team should attend a department-approved Basic Negotiators Course prior to deployment in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per 6 months will be required to provide the opportunity for role playing and situational training that is necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member of the Crisis Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

404.8.1 SELECTION OF PERSONNEL

Interested licensed personnel who are off probation shall submit a request to their appropriate Division Commander, a copy of which will be forwarded to the EOU Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the process.

- Recognized competence and ability as evidenced by performance.

- Demonstrated good judgment and understanding of the critical role of a SWAT member.

- Special skills, training, or appropriate education as it pertains to this assignment.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

- Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations. EOU Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

-
- A list of successful applicants shall be submitted to staff by the EOU Commander for final selection.

404.8.2 TEAM EVALUATION
Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the EOU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.9 OPERATIONAL GUIDELINES FOR EMERGENCY OPERATIONS UNIT
The following procedures serve as guidelines for the operational deployment of the Emergency Operations Unit. Generally, the SWAT team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team, such as warrant service operations. This shall be at the discretion of the EOU Commander.

404.9.1 ON-SCENE DETERMINATION
The supervisor in charge at the scene of a particular event will assess whether the Emergency Operations Unit should respond. Upon final determination, whevever possible, he/she will notify the Duty Command Officer.

404.9.2 APPROPRIATE SITUATIONS FOR USE OF EMERGENCY OPERATIONS UNIT
The following are examples of incidents that may result in the activation of the Emergency Operations Unit:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages have been taken.

(c) Cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation where a EOU response could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

404.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Shift Sergeant. Deployment of the Brooklyn Center Police Department Emergency Operations Unit in response to requests by other agencies must be authorized by a Division Commander.

404.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the Brooklyn Center Police Department SWAT team shall operate under the policies, procedures and command of the Brooklyn Center Police Department when working in a multi-agency situation.

404.9.5 MOBILIZATION OF EMERGENCY OPERATIONS UNIT

The on-scene supervisor shall make a request to the Duty Command Officer when possible for the Emergency Operations Unit to respond. The Shift Sergeant shall then notify the EOU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Sergeant's office by the EOU Commander.

The Shift Sergeant should advise the EOU Commander/DCO with as much of the following information as is available at the time:

(a) The number of suspects, known weapons, and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location and safe approach to the command post.

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The DCO or Sergeant shall then initiate a team call out if warranted.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

404.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Emergency Operations Unit, field personnel should if safe, practicable, and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team's actions may include:

  1. Securing any subject or suspect who may surrender.
  2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the EOU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the EOU Commander/Team Leaders on the situation.

(g) Plan for and stage anticipated resources.

404.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Emergency Operations Unit, the DCO shall brief the EOU Commander and team supervisors. Upon review, it will be the DCO's decision, with input from the EOU Commander, whether to deploy the Critical Response Unit. Once the DCO or EOU Commander authorizes deployment, the EOU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Critical Response Unit. The Incident Commander and the EOU Commander or designee shall maintain communications at all times.

404.9.8 COMMUNICATION WITH EMERGENCY OPERATIONS UNIT PERSONNEL

All of those persons who are non-Emergency Operations Unit personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with EOU personnel directly. All non-emergency communications shall be channeled through the DCO or designee.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Ride-Along Policy

405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for persons to experience the law enforcement function first hand. This policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

405.1.1 ELIGIBILITY

The Brooklyn Center Police Department Ride-Along Program is offered to residents, those employed within the City, and requests by members of the department. Every reasonable attempt will be made to accommodate interested persons. Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age (without parental consent).
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week. The ride-along times are to be determined by the Shift Supervisor. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander or Shift Sergeant.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Division Commander. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number.

A Sergeant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ride-along waiver form will be forwarded to the respective Shift Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every year. An exception would apply to the following: cadets, Explorers, chaplains, police applicants and all others with approval of the Shift Sergeant.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period.

Ride-along requirements for police cadets are covered in Policy Manual § 1048, "Police Cadet Program."

405.2.2 SUITABLE ATTIRE
Any person approved to ride-along is required to be suitably dressed. Sandals, tank tops, and ripped or torn blue jeans are not permitted. The Shift Sergeant or field supervisor may refuse a ride-along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Patrol Division Commander.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Minnesota Bureau of Criminal Apprehension Criminal History System check prior to approval (provided that the ride-along is not an employee of the Brooklyn Center Police Department).

405.3 OFFICER'S RESPONSIBILITIES

Officers shall consider the safety of the ride-along at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, and if necessary, let the participant out of the vehicle in a place of safety. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Shift Sergeant or senior officer.

The Patrol Division Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Patrol Division Commander with any comments that may be offered by the officer.

405.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include:

(a) The ride-along will follow the directions of the officer.

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home or to the station.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) The officer may terminate the ride-along and return the observer to their home or to the station if the ride-along interferes with the performance of any officer's duties.

(e) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(f) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

(g) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Minnesota law, the following represents the policy of this department.

406.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous material - Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid or contained gaseous form, which, because of its quantity, concentration, or chemical, physical or infectious characteristics may (Minn. Stat. § 116.06 Subd. 11):

(a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment absent proper training. A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material

(b) Notify the appropriate fire department.

(c) Provide first aid to injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(e) Contact the Minnesota Duty Officer (800-422-0798).

(f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area are established.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

406.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in a report that shall be forwarded via chain of command to their Division Commander. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

407.2 POLICY

It is the policy of the Brooklyn Center Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATION

A supervisor with probable cause to believe that a person is being unlawfully confined may order a telephone company to cut, reroute, or divert telephone lines for the purpose of establishing and controlling communications with a suspect (Minn. Stat. § 609.774).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

407.4 FIRST RESPONDER CONSIDERATION

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- Provide responding emergency personnel with a safe arrival route to the location.
- Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- Coordinate pursuit or surveillance vehicles and control of travel routes.
- Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- If necessary and available, establish a tactical or exclusive radio frequency for the incident.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

407.5 SUPERVISOR RESPONSIBILITY

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a EOU response if appropriate and apprising the EOU Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

407.6 CRISIS RESPONSE UNIT

It will be the Incident Commander’s decision, with input from the EOU Commander, whether to deploy the EOU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the EOU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the EOU. The Incident Commander and the EOU Commander or the authorized designee shall maintain communications at all times.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Brooklyn Center Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

408.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

(a) The device should not be touched or transported to any other location.

(b) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(c) A perimeter should be secured for a minimum of 300 feet around the location or an otherwise safe distance depending on the surrounding physical environment and allowing for an entrance for support personnel.

(d) As much initial information as possible should be relayed to a supervisor without touching the device, including:

1. The stated threat
2. Exact comments
3. Time of discovery
4. Exact location of the device
5. Full description (e.g., size, shape, markings, construction).

(e) Officers should not transmit on any equipment that produces radio frequency energy within 300 feet. Consideration should be given to the possibility of evacuation if a device is located within a building.

(f) An additional perimeter should be secured around any suspected device.

(g) Officers should give consideration for the ingress/egress of additional support personnel, such as paramedics and fire department personnel.

(h) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(i) Explosive or military ordnance of any type should be handled only by bomb squad technicians.

(j) When in doubt, call for assistance from the bomb squad.

408.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multiple considerations that may confront an officer. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, additional damage from resulting fires, or unstable structures.

Whether the explosion was the result of an accident or a criminal act, the following concerns may confront the officer:

- Injury to victims
- First aid
- Evacuation of victims

408.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire department and/or state fire marshal

(b) Bomb squad

(c) Additional officers

(d) Shift Sergeant/Senior Officer

(e) Duty Command Officer (DCO)

(f) Investigators

(g) Hennepin County Crime Lab

(h) Bureau of Criminal Apprehension (BCA)

408.3.2 CROWD CONTROL

Scene access should be restricted to those with a legitimate public safety purpose.

408.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a wide area. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

408.4 BOMB THREATS AT POLICE FACILITY

This procedure shall be followed should a bomb threat be received at a police facility and a search made for a destructive device.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

408.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions shall be asked if a call of a bomb threat is received at a Police facility:

- When is the bomb going to explode?
- When did you place the bomb?
- What would cause the bomb to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? To avoid possible termination of the call, this should be asked after the preceding questions.

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these prior eight questions. Additionally, during this time, document the following:

- Time of the call
- Exact words of the person as accurately as possible
- Estimated age and gender of the caller
- Speech patterns and/or accents
- Background noises

If the threat is received at a police facility on a recorded line, steps should be taken to ensure that the recording is preserved in accordance with current Department evidence procedures. If at all possible attempts should be made to record the call.

408.4.2 RESPONSIBILITIES

As soon as a bomb threat has been received, the Duty Command Officer (DCO) or Sergeant will be advised and fully informed of the details. The Duty Command Officer (DCO) or Sergeant will then direct and assign officers as required for coordinating a general building search or evacuation as deemed appropriate.

408.5 BOMB THREATS AT PUBLIC OR PRIVATE FACILITY

This procedure shall be followed should a bomb threat occur at a private facility or another public facility and the Department is informed of the threat.

408.5.1 BOMB THREAT RESPONSE OPTIONS

The options available to the person in charge of the facility are generally:

(a) No search and no evacuation

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Search without evacuation

(c) Evacuation without search

(d) Evacuation and search

408.5.2 REQUEST FOR ASSISTANCE
Should the person in charge of the facility request assistance, the Sergeant or DCO shall be notified and will make the decision whether the Department renders assistance and to what level. Should the information and circumstances indicate a reasonably apparent imminent threat to safety, a more active approach, including law enforcement control over the facility, may be considered.

408.5.3 EVACUATION OR SEARCH ASSISTANCE
Should the Sergeant or DCO determine that the Department will assist or control a bomb threat incident, the Sergeant or DCO will determine:

(a) The level of assistance

(b) The plan for assistance

(c) Whether to evacuate and/or search

(d) The appropriate support necessary

Considerations regarding the involvement of the facility staff in searching and evacuating is important. A search or evacuation can be difficult without a working familiarity of the facility. The person in charge of the facility should be made aware of the possibility of damage to the facility as a product of a search. The safety of all participants is the paramount concern.

Support consideration should include notification and response, or standby notice, for fire, medical, and ambulance.

408.6 SECTION TITLE

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Civil Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual in protective custody and request a 72-hour hold under the Minnesota Commitment and Treatment Act (Minn. Stat. § 253B.05).

409.2 POLICY

It is the policy of the Brooklyn Center Police Department to protect the public and individuals through legal and appropriate use of the 72-hour hold process.

409.3 AUTHORITY

An officer, having reason to believe that any individual because of mental illness, chemical dependency or public intoxication is in danger of injuring him/herself or others if not immediately detained, may take, or cause to be taken, the individual to a treatment facility for a 72-hour evaluation (Minn. Stat. § 253B.05, Subd. 2).

The officer shall make written application for admission of the individual to a treatment facility. The application shall contain the officer's reasons for and circumstances under which the individual was taken into custody. If danger to specific individuals is a basis for the requested emergency hold, the statement must include identifying information for those individuals to the extent reasonably practicable. The officer shall also provide the department contact information for purposes of receiving notice if the individual is released prior to the 72-hour admission or leaves the facility without consent. The facility shall make a copy of the statement available to the individual taken into custody (Minn. Stat. § 253B.05, Subd. 2).

409.3.1 VOLUNTARY EVALUATION

If officers encounter an individual who may qualify for a 72-hour hold, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Request the appropriate ambulance service. Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to the Minnesota Commitment and Treatment Act.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the application for a 72-hour hold, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 72-hour hold should consider, as time and circumstances reasonably permit:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

(b) When appropriate forward a report to Hennepin County Adult/Child Protection (First Response).

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

409.5 TRANSPORTATION

Absent exigent circumstances or Sergeant/DCO approval, all transports for mental health holds shall be conducted by medical personnel.

Officers may transport intoxicated individuals to a hospital or detox facility unless the individual is in need of immediate medical care.

409.5.1 TYPE OF TRANSPORTATION

When transporting any individual on a Minn. Stat. § 253B.05 admission, and if reasonably practicable, officers should not be in uniform and should not use a vehicle visibly marked as a law enforcement vehicle (Minn. Stat. § 253B.05, Subd. 2(b)).

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 72-hour hold and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

409.7 DOCUMENTATION

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for purposes of a 72-hour hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a 72-hour hold has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 72-hour hold.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 72-hour hold.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a 72-hour hold, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before seizing weapons or entering a residence or other place to search unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent).

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, 72-hour holds and crisis intervention.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Cite and Release Policy

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Brooklyn Center Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

This policy also provides guidance on when a court orders that a person be released.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

410.2 POLICY

The Brooklyn Center Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

410.3 RELEASE

A suspected offender shall be released on issuance of a citation:

(a) When the offender has been arrested without a warrant and either a prosecutor or district court judge orders that the offender should be released (Minn. R. Crim. P. 4.02; Minn. R. Crim. P. 6.01).

  1. Release is not required if a reviewing supervisor determines that the offender should be held pursuant to Minn. R. Crim. P. 6.01 Subd. 1.

(b) When the offender is charged with a petty or fine-only misdemeanor (Minn. R. Crim. P. 6.01).

(c) In misdemeanor cases unless it reasonably appears to the arresting officer that the offender will (Minn. R. Crim. P. 6.01):

  1. Cause bodily injury to him/herself or another if he/she is not detained.
  2. Continue engaging in criminal conduct.
  3. Not respond to a citation.

(d) When the offender is from another state which has a reciprocal agreement with Minnesota unless the offense is (Minn. Stat. § 169.91):

  1. One which would result in the revocation of the offender’s driver’s license under Minnesota law upon conviction.
  2. A violation of a highway weight limitation.
  3. A violation of a law governing the transportation of hazardous materials.
  4. That the offender was driving without a valid driver’s license.

410.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) The offender has committed a driving while impaired (DWI) offense (Minn. Stat. § 169A.40; Minn. Stat. § 169.91).

(b) The offender is arrested for a violation of state law or an ordinance related to the operation or registration of a vehicle punishable as a misdemeanor or felony and (Minn. Stat. § 169.91):

1. The offender demands an immediate appearance before a judge.
2. The offender is charged with:
   (a) An offense involving an accident that resulted in injury or death.
   (b) Criminal vehicular homicide.
   (c) Failure to stop after being involved in an accident that resulted in death, personal injuries or damage to property.
3. There is reasonable cause to believe that the offender may leave the state.

See the Domestic Abuse Policy for release restrictions related to those investigations.

410.5 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Minnesota statute sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

410.6 FISH AND GAME AND ENVIRONMENT-RELATED OFFENSES

In the case of game and fish laws or other environment-related offenses, as specified in Minn. Stat. § 97A.211, officers should release the offender unless there is reason to believe that criminal conduct will continue or that the offender will not respond as required by the citation (Minn. Stat. § 97A.211).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Brooklyn Center Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by foreign service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

411.2 POLICY

The Brooklyn Center Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers.

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Rapid Response and Deployment

412.1 PURPOSE AND SCOPE

Violence in schools, workplaces, and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers implement rapid response and deployment to such situations.

412.2 POLICY

The policy of this department in dealing with a crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or injury.

412.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat, or wait for additional resources.

When deciding on a course of action officers should consider the following:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the officers have the ability to effectively communicate with others in the field.

(d) Whether planned tactics can be effectively deployed.

(e) The availability of rifles, shields, control devices, and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (Emergency Operations Unit (EOU) and/or hostage negotiation team response).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action if reasonably possible to stop the threat presented by the suspect while calling for additional assistance.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Reporting Law Enforcement Activity Outside of Jurisdiction

413.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting law enforcement activity while on- or off-duty that is occurring outside the jurisdiction of the Brooklyn Center Police Department.

413.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an outside agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from a supervisor. If the request is of an emergency nature, the officer shall notify Dispatch before responding and thereafter notify a supervisor as soon as practicable.

413.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer who engages in law enforcement activities of any type outside the immediate jurisdiction of the Brooklyn Center shall notify a supervisor at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction, shall notify a supervisor as soon as reasonably practicable.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Division Commander.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Brooklyn Center Police Department for investigating and enforcing immigration laws.

414.2 POLICY

It is the policy of the Brooklyn Center Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Minnesota Constitutions.

414.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

414.3.2 SWEEPS

The Brooklyn Center Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status, or other group.

The disposition of each contact (e.g., warning, citation, or arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion, or socioeconomic status.

414.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

414.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (e.g., infraction, misdemeanor, or felony), the investigating officer should take reasonable steps to determine the individual's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

414.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation if there is a substantial likelihood that the individual will not show up at a later date (Minn. R. Crim. P. § 6.01).

414.3.6 BOOKING

If there is a substantial likelihood that a person will not show up at a later date because he/she cannot reasonably establish his/her true identity, the individual may be booked into jail for the suspected criminal violation and held for bail (Minn. R. Crim. P. § 6.01).

414.3.7 DETENTION

A person detained exclusively for a misdemeanor should not be detained beyond what is reasonably necessary for establishing his/her identity. Regardless of the status of the person's identity, he/she should be released on a notice to appear in court for the violation or misdemeanor violation or be taken into custody as authorized by statute or court rule.

414.3.8 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Whenever an officer has reason to believe that any person arrested for any offense under the Minnesota law or any other felony may not be a citizen of the United States and the individual is not going to be booked into jail, ICE may be notified by the arresting officer so that ICE may consider placing an immigration hold on the individual.

If an officer has an articulable belief that an individual taken into custody for any misdemeanor is an undocumented alien, and after he/she is formally booked there is no intention to transport to the county jail, ICE may be informed by the arresting officer so that ICE may consider placing an immigration hold on the individual.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

In making the determination whether to notify ICE in such circumstances, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case including, but not limited to:

(a) Seriousness of the offense

(b) Community safety

(c) Impact on the immigrant community

Generally, officers will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

414.4 ENFORCEMENT

An officer may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the person held. An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

414.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but has remained beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or Minnesota Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

(a) An admission that the person entered the United States illegally.

(b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.

(c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.

(d) Other factors based upon training and experience.

414.4.2 IMMIGRATION CHECKS

Immigration status may be determined through any of the following sources:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)

(b) Immigration and Customs Enforcement (ICE)

(c) U.S. Customs and Border Protection (CBP)

An officer shall verify from a 287(g) certified officer, ICE or CBP whether a person's presence in the United States relates to a federal civil violation or a criminal violation.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the officer should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

414.4.3 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

(a) Confirm that the detained person's immigration status was properly verified.

(b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:

  1. Transfer to federal authorities.
  2. Lawful arrest for a criminal offense or warrant.

414.5 TRAINING

The Training Sergeant shall ensure that all appropriate members receive immigration training.

414.6 U VISA AND T VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Division supervisor assigned to oversee the handling of any related case. The Investigations Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

414.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from ICE

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state or local government entity

414.7.1 IMMIGRATION HOLDS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

414.8 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges. Notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

414.9 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Immigration Violations

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Emergency Utility Service

415.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

415.1.1 BROKEN WATER LINES

Patrol staff and CSOs need to properly notify City utility staff when emergencies arise. In situations where Hennepin Dispatch airs a call of an emergency sewer or water issue afterhours the following procedure must be followed. The responding officer or CSO must immediately notify Dispatch to contact the on-call utility person. They can be reached by pager at 612-648-9707. Dispatch will not notify the on-call unless instructed to do so by the assigned officer.

415.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

415.1.3 RESERVOIRS, PUMPS AND WELLS

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

415.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Dispatch.

415.2 TRAFFIC SIGNAL MAINTENANCE

The City of Brooklyn Center contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the Minnesota Department of Transportation (Mn/DOT).

415.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Patrol Rifles

416.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Brooklyn Center Police Department will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

416.2 PATROL RIFLE

416.2.1 DEFINITION

Patrol Rifle - An authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police.

416.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police and issued by the Department, may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Smith and Wesson M&P 15.

416.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the armorer, who shall inspect and service each patrol rifle on a monthly basis.

(b) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor or armorer.

(c) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.

(d) Each patrol rifle shall be subject to inspection by a supervisor or armorer at any time.

(e) No modification shall be made to any patrol rifle without approval of the Chief of Police or Division Commander and modification must be made by a department armorer.

416.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training. This training shall consist of an initial patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete training and yearly firearms proficiency qualification conducted by a certified patrol rifle instructor.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

416.6 DEPLOYMENT OF THE PATROL RIFLE

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

(a) Situations where the officer reasonably anticipates an armed encounter.

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When appropriate to aid in the dispatch of an animal.

416.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Use of Force Policy and the Shooting Policy.

416.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty, and a fully loaded magazine is inserted into the magazine well.

416.9 RIFLE STORAGE

(a) When not in use, patrol rifles will be stored in the Department armory in rifle racks.

(b) In-service patrol rifles should be secured in the vehicle gun lock or case.

(c) At the end of the assigned officer's shift, the patrol rifle will be returned and secured in the Department armory.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Aircraft Crashes

417.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft crashes including responsibilities of personnel, making proper notification and documentation.

417.2 RESPONSIBILITIES

In the event of an aircraft crash, the employee responsibilities are as follows:

417.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the responding officers at the scene of an aircraft crash include the following:

(a) Determine the nature and extent of the crash.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of emergency medical services.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure the Medical Examiner's Office is notified if a death occurs.

(g) Notify Hennepin County Crime Lab for assistance with documentation.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage, or protecting the public from danger. If reasonably possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The fire department will be responsible for control of the crash scene until the injured parties are cared for and the crash scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

417.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating crashes involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent reasonably possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, regardless of any injury or death.

If the crash did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

417.2.3 SUPPORT SERVICES MANAGER RESPONSIBILITIES

The Support Services Supervisor is responsible for the following:

(a) Forward and maintain an approved copy of the crash report to the Minnesota Department of Transportation Aeronautics and Aviation Section.

(b) Forward a copy of the report to the Patrol Division Commander and the manager of the affected airport.

417.2.4 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Police Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or designee.

(b) When practicable, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the media.

Information released to the press regarding any aircraft crash should be handled by the Department Public Information Officer or in accordance with existing policy.

417.3 DOCUMENTATION

Any aircraft crash within the City, regardless of whether injuries or deaths occur, shall be documented.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Field Training Officer Program

418.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Brooklyn Center Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and to acquire all of the skills needed to operate in a safe, productive, and professional manner.

418.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry-level and lateral police officers in the application of their previously acquired knowledge and skills.

418.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Minimum of three years of patrol experience, two of which shall be with this department.

(c) Demonstrated ability as a positive role model.

(d) Participate and pass an internal selection process.

(e) Evaluation by supervisors and current FTOs.

(f) Possess an FTO certificate of completion from a Minnesota POST Board-approved course.

418.2.2 CONTINUED TRAINING

All FTOs should complete a POST-approved FTO update course every five years while assigned to the position of FTO.

418.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected by the division commander or designee.

The responsibilities of the FTO Program supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/trainee performance evaluations are completed.

(d) Maintain, update, and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(f) Monitor overall FTO Program.

(g) Maintain liaison with FTO coordinators of other agencies.

(h) Develop ongoing training for FTOs.

The FTO Program supervisor will be required to obtain a Field Training Officer supervisory certificate from a Minnesota POST Board-approved course within one year of appointment to this position.

418.4 TRAINEE DEFINED

Trainee - Any entry level or lateral police officer newly appointed to the Brooklyn Center Police Department who possesses a Minnesota POST license, or is eligible to be licensed.

418.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

The required training will take place on at least two different shifts and with at least two different FTOs, if reasonably possible.

418.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Brooklyn Center Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations enacted by the Brooklyn Center Police Department.

418.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

418.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Completing and submitting a written evaluation on the performance of the assigned trainee to the trainee's immediate FTO on a daily basis.

(b) Reviewing the Daily Trainee Performance Evaluations with the trainee each day.

(c) Completing a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) Signing off all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

418.6.2 IMMEDIATE SUPERVISOR
The Field Training Supervisor shall review the Daily Trainee Performance Evaluations.

418.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Supervisor will review and approve the Daily Trainee Performance Evaluations submitted by the FTO.

The Field Training Administrator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Administrator will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forward to the Patrol Division Commander.

418.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer's training files, and will consist of the following:

(a) Daily Trainee Performance Evaluations.

(b) End of phase evaluations.

(c) A Certificate of Completion, certifying that the trainee has successfully completed the field training program.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Obtaining Air Support

419.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested, and the responsibilities for making a request.

419.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

419.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the supervisor or officer in charge will call the closest agency having air support available. The supervisor or officer in charge will apprise that agency of the specific details of the incident prompting the request.

419.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

(a) When the aircraft is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.

(c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When an aircraft is needed to locate a person who has strayed or is lost, and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits (Minn. Stat. § 626.8458).

(f) When the shift supervisor or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Detentions And Photographing Detainees

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to his/her at the time of the detention.

420.2 DEFINITIONS

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Video Recorder (MVR) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

420.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) The hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

420.3.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer’s suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals is encouraged by the Brooklyn Center Police Department to strengthen our community involvement, community awareness and problem identification.

420.3.2 DURATION OF DETENTION

A subject may be detained to conduct an FI only for the period reasonably necessary to determine the individual’s identity and resolve the officer’s suspicions. The interview should not extend beyond the immediate vicinity of the place where the detention was first effected unless the detainee is arrested.

420.3.3 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When reasonably feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

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

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if reasonably available, prior to transport.

420.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to, the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications that suggest the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

When reasonably possible, pat-down searches should be performed by officers of the same gender as the suspect.

420.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

420.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

420.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in, or was about to become involved in, criminal conduct.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be retained in compliance with this policy.

420.6 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before taking each photograph. Field photographs shall be classified as law enforcement data under Minn. Stat. § 13.82, and shall be collected, maintained and disseminated consistent with the Minnesota Government Data Practices Act.

420.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Sergeant should review and forward the photograph to one of the following locations:

(a) If the photo and associated FI or memorandum is relevant to criminal gang enforcement, the Shift Sergeant will forward the photo and documents to the Gang Supervisor. The Gang Supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in the criminal gang file or that are not evidence in an investigation with an assigned case number should be forwarded to the Support Services. These photographs will be purged as described in this policy.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Support Services in a separate non-booking photograph file in alphabetical order.

420.7.1 PURGING THE FIELD PHOTO FILE

The support services manager will be responsible for ensuring that photographs maintained by the Support Services that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed, unless a longer period of retention is required by the Department records retention schedule. No record may be destroyed unless done in compliance with such a schedule unless ordered by a court or pursuant to other applicable statute. Photographs that continue to serve a law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be governed by the Minnesota Government Data Practices Act.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

420.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this department during any contact other than an arrest and requests to view non-confidential data shall be shown the data immediately if possible, or within 10 days of the date of the oral or written request, excluding Saturdays, Sundays and legal holidays. No charge may be assessed for display of the data, and if desired the person shall be informed of the content and meaning of that data (Minn. Stat. § 13.04 Subd. 3). The request to view the photograph/FI data shall be directed to the office of the Chief of Police, who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below.

420.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or designee will permit the individual to appear in person. Any minor under the age of 10 must be accompanied by a parent or legal guardian for a review of the status of the photograph/FI.

Such a meeting will be scheduled during regular business hours no longer than 10 days of the receipt of the request.

A meeting for the review of the status of any non-arrest photograph/FI is simply an informal opportunity for the individual to meet to review the data.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Criminal Gangs

421.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Brooklyn Center Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

421.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

421.2 POLICY

The Brooklyn Center Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

421.3 CRIMINAL INTELLIGENCE SYSTEMS

No Department member may create, submit to, or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for Department use.

Any criminal intelligence system approved for Department use should meet or exceed the standards of 28 CFR 23.20.

A supervisor or designee will be responsible for maintaining each criminal intelligence system that has been approved for Department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

421.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, photo, or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Support Services. Any supporting

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

documentation for an entry shall be retained by the Support Services in accordance with the established records retention schedule, and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Support Services are appropriately marked as intelligence information. The support services manager may not purge such documents without the approval of the designated supervisor.

421.3.2 ENTRIES INTO CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

It is the designated supervisor's responsibility to approve the entry of any information into the criminal gang investigative data system maintained by the Minnesota Bureau of Criminal Apprehension and authorized by Minn. Stat. § 299C.091. Entries may be made if the individual is 14 years of age or older and the Department documents the following:

(a) The Department has reasonable suspicion to believe that the individual has met at least three of the criteria or identifying characteristics of gang membership, developed by the Violent Crime Coordinating Council.

(b) The individual has been convicted of a gross misdemeanor or felony, or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult.

421.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

421.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Support Services or Property Room, but should be copies of, or references to, retained documents such as copies of reports, Dispatch records, or booking forms.

(c) Shall not include opinions. No person, organization, or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

421.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

421.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization, or enterprise is involved in criminal activity, and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should train members to identify information that may be particularly relevant for inclusion.

421.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to Department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Release and Security Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

421.7 CRIMINAL STREET GANGS

The Investigations Division supervisor should ensure that there are an appropriate number of Department members who can:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

421.8 TRAINING

The Department should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multi-agency criminal intelligence system.

(c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Shift Supervision

422.1 PURPOSE AND SCOPE

Each patrol shift must be directed by a supervisor who is capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions, and objectives.

422.2 DESIGNATION AS ACTING SHIFT SERGEANT

When a sergeant is unavailable for duty as shift sergeant, in most instances the senior officer shall be designated as acting shift supervisor.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Mobile Video Recorders

423.1 PURPOSE AND SCOPE

The Brooklyn Center Police Department has equipped marked patrol cars with Mobile Video Recording (MVR) systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

423.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Video Recorder (MVR) - Synonymous terms - that refer to any system that captures audio and video signals that is capable of installation in a vehicle and that includes at minimum, a camera, microphone, recorder, and monitor.

Law Enforcement Operator (LEO) - Primarily a licensed peace officer, but on occasion may be a non-licensed representative of the Department who is authorized and assigned to operate MVR-equipped vehicles to the extent consistent with Minn. Stat. § 169.98.

MGDPA - The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

MVR technician - Personnel certified or trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods, and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

423.2 POLICY

It is the goal of the Brooklyn Center Police Department to use mobile video recorder (MVR) technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

423.3 OFFICER RESPONSIBILITIES

Prior to going into service each officer will properly equip him/herself to record audio and video in the field. At the end of the shift each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment.

At the start of each shift, officers should test the MVR system operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge number, current date and time, and start and end times of shift. If the system is

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

423.4 ACTIVATION OF THE MVR

The MVR system is designed to turn on whenever the unit's emergency lights are fully activated and when vehicle speed reaches 80 mph. The system remains on until it is turned off manually. The audio portion can be independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded the video will also record.

Operators are encouraged to narrate events using the audio recording so as to provide the best documentation for pretrial and courtroom presentation.

423.4.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The MVR system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Prisoner transports
9. Non-custody transports
10. Pedestrian checks
11. DWI investigations including field sobriety tests
12. Crimes in progress

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

13. Responding to an in-progress call
14. Significant medical incidents attended to by members of the Department

(b) All self-initiated activity in which an officer would normally notify Dispatch

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Family violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

423.4.2 CESSATION OF RECORDING

Once activated the MVR system should remain on until the incident has concluded. For purposes of this section conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

423.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MVR system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously use City equipment to record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

423.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) The operation of MVR systems by new employees is assessed and reviewed no less than monthly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

involved collisions), a supervisor shall respond to the scene and ensure that the evidence is preserved and the proper chain of custody is maintained.

Supervisors are authorized to stream into audio and video feeds to ensure officer safety and equipment serviceability, or at the request of the officer. Officers will be advised of the streaming operation verbally by the supervisor and visually on the MCD screen by a blue streaming indicator light.

423.5 REVIEW OF MVR RECORDINGS

All recording media, recorded images and audio recordings are the property of the agency and subject to the provisions of the MGDPA. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required under the MGDPA, Peace Officer Disciplinary Procedures Act or other applicable law.

Recordings may be reviewed in any of the following situations.

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of officer conduct

(c) By a supervisor to assess officer performance

(d) To assess proper functioning of MVR systems

(e) By department investigators, after approval of a supervisor, who are participating in an official investigation such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who request to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses the data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee

(i) By the media through proper process or with an MGDPA request (Minn. Stat. § 13.01 et seq.)

(j) To assess possible training value

(k) Recordings may be shown for staff or public safety training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

Employees desiring to view any previously uploaded or archived MVR recording should submit a request in writing to the Patrol Commander. Approved requests should be forwarded to the property room technician for processing.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

423.6 DOCUMENTING MVR USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the records copy of the citation indicating that the incident was recorded.

423.7 RECORDING MEDIA STORAGE AND INTEGRITY

Arbitrator System Classification and Retention	
Classification	**Retention Period**
AOA/Emergency Vehicle Response	30 Days (1 month)
Arrest	730 Days (2 years)
Citation	730 Days (2 years)
Critical Incident/Flag for Review	180 Days (6 months)
Field Contact/Routine Call/Warning	30 Days (1 month)
Death/Death Statement	Permanent
Homicide/Homicide Statement	Permanent
Statement - All Others	730 Days (2 years)
Statement - CSC / Arson	Permanent
Transport	30 Days (1 month)
Test/Accidental	30 Days (1 month)
Use of Force	2190 Days (6 years)
Internal Investigation	2190 Days (6 years)
Videos Not Classified	*30 Days (1 month)*

423.7.1 MVR RECORDINGS AS EVIDENCE

Officers who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Brooklyn Center Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

423.8 SYSTEM OPERATIONAL STANDARDS

(a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

(b) The MVR system should be configured to minimally record for 30 seconds prior to an event.

(c) The MVR system may not be configured to record audio data occurring prior to activation.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) LEOs using digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.

(e) With the exception of law enforcement radios or other emergency equipment other electronic devices should not be used within the law enforcement vehicle in order to intentionally interfere with the capability of the MVR system to record audio data.

(f) LEOs shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor or other approved designee may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.

423.9 TRAINING

Users of the MVR systems and supervisors shall receive training prior to being deployed with MVR systems in operational settings.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Mobile Digital Computer Use

424.1 PURPOSE AND SCOPE

The Mobile Computer Display (MCD) accesses confidential records from the State of Minnesota, Bureau of Criminal Apprehension (BCA) databases. Employees using the MCD shall comply with all appropriate federal and state rules and regulations.

424.2 MDC USE

The MCD shall be used for official police communications only. Messages that are of a sexual, racist, offensive nature, or are otherwise critical of any member of the Department are strictly forbidden. MCD use is also subject to the Department Technology Use Policy.

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.

424.2.1 USE WHILE DRIVING

Use of the MCD by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative, or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

424.2.2 DOCUMENTATION OF ACTIVITY

MCDs and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MCD.

424.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted verbally over the police radio or through the MCD system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MCD.

424.3 MDC CONSIDERATIONS

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

424.3.1 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MCDs. Operating the MCD may cause some devices to detonate.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Portable Audio/Video Recorders

425.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Video Recorders policies).

425.2 POLICY

The Brooklyn Center Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

425.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in an official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

425.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever possible.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever possible.

When using a portable recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

425.5 ACTIVATION OF THE PORTABLE RECORDER

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

The portable recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify Dispatch

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as practicable.

425.5.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

425.5.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Minnesota law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Minn. Stat. § 626A.02).

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

425.6 PROHIBITED USE OF PORTABLE RECORDERS

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

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

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

425.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report. Transfers should occur at the end of the member's shift, or any time the storage capacity is nearing its limit.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

425.7.1 RETENTION REQUIREMENTS

Portable recordings may be considered criminal investigative data subject to public disclosure (Minn. Stat. § 13.82, Subd. 7). All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

425.8 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are Department records and may only be released as provided in the Records Release and Security Policy, or for other authorized legitimate Department business purposes.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

425.9 REVIEW OF RECORDINGS

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, and in accordance with the Records Release and Security Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Release and Security Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Foot Pursuits

426.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

426.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

426.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. However, this decision must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area

(b) Canine search

(c) Saturation of the area with patrol personnel

(d) Aerial support

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(e) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

426.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) When the officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.

(g) When the officer loses radio contact with Dispatch or with backup officers.

(h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer definitely known.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

426.4 RESPONSIBILITIES IN FOOT PURSUITS

426.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier

(b) Location and direction of travel

(c) Reason for the foot pursuit

(d) Number of suspects and description

(e) Whether the suspect is known or believed to be armed

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

426.4.2 ASSISTING OFFICER_DEPUTY RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with Department policy, based upon available information and his/her own observations.

426.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

426.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended, as well as the means and methods used.

    1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary, or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a report in addition to the data normally created during the event.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Automated License Plate Readers (ALPR)

427.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Brooklyn Center Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates, and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

427.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Investigative Division commander. The Investigative Division commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

427.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) No member of this department shall operate ALPR equipment, or access ALPR data without first completing Department-approved training.

(b) An ALPR shall only be used for official and legitimate law enforcement business.

(c) An ALPR may be used in conjunction with any patrol operation or official Department investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.

(d) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings, and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(e) If practicable, the officer should verify an ALPR response through the Minnesota Justice Information Services (MNJIS) and National Law Enforcement Telecommunications System (NLETS) databases before taking enforcement action that is based solely upon an ALPR alert.

(f) No ALPR operator may access MNJIS or NLETS data unless otherwise authorized to do so. ALPR operators must obtain clearance through the Bureau of Criminal Apprehension (BCA) prior to operating ALPR equipment or accessing ALPR data.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

427.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Brooklyn Center Police Department, and because such data may contain nonpublic MNJIS or NLETS information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Investigative Division commander is responsible to ensure proper collection and retention of ALPR data and for transferring ALPR data stored in Department vehicles to the Department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for the minimum period established by the Department records retention guidelines. Thereafter, ALPR data may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records. In those circumstances, the applicable data should be downloaded from the server onto portable media and booked into evidence.

427.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Brooklyn Center Police Department will observe the following safeguards regarding access to, and use of, stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the support services manager and processed in accordance with applicable law.

(b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or Department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Homeless Persons

428.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Brooklyn Center Police Department recognizes that members of the homeless community are often in need of special protection and services. The Brooklyn Center Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following policy when serving the homeless community.

428.1.1 POLICY

It is the policy of the Brooklyn Center Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity, and private property of the homeless. Homelessness is not a crime, and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

428.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest. Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

428.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses, or suspects:

(a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(e) Consider whether the person may be a dependent adult or elder, and if so proceed in accordance with the Abuse of Vulnerable Persons Policy.

(f) Arrange for transportation for investigation-related matters.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates he/she does not desire prosecution.

428.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting, and retaining the personal property of homeless persons, and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor.

Officers who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property unless such property appears to involve a trespass, blight to the community, or is the subject of a complaint.

428.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a 72-hour emergency medical hold unless facts and circumstances warrant such a detention.

428.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Criminal Conduct on School Buses

429.1 PURPOSE AND SCOPE

Criminal conduct on school buses has been identified by the legislature as a critical component for the safety and security of the community. The primary purpose of this policy is to provide officers guidance in responding to reports of alleged criminal conduct on school buses. This department, in cooperation with any other law enforcement agency that may have concurrent jurisdiction over the alleged offense, is responsible for responding to all reports of criminal misconduct on school buses in this jurisdiction.

This policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses (Minn. Stat. § 169.4581).

429.2 COMMUNITY COOPERATION

The Brooklyn Center Police Department shall work with and consult with school officials, transportation personnel, parents, and students to respond to these incidents to protect student safety and deal appropriately with those who violate the law.

429.3 PROCEDURE

This department shall respond to all criminal misconduct on school buses within the jurisdiction of this department regardless of the source of the report. Officers should take reasonable actions to complete the following:

(a) Provide for the safety of any person involved in the incident or present at the incident.

(b) Coordinate any appropriate care.

(c) Investigate reports of crimes committed on school buses using the same procedures as followed in other criminal investigations as appropriate for juveniles and/or adults.

(d) Issue citations, release pending further investigation, or apprehend and transport individuals committing crimes on school buses to the extent authorized by law.

(e) Submit reports regarding the incident for review, approval and consideration for prosecution.

(f) Complete follow-up and additional investigation as reasonably necessary to prepare a case pertaining to criminal conduct on school buses as required for prosecution.

(g) Provide information to the relevant school regarding the incident as required or authorized by law.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Public Recording of Law Enforcement Activity

431.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

431.2 POLICY

The Brooklyn Center Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

431.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

431.4 OFFICER RESPONSE

Officers should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

431.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

431.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

    1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

    1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

    2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Bicycle Patrol Unit

432.1 PURPOSE AND SCOPE

The Brooklyn Center Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

432.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize its mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the BPU supervisor or the Shift Sergeant.

432.3 SELECTION OF PERSONNEL

A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and a second person to be selected by the BPU supervisor. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

432.3.1 BICYCLE PATROL UNIT SUPERVISOR

The BPU supervisor will be selected by the Patrol Division Commander or designee.

The BPU supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating the performance of bicycle officers.

(e) Coordinating activities with the Patrol Division.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(f) Inspection and documentation no less than every three months that bicycles not in active service are in a serviceable condition.

(g) Other activities as required to maintain the efficient operation of the unit.

432.4 TRAINING

Participants in the program must complete an initial Department-approved bicycle-training course after acceptance into the program. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

432.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

432.6 CARE AND USE OF PATROL BICYCLES

Specially marked and equipped patrol bicycles, attached gear
bag, a headlight and a flashing rear light will be provided for use by [Officers_Deputies].

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a “Police” decal affixed to each side of the crossbar or the bike’s saddlebag.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage and citations.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of Department bicycles (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, an email should be sent to the BPU supervisor.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

432.7 OFFICER RESPONSIBILITIES

Officers are exempt from operating the bicycle in compliance with Minnesota law while performing their duties (Minn. Stat. § 169.222 Subd. 11). Officers may operate the bicycle without lighting equipment during hours of darkness, when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Medical Cannabis

434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the possession or use of medical cannabis under Minnesota's medical cannabis laws.

434.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 152.22):

Medical cannabis - Any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins in the form of a liquid, oil or pill, that is properly packaged and labeled with:

(a) The name and address of the authorized manufacturer.

(b) The patient's registry identification number, name, date of birth and address.

(c) The chemical composition of medical cannabis.

(d) Recommended dosage.

(e) Directions for use.

(f) Batch number.

(g) Date of manufacture.

Raw leaves, flowers and edibles are not included.

Patient - A Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met any other requirements for patients under Minn. Stat. § 152.22 et seq.

Caregiver - A person who has been approved by the Minnesota Commissioner of Health to assist a patient who is unable to self-administer medication or acquire medical cannabis from a distribution facility due to a disability, and who is authorized to assist the patient with the use of medical cannabis.

434.2 POLICY

It is the policy of the Brooklyn Center Police Department to prioritize resources to avoid making arrests related to medical cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Minnesota medical cannabis laws are intended to provide protection from prosecution to those who use or possess medical cannabis for medical purposes. The Brooklyn Center Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Minnesota law and the resources of the Department.

434.3 INVESTIGATION

Investigations involving the possession or use of cannabis generally fall into one of two categories:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a person claims to be a patient or caregiver.

434.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM
In any investigation involving the possession, delivery, production or use of a cannabis product or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

434.3.2 INVESTIGATIONS INVOLVING A PATIENT OR CAREGIVER
Arrest shall not be made for the possession of medical cannabis by a patient, a caregiver or the parent or legal guardian of a patient (Minn. Stat. § 152.32).

Possession of medical cannabis properly packaged and labeled by an authorized manufacturer should suffice for verification of a person's status as a patient. The possession of medical cannabis registry verification from the Minnesota Department of Health should also suffice for verification a person's status as a patient or caregiver (Minn. Stat. § 152.22; Minn. Stat. § 152.27).

434.3.3 EXCEPTIONS
This policy does not apply to the following offenses. Officers may take enforcement action if the person (Minn. Stat. § 152.23):

(a) Possesses or engages in the use of medical cannabis on a school bus or van, on the grounds of any preschool or primary or secondary school, in any correctional facility, or on the grounds of any child care facility or home daycare.

(b) Vaporizes medical cannabis on any form of public transportation, where the vapor would be inhaled by a non-patient minor child, or in any public place or a place of employment.

(c) Operates any motor vehicle, aircraft, train or motorboat, or works on transportation property, equipment or facilities while under the influence of medical cannabis.

434.4 FEDERAL LAW ENFORCEMENT
Officers should provide information regarding a medical cannabis investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

434.5 PROPERTY ROOM SUPERVISOR RESPONSIBILITIES
The Property Room supervisor shall ensure that medical cannabis, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed. Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property Room supervisor shall as soon as practicable return to the person from whom it was seized any medical cannabis, drug paraphernalia or other related property.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The Property Room supervisor may not destroy medical cannabis except upon receipt of a court order.

The Property Room supervisor may release medical cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Division supervisor.

434.6 REPORTING

Officers aware of a person experiencing a negative medical condition or a death related to a cannabis overdose, including as a result of an unauthorized access to medical cannabis, must contact the Minnesota Department of Health's Office of Medical Cannabis within five business days. If discovered as part of an ongoing investigation, the report must be made within 72 hours of the conclusion of the investigation (Minn. R. 4770.4002; Minn. R. 4770.4004).

Officers having reasonable suspicion of unauthorized possession of medical cannabis or of violations of cannabis laws by individuals authorized to possess medical cannabis, must report to the Office of Medical Cannabis using the designated online form. Reports related to unauthorized possession must be submitted within 72 hours, unless discovered as part of an ongoing investigation, in which case reporting must be made within 72 hours of the conclusion of the investigation. Reports of violations by persons authorized to possess medical cannabis must be submitted within 15 days (Minn. R. 4770.4010).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Civil Disputes

436.1 PURPOSE AND SCOPE

This policy provides members of the Brooklyn Center Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Abuse Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Minnesota law.

436.2 POLICY

The Brooklyn Center Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

436.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters.

436.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

appears to be a more immediate need for enforcement action, the investigating officer should act in accordance with any applicable law,statute and/or ordinance.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

436.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

436.5 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Crisis Intervention Incidents

437.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

437.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

437.2 POLICY

The Brooklyn Center Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals

437.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

437.4 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, if warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

437.5 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

- Moderate the level of direct eye contact.
- If possible remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).

437.6 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. police

437.7 SUPERVISOR RESPONSIBILITIES

When requested responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

437.8 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

437.8.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

437.9 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

437.10 TRAINING

Members shall receive training on responding to calls of persons in crisis.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

First Amendment Assemblies

438.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

438.2 POLICY

The Brooklyn Center Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

438.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Harass, confront or intimidate participants.

(b) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest or any of the aforementioned items contains evidence of a crime.

438.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

438.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the on duty supervisor. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

438.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

438.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

438.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) Liaison with demonstration leaders and external agencies

(h) Liaison with City government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

(s) Protocol for handling complaints during the event

438.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

438.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

438.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander should, if reasonably able to do so, evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM) devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including)chemical restraint, should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

438.8 ARRESTS

The Brooklyn Center Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources (if requested).

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

438.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the News Media Relations Policy).

438.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles.

438.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

438.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following when applicable:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

438.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Chapter 5 - Traffic Operations

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventative patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of collision-causing violations during periods of high-collision incidence and at locations of occurrence. All officers will take directed enforcement action on request and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high-collision incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of citations issued by any officer shall not be used when evaluating officer performance (Minn. Stat. § 169.985; Minn. Stat. § 299D.08). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure, including the optional or mandatory appearance by the motorist.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

(d) The court contact information.

500.3.3 TRAFFIC CITATION COURT JURISDICTION
An officer who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction (Minn. Stat. § 169.91 Subd. 3).

500.3.4 PHYSICAL ARREST
Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (Minn. Stat. § 169.91):

(a) Negligent homicide.

(b) Driving under the influence of alcohol/drugs.

(c) Hit-and-run resulting in serious injury or death.

(d) Hit-and-run resulting in damage to any vehicle or property.

500.4 HIGH-VISIBILITY VESTS
The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; Minn. R. 5205.0030).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.4.1 REQUIRED USE
Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plain clothes officer might benefit from being readily identified as an officer.

500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS
All employees shall be issued a high visibility vest and are responsible for the care and maintenance.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

An employee with a damaged or unusable vest shall notify their supervisor as soon as possible to obtain a replacement.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Traffic Collisions

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic collisions.

501.2 POLICY

It is the policy of the Brooklyn Center Police Department to respond to traffic collisions and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of collisions by attempting to identify the cause of the collision and through enforcing applicable laws. Unless restricted by law, traffic collision reports will be made available to the public upon request.

501.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at a collision, should consider the following:

(a) The most appropriate route to the incident.

(b) Proper placement of the emergency vehicle to provide protection for officers and the scene.

(c) Potential for involvement of hazardous materials.

(d) Additional support that may be necessary (e.g., traffic control, medical aid, HazMat, ambulance, and tow vehicles).

(e) Provide first aid to any injured parties if it can be done safely and obtain medical assistance as necessary.

(f) Provision of traffic control and protection of the scene.

(g) Clearance of the roadway.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this department and there is:

1. A life-threatening injury.
2. A fatality.
3. A Cityvehicle involved.
4. A City official or employee involved.
5. Involvement of an on- or off-duty member of this department.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Is within another jurisdiction and there is:

1. A City of Brooklyn Center vehicle involved.
2. A City of Brooklyn Center official involved.
3. Involvement of an on-duty member of this department.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control

(b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.

(c) First aid for any injured parties if it can be done safely.

(d) The potential for involvement of hazardous materials.

(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).

(f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic collision involves a life-threatening injury or fatality, the responding officer shall notify a supervisor, or if unavailable, the Shift Sergeant. The Shift Sergeant or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Shift Sergeant will ensure notification is made to the Patrol Commander, department command staff and City Manager in accordance with the Major Incident Notification Policy.

501.5 MINIMUM REPORTING REQUIREMENTS

A collision report shall be taken when:

(a) A fatality, any injury (including complaint of pain), impaired driving or hit and run is involved.

(b) An on-duty member of the City of Brooklyn Center is involved.

(c) The collision results in any damage to any City-owned or leased vehicle.

(d) The collision involves any other public agency driver or vehicle.

(e) There is damage to public property.

(f) There is damage to any vehicle to the extent that towing is required.

(g) Prosecution or follow-up investigation is contemplated.

(h) Directed by a supervisor.

501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic collision occurs on private property unless there is an injury or fatality, a hit-and-run violation or other traffic law violation involved. Members

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

501.5.2 CITY VEHICLE INVOLVED
A traffic collision report shall be taken when a City vehicle is involved in a traffic collision that results in property damage or injury.

A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

501.5.3 INJURED ANIMALS
Department members should refer to the Animal Control Policy when a traffic collision involves the disposition of an injured animal.

501.6 INVESTIGATION
When a traffic collision meets minimum reporting requirements the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY
The Patrol Commander or on-duty Shift Sergeant should request that the Minnesota Department of Public Safety or other outside law enforcement agency investigate and complete a traffic collision investigation when a life-threatening injury or fatal traffic collision occurs within the jurisdiction of the Brooklyn Center Police Department and involves:

(a) An on- or off-duty member of the Department.

    1. The involved member shall complete the department traffic collision form. If the member is unable to complete the form, the supervisor shall complete it.

(b) An on-or off-duty official or employee of the City of Brooklyn Center.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic collision. The collision investigation and report shall be completed by the agency having jurisdiction.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

501.6.2 COMMERCIAL VEHICLE COLLISIONS
Commercial vehicle collisions additionally require notification to the Minnesota State Patrol if the collision results in (Minn. Stat. § 169.783):

(a) A fatality.

(b) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the collision.

(c) One or more vehicles incurring disabling damage as a result of the collision, requiring the vehicle to be transported away from the scene by tow truck or other motor vehicle.

A waiver or inspection by a state trooper or other authorized person is required before a person may drive a commercial motor vehicle that was involved in such a collision (Minn. Stat. § 169.783).

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the collision, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

Department members shall utilize forms approved by the Minnesota Department of Public Safety as required for the reporting of traffic collisions (Minn. Stat. § 169.09, Subd. 9). All such reports shall be forwarded to the Patrol Commander for approval and filing.

501.8.1 REPORT MODIFICATON
A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Vehicle Towing

502.1 PURPOSE AND SCOPE

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

502.2 STORAGE AND IMPOUNDS

Vehicles may be towed for violations of Minn. Stat. § 168B.035, including parking, registration and snow emergency violations.

Vehicles may be moved or removed from a highway when in violation of Minn. Stat. § 169.32(a) or when left unattended upon any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic (Minn. Stat. § 169.33).

The responsibilities of those employees storing or impounding a vehicle are as follows:

502.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT

Department members requesting towing of a vehicle shall complete a Vehicle Impound and Inventory Report, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Support Services as soon as practicable after the vehicle is stored.

The Support Services shall promptly enter pertinent data from the completed Vehicle Impound and Inventory Report into the Minnesota Justice Information Services (MNJIS) and return the form to the Shift Sergeant for approval.

Approved Vehicle Impound and Inventory Report forms shall be promptly placed into the auto-file so that they are immediately available for release or for information, should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the towing of any such vehicle, it shall be the responsibility of the Support Services to determine through MNJIS the names and addresses of any individuals having an interest in the vehicle. Notice to all such individuals shall be sent by certified mail within five business days of impound (Minn. Stat. § 168B.06 Subd. 1).

502.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall request the authorized daily tow company to respond. Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then conduct an inventory and store the vehicle using a Vehicle Impound and Inventory Report.

502.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

502.2.4 RECORDS DIVISION RESPONSIBILITIES

Support Services personnel shall promptly enter pertinent data from the completed Vehicle Impound and Inventory Report form into the stolen vehicle system. Approved forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Within 48 hours of recovering a stolen vehicle or receiving notification that a vehicle reported stolen through this department has been recovered, the Support Services shall make a reasonable and good faith effort to notify the victim of the recovery. The notice must specify when the recovering law enforcement agency expects to release the vehicle to the owner and where the owner may pick up the vehicle. Upon recovery of a vehicle reported stolen to another agency, the Support Services is to promptly inform the agency that the vehicle is recovered, where it is located, and when it can be released to the owner (Minn. Stat. § 169.042 Subd. 1).

502.3 TOWING SERVICES

The City of Brooklyn Center periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

502.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, the vehicle would present a traffic hazard if it were not removed, or the vehicle is located in a high-crime area and is susceptible to theft or damage if left at the scene.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the occupant was arrested nor may be subject to forfeiture proceedings.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

502.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

502.6 PRESERVATION OF EVIDENCE

An officer who removes a vehicle pursuant to Minn. Stat. § 168B.035 is required to take reasonable and necessary steps to preserve evidence. If there is probable cause to believe that a vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or that a particular person has committed a criminal offense, officers shall ensure that all legally required and reasonably necessary efforts are taken to preserve the evidence. Such evidence is to be provided safe storage and preserved until released to the owner or otherwise disposed of according to law.

502.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings.

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Brooklyn Center Police Department, a hearing will be conducted upon the request of the owner or operator of the vehicle to determine if probable cause existed for the removal and placement of the vehicle.

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle.

503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing, or by telephone, within 10 days of the date appearing on the notice. The Patrol Commander will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing.

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a mediation or reduction of the period the vehicle is impounded.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision that the inquiring party may pursue further civil remedies if desired.

    1. If mitigating circumstances are found to be relevant, the hearing officer may make reasonable adjustments to the impound period, storage, or assessment fees as warranted.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be at the Department's expense.

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or the owner's agent be reimbursed by the Department.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving while impaired (DWI).

504.2 POLICY

The Brooklyn Center Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Minnesota's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce DWI laws to the exclusion of their other duties unless specifically assigned to DWI enforcement. All officers are expected to enforce these laws with due diligence.

504.4 FIELD TESTS

The Patrol Commander or designee should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DWI laws.

504.5 CHEMICAL TESTS

A person implies consent under Minnesota law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Minn. Stat. § 169A.51, Subd. 1):

(a) The arresting officer has probable cause to believe the person was driving, operating or in physical control of a vehicle while impaired as defined by Minn. Stat. § 169A.20.

(b) The officer has probable cause to believe that the person is DWI and has been involved in a vehicle accident resulting in property damage, personal injury or death.

(c) The officer has probable cause to believe that the person is DWI and the person has refused to take the preliminary screening test provided for by Minn. Stat. § 169A.41.

(d) The person was administered a preliminary screening test and the results indicated an alcohol concentration of 0.08 or more.

(e) The officer has probable cause to believe the person was driving, operating or in physical control of a commercial motor vehicle with the presence of any alcohol in the person's body.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 BREATH SAMPLES

The Patrol Commander or designee should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the shift supervisor.

504.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Minn. Stat. § 169A.51, Subd. 7). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.3 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the person giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

504.6 REFUSALS

When an arrestee refuses to provide a chemical sample officers should:

(a) Advise the arrestee of the requirement to provide a sample (Minn. Stat. § 169A.51).

(b) Audio- and/or video-record the admonishment and the response when it is legal and practicable.

(c) Document the refusal in the appropriate report.

504.6.1 STATUTORY NOTIFICATIONS

Upon refusal to submit to a chemical test as required by law officers shall personally serve the notice of intention to revoke upon the person and invalidate the person’s license in such a way that no identifying information is destroyed and immediately return the license to the person (Minn. Stat. § 169A.52, Subd. 7).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

504.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist and the officer has probable cause to believe that the person has committed vehicular homicide or injury (Minn. Stat. § 169A.52, Subd. 1). Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy delay in obtaining a blood sample due to a collision investigation or medical treatment of the person.

504.6.3 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when reasonably practicable.

(d) Ensure that the withdrawal is taken in a medically approved manner.

(e) Supervise any use of force and ensure the forced withdrawal is recorded on audio and/or video when reasonably practicable.

    1. Unless otherwise provided in a warrant force should generally be limited to handcuffing or similar restraint methods. In misdemeanor cases if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report. In felony cases force that reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.

(f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances.

    1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.

(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 RIGHT TO ATTORNEY CONTACTS

A person has a limited right to consult with an attorney prior to submitting to a chemical test. This right is limited to the extent that it cannot unreasonably delay administration of the test (Minn. Stat. § 169A.51, Subd. 2).

504.7.2 ARREST AUTHORITY

An officer may arrest a person without a warrant and without regard to whether the offense was committed in the officer's presence if there is probable cause to believe the person committed (Minn. Stat. § 169A.40):

(a) A DWI offense (Minn. Stat. § 169A.20).

(b) An alcohol-related school bus or Head Start bus driving offense (Minn. Stat. § 169A.31).

(c) An underage drinking and driving offense (Minn. Stat. § 169A.33).

504.7.3 OFFICER RESPONSIBILITIES

If an officer requests that a person submit to a chemical test and the person refuses such request, the officer shall report such refusal to the Commissioner of the Department of Public Safety (DPS) and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 1).

If a person refuses to submit to a test or in the alternative submits to a test and the results indicate a prohibited alcohol concentration the officer shall immediately give notice to the person that his/her driving privilege will be revoked and shall (Minn. Stat. § 169A.52, Subd. 7):

(a) Issue the person a temporary license effective for only seven days.

1. Officers are not required to issue a person a temporary license if the person's driving privilege is under withdrawal by DPS or if the person is unlicensed.

(b) Send the notification of this action to the Commissioner of the DPS along with the certification that there was probable cause to believe the person had been driving, operating or in physical control of a motor vehicle while impaired, and that the person either refused

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

to submit to a test or submitted to a test and the results indicated a prohibited alcohol concentration or drug presence.

Test results of a person that indicated a prohibited alcohol concentration or drug presence shall be forwarded to the Commissioner of the DPS and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 2).

504.7.4 STATUTORY WARNING

At the time that the officer requests the person to submit to a chemical test the officer must inform the person that (Minn. Stat. § 169A.51, Subd. 2):

(a) Minnesota law requires that he/she take the test.

(b) Refusal to take the test is a crime.

(c) If he/she was arrested for a violation of vehicular homicide and injury, the test will be taken with or without consent (Minn. Stat. § 169A.52, Subd. 1).

(d) He/she has the right to consult with an attorney unless it would unreasonably delay administration of the test.

An officer investigating a DWI involving criminal vehicular operation is not required to make the above mentioned notice if license revocation will not be pursued.

504.7.5 PRELIMINARY SCREENING TEST

An officer who has reason to believe the person was driving, operating or in physical control of a motor vehicle while impaired, may require the person to provide a sample of the person's breath for a preliminary screening test using a device approved by the DPS Commissioner (Minn. Stat. § 169A.41, Subd. 1).

The officer must use the results of the preliminary screening test for the purpose of deciding whether to arrest the person and require further chemical testing pursuant to Minn. Stat. § 169A.51 (Minn. Stat. § 169A.41, Subd. 2).

504.7.6 DESIGNATION OF TESTS

The officer who requires a test of a person suspected of DWI may direct whether the test is of blood, breath or urine (Minn. Stat. § 169A.51, Subd. 3). Action may be taken against a person who refuses to take a blood or urine test only if an alternative test was offered (Minn. Stat. § 169A.51, Subd. 3).

In addition a blood or urine test may be required subsequent to an administered breath test if the officer has probable cause to believe that (Minn. Stat. § 169A.51, Subd. 4):

(a) The person's impairment is due to a controlled substance or a hazardous substance that is not subject to testing by a breath test.

(b) A controlled substance listed in Schedule I or II or its metabolite (other than marijuana or tetrahydrocannabinols), is present in the person's body.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Action may be taken against a person refusing to submit to a blood or urine test under the aforementioned circumstances only if an alternative test of blood or urine, as applicable, was offered.

504.7.7 OFFENSE FOR REFUSAL
A person who refuses to submit to a chemical test pursuant to Minn. Stat. § 169A.51 or Minn. Stat. § 169A.52 may also be charged with a separate criminal offense for such refusal (Minn. Stat. § 169A.20, Subd. 2).

504.7.8 ADDITIONAL TESTING
An officer shall permit a person required to submit to a chemical test to have a qualified person of his/her own choosing administer a separate chemical test (Minn. Stat. § 169A.51, Subd. 7(b)). The separate chemical test shall:

(a) Be conducted at the place where the person is in custody.

(b) Be conducted after the officer has administered the statutorily mandated test.

(c) Impose no expense to the state.

504.7.9 ADDITIONAL REQUIREMENTS FOR BREATH SAMPLES
All breath samples requested in accordance with this policy shall be obtained in accordance with Minn. Stat. § 169A.51, Subd. 5.

504.7.10 REPORTING
The Patrol Commander shall ensure that the Department complies with all state reporting requirements.

504.8 SUPPORT SERVICES RESPONSIBILITIES
The Support Services Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS
The Support Services Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Driver and Vehicle Services Division of the Department of Public Safety (DVS).

Any officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney when requested or required.

Specific details of the hearing generally should not be included in the report unless errors, additional evidence, or witnesses are identified. The Records Division should forward this to the prosecuting attorney as part of the case file.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

504.10 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DWI laws receive regular training. Training should include at minimum current laws on impaired driving, investigative techniques and rules of evidence pertaining to DWI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

505.2 RESPONSIBILITIES

Hennepin County Court Administration shall be responsible for the development and design of all Departmental Directive traffic citations in compliance with state law (Minn. Stat. § 169.99 and Minn. Stat. § 169.999 Subd. 3).

The Support Services shall be responsible for the supply and accounting of all traffic citations. Citations will be kept in a secure location. Officers will sign for the citation books when issued.

505.2.1 DATA COLLECTION

The Support Services should maintain information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(a) The race or ethnicity of the individual detained.

(b) Whether a search was conducted and, if so, whether the person detained consented to the search.

The Support Services should submit an annual report to the Chief of Police of the information collected to assist in the implementation and administration of the Department's Racial- or Bias-Based Profiling Policy required by state law (Minn. Stat. § 626.8471 Subd. 4).

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the issuing officer or officer's supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the officer or supervisor may recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request the prosecutor to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required.

Members of the Department shall provide a report or other verification to the owner of a stolen vehicle that may have received a citation during the time of the theft for the purpose of dismissing the citation (Minn. Stat. § 169.042 Subd. 2).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Support Services Manager. A request to void an electronic citation needs to have a copy included with the void request.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Support Services Manager. The SSM or designee shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The citation copies shall then be filed with the Support Services.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations.

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Minnesota state law and local regulations (Minn. Stat. § 169.04 (a) (1)).

505.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

(a) Administrative reviews are conducted by a supervisor, which will review written/documentary data. Requests for administrative reviews are available at the front desk. These requests are informal written or verbal statements outlining why the notice of parking violation should be dismissed.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application at the election of the appellant. Independent referees review the existent administrative file, amendments and/or testimonial material provided by the appellant, and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, an appellant may petition a municipal court for a hearing by filing with the clerk of the municipal court and posting fees as required.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

505.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 days of issuance of the notice of parking violation, or within 10 days of mailing the Notice of Delinquent Parking Violation.

(b) Requests for administrative hearings must be postmarked within 15 days of the notification mailing of the results of the administrative review.

(c) Requests for appeal to the District Court must be made within 20 days of the mailing of the administrative hearing results.

(d) Registered owners of leased or rented vehicles may transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation if the name, address, and driver's license number of the lessee/renter is provided to the processing agency within 30 days of the mail date of the delinquent notice.

505.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.

(c) An appeal through District Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the District Court.

505.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

(a) When any juvenile is issued a citation for a drug or alcohol violation, or a juvenile 16 years of age or older is issued a citation for an adult court traffic offense, the officer shall follow the arrest procedures prescribed in Minn. Stat. 169.91 and shall make reasonable effort to notify the child's parent or guardian of the violation and the nature of the charge. Notifications should be documented (Minn. Stat. § 260B.225 Subd. 3).

(b) When any juvenile is issued a citation for a major traffic offense, the officer is required to file a signed copy of the citation, as provided in Minn. Stat. § 169.91, with the juvenile court of the county in which the violation occurred. The citation serves as a petition providing the juvenile court jurisdiction (Minn. Stat. § 260B.225 Subd. 5).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Disabled Vehicles

506.1 PURPOSE AND SCOPE

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

506.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher, community service officer, or other officer should be advised of the location of the disabled vehicle and the need for assistance.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources, and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Abandoned Vehicle Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording, and storage of vehicles abandoned in violation of abandoned vehicle laws, under the authority of Minn. Stat. § 168B.04.

507.1.1 DEFINITION

Pursuant to Minnesota statutes, a vehicle is abandoned if:

(a) The motor vehicle has remained illegally for more than 48 hours on any government-owned or government-controlled property, or for more than 4 hours on that property when properly posted (Minn. Stat. § 168B.011 Subd. 2 (1)).

(b) The motor vehicle has been properly tagged by an officer and abandoned for 4 hours on any highway (Minn. Stat. § 168B.04, Subd. 2 (b) (1)).

(c) The motor vehicle has been abandoned and located so as to constitute a collision or traffic hazard (Minn. Stat. § 168B.04 Subd. 2 (b) (1)).

(d) The motor vehicle is unattended on private residential property, that is a single-family or duplex, without permission of the property caretaker (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

(e) The motor vehicle can be immediately removed if on private non-residential property if properly posted, or after 24 hours if not posted (Minn. Stat. § 168B 04 Subd. 2 (b) (2)).

(f) The motor vehicle remains at a service, repair, or maintenance establishment of motor vehicles 5 days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

507.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Minnesota abandoned vehicle laws shall be marked and noted. No case number is required at this time.

A visible chalk, crayon, or paint mark should be placed on the tire tread at the fender level unless the vehicle is missing tires or other vehicle conditions or weather prevent marking. Any deviation in markings shall be noted.

If a marked vehicle has been moved or the markings have been removed during a 4-hour or 24-hour investigation period, the vehicle shall be marked again for either the 4-hour or 24-hour abandonment violation.

507.2.1 MARKED VEHICLE FILE

Community service officers assigned to the Patrol Division shall be responsible for the follow-up investigation of all abandonment violations.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

507.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service, and a vehicle impound form shall be completed by the officer authorizing the storage of the vehicle.

The impound form shall be submitted to the Support Services immediately following the storage of the vehicle. It shall be the responsibility of the Support Services to immediately notify the Minnesota Criminal Justice Information Services (MNJIS). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Support Services to immediately notify MNJIS. Notification may also be made to the NLETS.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Chapter 6 - Investigation Operations

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, officers shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing criminal charges.

600.2 INITIAL INVESTIGATIONS

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination if a crime has been committed by completing, at a minimum, the following:

1. Obtain an initial statement from any witnesses or complainants.
2. Conduct a cursory examination for possible evidence.

(b) If information indicates a crime has occurred:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) assistance is necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or shift sergeant .
4. Interview all available victims, informants, complainants, witnesses, and suspects.
5. Make reasonable attempts to locate, identify, and interview all available victims, complainants, witnesses, and suspects.
6. Collect any evidence.
7. Take any appropriate law enforcement action.
8. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

An employee who is not an officer assigned to any preliminary investigation is responsible for all investigative steps except making any attempt to locate, contact, or interview a suspect or take any enforcement action. Should an initial investigation indicate those steps are required, the assistance of an officer shall be requested.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

600.3 RECORDING OF CUSTODIAL INTERROGATIONS

Any custodial interrogation of a person who is suspected of having committed a criminal offense should be electronically recorded (audio, video, or both, as available) in its entirety, including any information or discussion about the person's rights and any waiver of those rights. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation supervisor or pursuant to the Department records retention policy after closure of the case file. Copies of recorded interrogations or interviews may be made in the same or different format, provided they are true, accurate, and complete copies and are made only for authorized and legitimate law enforcement purposes, or otherwise authorized or required by law.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews, and continue to obtain written statements from suspects when applicable.

600.4 FOLLOW-UP INVESTIGATIONS

Follow-up investigations on all cases are evaluated and assigned by the Investigations Division commander, designee, or sergeant based upon caseload, case assignment, and an evaluation of case solvability factors.

600.4.1 CASE SOLVABILITY FACTORS

Case solvability factors include, but are not limited to, the following:

(a) Reliability of witnesses.

(b) Suspect is named.

(c) Suspect is described.

(d) Suspect's location is known.

(e) Suspect is identified.

(f) Suspect has been previously seen.

(g) Suspect vehicle is described.

(h) Suspect vehicle is identified.

(i) Property is traceable.

(j) *Modus operandi* is significant.

(k) There is usable physical evidence.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(l) There was limited opportunity for anyone other than the suspect to commit the crime.

(m) The case may be solved with reasonable additional investigative effort.

(n) Other factors that are applicable only in exceptional circumstances:

1. The case is of significant importance to the community.
2. There is potential imminent danger to victims or witnesses.
3. The seriousness of offense.
4. There is a characteristic pattern, frequency, or *modus operandi* related to the case.
5. Management decisions to pursue a case, regardless of solvability factors.

600.5 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the prosecuting attorney, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the prosecuting attorney's office or City Attorney's Office only as authorized by a division commander, the Chief of Police, or designee.

600.6 TRAINING

Officers shall receive training in preliminary investigations prior to assignment to any investigative duties. Officers assigned to any follow-up or advanced investigations, or upon assignment to investigations, shall have completed training in follow-up investigations.

600.7 ELECTRONIC BENEFIT TRANSFER (EBT) CARDS

Officers shall make a report any time they arrest a person who possesses more than one welfare Electronic Benefit Transfer (EBT) card. The investigating officer shall forward this report to the Minnesota Department of Human Services within 30 days of the arrest. The report shall include all of the following (Minn. Stat. § 626.5533):

(a) The name, address, and driver's license or state identification card number of the suspect

(b) The number on each EBT card and name, if any

(c) The date and location of any alleged offense

(d) Any other information the Minnesota Department of Human Services may require on related state forms

600.8 SCRAP METAL THEFT INVESTIGATION

The Investigations Division commander shall ensure the Department complies with the implementation and use of the Automated Pawn System (APS), as well as the investigative requirements regarding scrap metal dealers (Minn. Stat. § 168; Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Sex Crime Victims' Rights

601.1 PURPOSE AND SCOPE

This policy will establish a procedure by which the identity of sex crime victims can remain private, and providing the victim information regarding other rights afforded by law.

601.2 INVESTIGATION CONSIDERATIONS

601.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall assist in keeping the identity of the victim private by providing the victim with Safe at Home Program information (Minn. R. 8290, et seq. and Minn. Stat. § 5B et seq.). A notation should be made within the incident report that the Safe at Home Program information was provided to the victim.

The Department shall withhold public access to information that would reveal the identity of a victim, or alleged victim, of criminal sexual conduct (Minn. Stat. § 13.82 Subd. 17 (b) and Minn. Stat. § 611A.021).

601.2.2 OFFICER RESPONSIBILITIES

Officers investigating or receiving a report of an alleged sex offense shall inform the victim of the following: (Minn. Stat. § 611A.02 Subd. 2 (b)):

(a) Victims have the right to apply for reparations.

(b) Victims have the right to request that the Department withhold public access to information that would reveal the victim's identity.

(c) Victims have the right to be informed about the nearest crime victim assistance program or resource.

(d) Victims have the right to be informed of and participate in the prosecution process if an offender is charged, including the right to request restitution.

Victims have the right to receive the telephone number to call for a Safe at Home Program application form (Minn. Stat. § 611A.66).

601.3 MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIMS

Officers investigating or receiving a report of an alleged sex offense that occurred within 96 hours of the offense shall, with the consent of the victim or a person authorized to act on behalf of the victim, request a medical examination of the victim.

If a sexual assault is not reported within 96 hours of the offense, the Department may still request a medical examination of the victim provided consent is given by the victim, or a person authorized to act on behalf of the victim.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

601.4 POLYGRAPH EXAMINATION

An officer may not require a sexual assault victim to submit to a polygraph examination as a condition to investigating, charging, or prosecuting the offense (Minn. Stat. § 611A.26 Subd. 1 and Minn. Stat. § 611A.26 Subd. 5).

Officers may conduct a polygraph examination of a sexual assault victim only with the victim's written, informed consent, and only after the victim has been referred to and had the opportunity to exercise the option of consulting with a sexual assault counselor (Minn. Stat. § 611A.26 Subd. 2 and Minn. Stat. § 611A.26 Subd. 3).

To consent to a polygraph, the officer must inform the victim in writing that (Minn. Stat. § 611A.26 Subd. 4):

(a) The taking of a polygraph is voluntary and solely at the victim's request.

(b) The victim may not be asked or required to submit to a polygraph examination.

(c) The results of the examination are not admissible in court.

(d) The victim's refusal to submit to a polygraph examination may not be used as a basis not to investigate, charge, or prosecute the offender.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses and controlled substance offenses (Minn. Stat. § 609.531 to Minn. Stat. § 609.5318).

602.2 POLICY

The Brooklyn Center Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime, and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations, or the due process rights of citizens.

It is the policy of the Brooklyn Center Police Department that all employees of the agency, all employees assigned to another law enforcement agency's task force, and all employees assigned to a task force from an outside law enforcement agency in which this agency serves as the fiscal agent, follow all state and federal laws pertaining to forfeiture.

The provisions of this policy do not apply to items seized as evidence of a crime.

602.3 DEFINITIONS

Definitions related to this policy include:

Cash - Money in the form of bills or coins, traveler’s checks, money orders, checks or other forms of electronic money or stored value cards, including, but not limited to, gift cards, debit cards, gift cards/certificates or other negotiable financial instruments.

Conveyance device- A device used for transportation. It includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane and vessel, and any equipment attached to it. The term "conveyance device" does not include property, which has been stolen or taken in violation of the law.

Firearms/ammunition/firearm accessories - A device that projects either single or multiple projectiles at high velocity. Ammunition is a term meaning the assembly of a projectile and its propellant. Accessories include, but are not limited to, holsters, gun cases, firearm optics, suppression devices, cleaning supplies.

Fiscal Agent - The person designated by the Brooklyn Center Police Department to be responsible for securing and maintaining seized assets and distributing any proceeds as a result of any forfeiture proceedings. This includes anytime the Brooklyn Center Police Department seizes property for forfeiture or when the Brooklyn Center Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture Reviewer - The Brooklyn Center Police Department employee assigned by the Brooklyn Center Police Department responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the prosecutor's office.

Jewelry/precious metals/precious stones - The term includes items of jewelry, such as rings, necklaces and watches that reasonably appear to be made of precious metals or precious stones. Precious metals include, but are not limited to, gold, silver, platinum, iridium and palladium. Precious stones, often referred to as gemstones, include, but are not limited to, diamonds, emeralds and rubies.

Property subject to administrative forfeiture - The following property is presumed to be subject to administrative forfeiture under Minnesota Law (Minn. Stat. § 609.5314):

(a) All cash, precious metals and precious stones found in proximity to controlled substances, forfeitable drug manufacturing or distributing equipment or devices, or forfeitable records of manufacture or the distribution of controlled substances.

(b) All conveyance devices containing controlled substances with a retail value of $100 or more if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152.

(c) All firearms, ammunition and firearm accessories found:

1. In a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance.
2. On or in proximity to a person from whom a felony amount of controlled substance is seized.
3. On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152.

Seizure - The act of law enforcement officials taking property, including cash and conveyance devices that have been used in connection with or acquired by illegal activities.

602.4 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.4.1 PROPERTY SUBJECT TO SEIZURE

The following property is subject to seizure.

(a) The following property may be seized upon review and approval of a supervisor and in coordination with the Forfeiture Reviewer:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1. Controlled substances and associated property as described in Minn. Stat. § 609.5311.
2. Property intended for use to commit or facilitate the commission of a designated offense, as listed in Minn. Stat. § 169A.63, Subd. 6 and limited by Minn. Stat. § 169A.63, Subd. 7, and as listed in Minn. Stat. § 609.531, Subd. 1(f) and limited by Minn. Stat. § 609.5312.

(b) Property subject to administrative forfeiture may be seized without prior supervisor approval if the item has a retail value of $50,000 or less (Minn. Stat. § 609.5314).

602.4.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the prosecuting agency's current minimum forfeiture thresholds should not be seized.

(b) Cash totaling less than $300, unless prerecorded buy funds are included in the cash seized.

602.4.3 SEIZURE OF PROPERTY TO BE FORFEITED
An officer may seize property subject to forfeiture based on a court order. An officer may also seize property without a court order under any of the following conditions (Minn. Stat. § 609.531, Subd. 4; Minn. Stat. § 169A.63, Subd. 2):

(a) The seizure is incident to a lawful arrest or a lawful search.

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding.

(c) The officer has probable cause to believe that a delay to obtain a warrant or other process would result in the removal or destruction of the property and that either of the following apply:

1. The property was used or is intended to be used in commission of a felony.
2. The property is dangerous to health or safety.

602.5 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) If the retail value of the asset to be seized is $50,000 or less, completely and accurately prepare the Notice of Seizure and Intent to Forfeit Property Form (seizure form) and present it to the person from whom the property is to be seized for that person’s signature. If the person refuses to sign, the officer shall indicate on the seizure form that the person refused. The seizure form is not used when the value of the seized property exceeds $50,000.

(b) Prepare and provide a receipt for the items seized to the person from whom the property is being seized.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1. If cash or property is seized from more than one person, a separate property inventory receipt must be completed for each person specifying the amount of cash seized. The receipt shall include a detailed description of all property, checks, money orders, traveler's checks or other financial instruments.

(c) Complete and submit a report within 24 hours of the seizure if practicable. The report must include, at minimum, the following:

1. A description of the items seized
2. The location where the property was turned in or stored
3. The name of the individual who was served with the seizure form
4. The date that the seizure form was served
5. The name of the officer making the seizure
6. Whether the individual signed the seizure form

(d) If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the receipt and seizure form must be given to the individual from whom the property was seized.

(e) When property is seized and no one claims possession of the property, the officer must leave a receipt in the place where the property was found if it is reasonably possible to do so.

(f) The officer will book seized property into the Property Room as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

(g) Forward the original and the pink copy of the seizure form, and any seized property processing worksheets, property receipts and reports to the Forfeiture Reviewer within 10 days of seizure.

(h) Inform the Forfeiture Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

602.5.1 CASH HANDLING

It is the responsibility of the seizing officer to secure and count cash consistent with this policy and the Cash Handling, Security and Management Policy. All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.

All forfeitable cash seized will be turned over to the Forfeiture Reviewer or property/evidence room as soon as practicable.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Prior to deposit with the Forfeiture Reviewer, officers shall examine all cash seized to determine whether it contains any prerecorded buy funds. Officers shall document the recovery of all buy funds and deposit those funds with the Forfeiture Reviewer to be returned to the appropriate buy fund account.

602.5.2 JEWELRY/PRECIOUS METALS/PRECIOUS STONES
Officers seizing jewelry, precious metals and/or precious stones will write a detailed description of each item on the property inventory receipt. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Forfeiture Reviewer.

Officers seizing jewelry, precious metals and/or precious stones shall book those items according to current property and evidence procedures as soon as practicable.

602.5.3 VEHICLES
Any conveyance device seized for forfeiture shall be taken to a secure designated area or to a Department-approved impound facility as soon as practicable. Vehicles must have a value of $3,000 or greater, excluding liens or third party interest.

Officers shall inventory the conveyance device and its contents in accordance with the Vehicle Towing and Release Policy. Officers shall also complete applicable report forms and distribute them appropriately. A copy of the vehicle storage report shall be included with the seizure documentation that is submitted to the forfeiture reviewer.

602.5.4 FIREARMS/AMMUNITION/FIREARM ACCESSORIES
When firearms, ammunition, or firearms accessories are seized, they shall be inventoried and delivered to the Property Room in accordance with the current booking procedures and the Property Procedures Policy.

The Property Room shall retain stolen or abandoned firearms that have been seized for 90 days, and make an effort to return them to the lawful owner pursuant to Minn. Stat. § 609.5315 Subd. 7.

602.6 MAINTAINING SEIZED PROPERTY

The Property Room supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (Minn. Stat. § 609.531 Subd. 5).

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or returned to the claimant or person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

602.7 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the Forfeiture Reviewer. Prior to assuming duties, or as soon as practicable thereafter, the Forfeiture Reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of Forfeiture Reviewer include the following:

(a) Confer regularly with the prosecuting attorney's office to remain familiar with forfeiture laws, particularly Minn. Stat. § 609.531 through Minn. Stat. § 609.5318, Minn. Stat. § 169A.63, and the forfeiture policies of the prosecuting agency.

(b) Make reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(c) Ensure responsibilities, including designation of a Fiscal Agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(d) Ensure that a seizure form, property inventory receipt and a forfeited property processing worksheet is available and appropriate for department use. The seizure form will minimally include the following (Minn. Stat. § 609.5314):

1. Space for an itemized list of items seized
2. The location and date of the seizure
3. A place for the name of the individual served with the seizure form
4. The date and signature of the officer conducting the seizure
5. The agency case number
6. A space for the signature of the person from whom property is seized or an appropriate space or check box for the officer to indicate that the person refused to sign
7. At least an original and the pink copy
8. Information in English, Hmong, Somali and Spanish explaining the right to obtain judicial review and the procedure provided by Minn. Stat. § 609.5314.

(e) Ensure that officers who may be involved in asset forfeiture receive training in the proper use of the seizure form and the forfeiture process. The training should be developed in consultation with the prosecuting attorney and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins or department directives. The training should be based on this policy and address any relevant statutory changes and court decisions.

(f) Review each asset forfeiture case to ensure the following:

1. Written documentation of the seizure and items seized is present in the case file.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

2. Independent prosecutorial review of the circumstances and propriety of the seizure is made in a timely manner.
3. A timely notice of seizure has been given to interest holders of seized property.
4. Property is promptly released to those entitled to its return.

(g) Forward all changes to forfeiture status to any supervisor who initiates a forfeiture case.

(h) Deposit any cash received with the Fiscal Agent.

(i) Ensure the current minimum forfeiture thresholds are communicated appropriately to officers.

(j) Annually review and update this policy and any related policies to reflect current federal and state statutes and case law.

(k) Prepare a written plan for the Chief of Police to address any extended absence of the Forfeiture Reviewer to ensure that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(l) Ensure the Department disposes of property as provided by law following any forfeiture (Minn. Stat. § 609.5315).

(m) Ensure that any forfeited property used in an undercover capacity, or that is sold or added to the department inventory is done so according to Minnesota law.

(n) Ensure that all forfeited property is used or disposed of in a manner consistent with the use and disposition of similar property by this department.

(o) Upon completion of any forfeiture process, ensure that no property is retained by the Brooklyn Center Police Department unless the Brooklyn Center Police Department authorizes in writing the retention of the property for official use.

(p) Ensure that forfeiture proceeds are maintained in a separate fund or account subject to appropriate accounting control with regular reviews or audits of all deposits and expenditures (Minn. Stat. § 609.5315).

(q) Ensure that records of forfeiture are retained for a minimum of six years.

(r) Ensure monthly forfeiture reporting is made to the state auditor in the manner prescribed by the auditor (Minn. Stat. § 609.5315, Subd. 6).

602.8 DISPOSITION OF FORFEITED PROPERTY

Legal disposition may include (Minn. Stat. § 609.5315; Minn. Stat. § 169A.63, Subd. 10):

(a) Retention by the Department and/or prosecuting agency.

1. If a forfeited motor vehicle is kept for Department use, the Department will make a reasonable effort to ensure the vehicle is available for use and adaptation by officers

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

who participate in the Department's Drug Abuse Resistance Education program (Minn. Stat. §609.5315).

(b) Destruction.

(c) Sale performed in a commercially reasonable manner.

(d) Other disposition pursuant to applicable provisions of Minnesota Statutes.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Brooklyn Center Police Department has given written authorization to retain the property for official use.

Members of this department or persons related to members of this department by blood or marriage are prohibited from purchasing forfeited items sold by this department (Minn. Stat. § 609.5315, Subd. 1(c)).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Confidential Informants

603.1 PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Brooklyn Center Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Brooklyn Center Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Brooklyn Center Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 INFORMANT FILE SYSTEM

The Investigative Division supervisor or designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

603.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file, and shall include the following information:

(a) Informant's name and aliases

(b) Date of birth

(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features

(d) Current home address and telephone numbers

(e) Current employer, position, address, and telephone numbers

(f) Vehicles owned and registration information

(g) Probation or parole status

(h) Informant's photograph

(i) Evidence that a criminal history check has been made

(j) Briefs of information provided by the informant and his/her subsequent reliability. If an informant is determined to be unreliable, the informant's file will be marked as such

(k) Name of officer initiating use of the informant

(l) Signed informant agreement

(m) Annual status review and update on active or inactive status of informant

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The informant files shall be maintained in a secure area within the Task Force office or Investigative Division. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of members of the Brooklyn Center Police Department or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a division commander, the Task Force officer's supervisor, investigator, or their authorized designees. Access to the informant files shall be through the Task Force officer's supervisor. The Task Force officer's supervisor or division commander shall be responsible for maintaining a written log to record the identity of any authorized individual accessing an informant file, as well as the date, time, and reason any file is accessed.

603.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from their supervisor. The officer shall compile sufficient information through a background investigation to determine the reliability, credibility, and suitability of the individual, including age, mental capacity, and risk of physical harm.

603.3.1 JUVENILE INFORMANTS

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction with direct contact with a suspected violator.

A cooperating juvenile who assists this department in enforcement activities involving alcohol or tobacco retail sales to minors is not considered an informant for purposes of this policy.

The use of juveniles 12 years old and younger as informants is prohibited. Juveniles who are 13 to 17 years old may only be used as informants with the written consent of each of the following:

(a) The juvenile's parents or legal guardians

(b) The juvenile's attorney, if any

(c) The court in which the juvenile's case is being handled, if applicable

(d) The Chief of Police, or the authorized designee

603.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the Department Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

603.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Brooklyn Center Police Department shall knowingly maintain a social or non-authorized business relationship, or otherwise become intimately involved with a confidential

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

informant. Members of the Brooklyn Center Police Department shall neither solicit, nor accept gratuities, nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, officers must adhere to the following:

(a) Officers shall not withhold the identity of an informant from the Chief of Police, a division commander, the Task Force officer's supervisor, or their authorized designees.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as police officers, employees, or agents of the Brooklyn Center Police Department, and that they shall not represent themselves as such.

(e) The relationship between officers and informants shall always be ethical and professional.

(f) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Task Force officer's supervisor or division commander.

(g) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer, or with prior approval of the Task Force officer's supervisor or division commander. Officers may meet informants alone in an occupied public place such as a restaurant. When contacting informants or any individual for the purpose of making payments, officers shall arrange for the presence of another officer whenever reasonably possible.

(h) In all instances when Department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses and purpose.

603.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

603.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value, or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- Seized firearms.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

- Other factors that may motivate the informant.

The Task Force officer's supervisor or division commander will discuss the above factors with the investigator, and will arrive at a recommended level of payment that will be subject to the approval of the Chief of Police or designee.

603.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount for services rendered.

(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized, not to exceed a maximum of $150,000.

(b) A confidential informant may receive a cash amount for each quantity of drugs seized regardless of whether assets are also seized, not to exceed a maximum of $30,000.

(c) A confidential informant may receive a cash amount for firearms seized.

The Task Force officer's supervisor, division commander, or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions, as well as applicable state and federal law.

603.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The signatures of the Chief of Police or designee and the City Manager or designee are required for disbursements over $600. The disbursement of money shall be handled in accordance with established State, City Policies, Ordinances and protocols. Payments of $600 and under may be paid in cash out of the Drug Task Force Officer Buy/Expense Petty Cash Fund. The Drug Task Force Officer Supervisor will be required to sign the voucher for amounts under $600.

The Task Force Officer Buy/Expense Petty Cash Fund is a petty cash fund managed by the Task Force Officer Supervisor in compliance with the Cash Handling, Security and Management Policy. These funds shall be maintained in a locked cash box secured.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Brooklyn Center Police Department case number or Task Force case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

If the payment amount exceeds $600.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

603.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

If funds distributed exceed $600 in any reporting year, the confidential informant should be provided an IRS 1099 Form (26 CFR § 1.6041-1), unless such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardizes any investigation, the safety of peace officers, or the safety of the confidential informant (26 CFR § 1.6041-3).

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on tax returns as “other income,” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

603.5.5 AUDIT OF PAYMENTS

At least once every six months the Chief of Police or designee shall conduct a thorough audit of all informant funds for accountability and security of the funds. The funds petty cash records, transfer forms, invoices, receipts, and logs will assist with the audit process.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The Brooklyn Center Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is connected to the case in any way. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Each witness should be admonished that he/she is not required to make an identification of any person shown during an eyewitness identification process.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded, and the recording should be retained according to current evidence procedures.

604.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

604.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances officers should document the contact information for any additional witnesses for follow up, if necessary.

604.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Brooklyn Center Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Brooklyn Center Police Department will conduct fair and impartial criminal investigations, and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Brooklyn Center Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information, reference to all material evidence, and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

605.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and Department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) If the data is classified as public data, a copy of it shall be provided to the prosecuting attorney. In the case of non-public data, the prosecuting attorney should then be requested to file a motion in order to initiate an in camera review by the court.

    1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The custodian of records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that data ordered released will be copied and released to the parties filing the motion.

    1. Prior to the release of any materials pursuant to this process, the custodian of records should request a protective order from the court limiting the use and further dissemination of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

605.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty, or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Scrap Metal Theft Investigation

606.1 PURPOSE AND SCOPE

This policy provides guidance regarding scrap metal theft investigations.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Scrap vehicle operator or operator - A person described in Minn. Stat. § 168A.1501 who engages in a transaction involving the purchase or acquisition of a scrap vehicle.

Scrap metal dealer or dealer - A person engaged in the business of buying or selling scrap metal, or both, as defined in Minn. Stat. § 325E.21.

606.2 POLICY

The Brooklyn Center Police Department recognizes the difficulty in preventing scrap metal theft and may investigate, place holds on or confiscate items as provided in this policy.

606.3 INSPECTIONS

An officer engaged in scrap metal theft investigations may (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21):

(a) Conduct inspections of any purchase and acquisition records maintained by scrap vehicle operators or scrap metal dealers.

(b) Inspect scrap vehicle or scrap metal received by an operator or dealer at any reasonable time.

(c) Inspect any video or still camera and any recordings or images required to be maintained by an operator or dealer.

Any refusal to allow such inspections should be referred to the City attorney for criminal prosecution.

606.4 INVESTIGATIVE HOLDS

An officer who has probable cause to believe that a scrap vehicle or motor vehicle parts in the possession of a scrap vehicle operator, or that scrap metal in the possession of a scrap metal dealer, is stolen or is evidence of a crime may verbally order the operator or dealer not to process, sell, remove or allow the removal of the item for 30 days (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

The officer issuing the order is responsible for ensuring that the order to hold the item is confirmed in writing within 72 hours. If the item is identified as evidence in an active criminal case, the officer may extend the hold in writing. This extension must occur within 30 days of the original order and may remain in effect for as long as the investigation or prosecution is active.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

606.5 SEIZING ITEMS

If the item is evidence or otherwise needed for an investigation or prosecution, the officer may issue a written notice to confiscate any time during the investigative hold. The officer shall take custody of the item within 15 days of the notice to confiscate (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

When an item is confiscated, the officer shall:

(a) Provide the operator or dealer a property receipt that includes at least the following:

1. The name and telephone number of the Department.
2. The name and telephone number of the officer.
3. The case number related to the confiscation.

(b) Deliver the item to the Property Room.

When a confiscated item is no longer needed for an investigation or prosecution, it may be returned to a registered owner only after giving the operator or dealer from whom the item was seized written notice of intent to do so. The written notice should include notice of the right of the operator or dealer to make a written request for return of the item and that if the Department does not return the item within 48 hours of the request, excluding Saturday, Sunday or legal holidays, the operator or dealer may file a petition for the return of the item in the district court in the district in which the property was seized (Minn. Stat. § 626.04).

606.6 TERMINATION OF HOLD OR NOTICE TO CONFISCATE

At the conclusion of any investigation and prosecution, the officer who issued the investigative hold or a notice to confiscate property not yet confiscated shall notify the operator or dealer in writing that the hold or notice is no longer in effect (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

606.7 AUTOMATED PROPERTY SYSTEM

The Support Services Manager is responsible for ensuring that the Department complies with the implementation and use of the Automated Property System (APS) (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Chapter 7 - Equipment

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use, and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline, including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report through the chain of command any loss, damage to, or unserviceable condition of any Department-issued property or equipment assigned for their use.

   1. A supervisor receiving such a report shall make an appropriate investigation as to the nature of the event.

   2. A review by appointed staff to determine whether misconduct or negligence was involved should be completed.

(b) The use of damaged or unserviceable Department property should be discontinued as soon as practicable and, if appropriate and approved by appointed staff, replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police or appropriate Division Commander. The employee should submit for approval the description of personal property the employee has requested to carry, the reason for its use and the term of its use. Personal property of the type routinely carried by

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

persons not performing law enforcement duties nor comprising a weapon are excluded from this requirement. The Chief of Police or appropriate Division Commander should review the request and approved or deny the request as appropriate.

700.3.1 DEFINITIONS

Personal Property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Division Commander that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the Finance Department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the City, it shall be the responsibility of the employee present or the employee responsible

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Brooklyn Center Police Department allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable data practices laws and rules of civil or criminal procedures.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

investigations of employee misconduct and, as reasonably practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police or designee. All such searches shall be fully documented in a written report.

701.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may at its discretion issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department, and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

701.5 PERSONALLY-OWNED PCD

Employees may carry a personally-owned PCD while on duty, subject to the following conditions and limitations:

(a) Carrying a personally-owned PCD is a privilege, not a right.

(b) The Department accepts no responsibility or liability for loss of or damage to a personally-owned PCD.

(c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.

(d) The PCD and any associated services shall be purchased, used, and maintained solely at the employee's expense.

(e) The device should not be used for work-related purposes except in exigent circumstances, (e.g. unavailability of radio communications). Employees have a reduced expectation of privacy when using a personally-owned PCD in the workplace, and have no expectation of privacy with regard to any Department business-related communication.

(f) The device shall not be utilized to record or disclose any business-related data, including photographs, video, or the recording or transmittal of any data or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

701.5.1 PUBLIC RECORDS

Work related information including data created, received, recorded or stored on a personally owned PCD in the course of department duties is considered government data subject to the requirements of the Minnesota Government Data Practices Act and discovery obligations (Minn. Stat. § 13.01 et seq.).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

701.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in a carrier approved by the department.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.

(d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for or as a way to avoid or in lieu of regular radio communications.

(e) Officers are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means without the express authorization of the Chief of Police or the authorized designee or contrary to data practices policies and procedures may result in discipline.

(f) Employees will not access social networking sites while on-duty for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent reasonably practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if reasonably practicable, until the employee is on-duty as such time may be compensable.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters involving official duties and, where reasonably practicable, stop the vehicle at an appropriate location to use the PCD (Minn. Stat. § 169.475).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Minn. Stat. § 169.475). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive data is not inadvertently transmitted. As soon as reasonably possible, employees shall change over to conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

(a) Barricaded suspects

(b) Hostage situations

(c) Mobile Command Post

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political or community events

(f) Investigative stakeouts

(g) Emergency contact with an allied agency or allied agency field unit

(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled, and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly, or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

702.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, including rough roadway or off-road operation, hard or extended braking, pursuits, or prolonged high-speed operation, should be removed from service and subjected to a safety inspection as soon as reasonably possible.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes, and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- 1 roll crime scene barricade tape
- 1 first aid kit
- 1 blanket
- 1 fire extinguisher
- 1 camera

702.3.2 UNMARKED VEHICLES

An employee driving an unmarked Department vehicle shall ensure that, at minimum, the equipment listed below is present in the vehicle:

- 1 roll crime scene barricade tape

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

- 1 first aid kit
- 1 blanket

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than three-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below three-quarter tank.

Vehicles shall only be refueled at an authorized location.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Unclassified/private/confidential data should be placed in a designated receptacle provided for the shredding of this matter.

702.6 CIVILIAN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Vehicle Use

703.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure City-owned vehicles are used appropriately. For the purposes of this policy, “City-owned” includes any vehicle owned, leased or rented by the City.

703.2 POLICY

The Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

703.3 USE OF VEHICLES

Personnel authorized to use City-owned take home vehicles shall only use the vehicles for official business or if its use promotes operational efficiency.

All employees, assigned a City-Owned vehicle, and on an on-call status are expected to maintain a sixty minute response time when notified of any department related business where there assistance is requested.

Members shall not operate a City-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a Global Positioning Satellite device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

703.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the daily shift roster.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

703.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing a City-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Shift Sergeant of the reasons for use and a notation will be made on the shift roster indicating the operator’s name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

703.3.3 UNMARKED VEHICLES
Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned, or approval from the shift sergeant.

703.3.4 INVESTIGATION DIVISION VEHICLES
Investigation Division vehicle use is restricted to investigative personnel during their assigned work hours unless approved by an Investigation Division supervisor. After-hours use of Investigation Division vehicles by members not assigned to the Investigation Division shall be recorded with the shift sergeant on the shift roster.

703.3.5 PARKING
Except when responding to an emergency or other urgent official business requires otherwise, members driving City-owned vehicles should obey all parking regulations at all times.

Members shall not park privately-owned vehicles in any area assigned to a City-owned vehicle or in any other areas of the parking lot that are not designated as a parking space unless authorized by a supervisor. Privately-owned motorcycles shall be parked in designated areas.

703.3.6 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting officer shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

703.3.7 PRIVACY
All City-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.4 ASSIGNED VEHICLE AGREEMENT
Members must be approved for an assigned vehicle by his/her division commander, and shall agree to the following criteria:

(a) Except as may be provided by a collective bargaining agreement, time spent during normal commuting is not compensable.

(b) The vehicle shall be parked in secure off-street parking when parked at the member's residence.

(c) Vehicles shall be locked when not attended.

(d) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms and Qualification Policy regarding safe storage of firearms at home).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(e) When the member will be away (e.g., on vacation) for periods exceeding one week, the vehicle shall be stored in a secure garage at the member's residence or at the appropriate Department facility.

(f) All Department identification, portable radios, and equipment should be secured.

Members are cautioned that under federal and local tax rules, personal use of a City-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time, and permission to take home a vehicle may be withdrawn at any time.

703.5 KEYS AND SECURITY

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Officers shall not duplicate keys.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member’s chain of command.

703.6 ENFORCEMENT ACTIONS

Because an officer operating an unmarked vehicle to and from work outside the jurisdiction of Brooklyn Center may not be unifomed and readily identifiable as a police officer he/she should try to avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists. (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Officers may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Although not required, it is recommended while driving a City-owned unmarked vehicle off duty, members of this department be armed. If a member of this department is armed while operating a City-Owned unmarked vehicle off duty they shall be appropriately attired and carry their department-issued identification. Officers should also ensure that department radio or other electronic communication capabilities are maintained to the extent reasonably feasible.

703.7 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of the assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

703.7.1 ACCESSORIES AND/OR MODIFICATIONS
No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Division Commander.

703.8 VEHICLE DAMAGE, ABUSE, AND MISUSE

When a City-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also the Traffic Collision Response and Reporting Policy).

When a collision involves a City vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction and the collision results in serious injury or death, a supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete a report. If the member is unable to complete the report, the supervisor shall complete the report.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format, and forwarded to the shift sergeant. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.

703.9 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating a City-owned vehicle upon the toll road shall adhere to the following:

(a) All members operating a City-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Cash Handling, Security, and Management

704.1 PURPOSE AND SCOPE

The proper handling and documentation of cash transactions, and the maintenance of accurate records of cash transactions, is important to protect the integrity of police operations and ensure the public trust.

704.2 PETTY CASH FUNDS

Employees designated as fund managers and authorized to maintain and manage petty cash funds are the support services manager and the administrative assistant.

These persons may delegate this responsibility to another person in their absence.

All funds require the creation and maintenance of an accurate and current transaction ledger and filing of invoices, receipts, and expense reports by the fund manager.

704.3 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.4 PETTY CASH AUDITS

The manager of a petty cash fund shall audit the fund no less than once every six months. This audit requires that the manager and at least one other person selected by the fund manager, review the ledger, records, receipts, and funds, verifying the accuracy of the accounting. Each participant of the audit shall sign the ledger, attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

Should fund management be transferred to any person, each transfer of this responsibility shall require completion of a separate petty cash audit by those persons involved in the transfer.

A separate audit by the Chief of Police or the City should be completed on a random date approximately once each year on each petty cash fund.

704.5 ROUTINE CASH HANDLING

Members of the Department authorized to routinely handle cash as part of their assignment are property room technicians and the support services manager. Routine cash handling shall be pursuant to their specific policies (see the Confidential Informants and Property Procedures Policies).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

704.6 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, come into the possession of cash that is not their property or is outside their defined cash handling duties shall, as soon as reasonably practical, verify the amount of cash, summon another employee to verify their accounting, and process the cash as safekeeping, evidence, or found property.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Chapter 8 - Support Services

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting its tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field interview cards
- Parole and probation records
- Computer Aided Dispatch data
- Department of Public Safety - Crime Records Service

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property. Property belonging to persons in custody should be handled pursuant to policies guiding Juvenile Temporary Custody, Temporary Holding Facility, Jail Operations, and the operations procedures for each facility or operation.

801.1.1 PROPERTY ROOM SECURITY

The Property Room shall maintain secure storage and control of all property necessitating custody by the Department. The property and evidence technician reports to the Support Services Manager and is responsible for the security of the Property Room. Property Room keys are maintained only by the property and evidence technician and the Support Services Manager. The property and evidence technician and the Support Services Manager shall not loan Property Room keys to anyone and shall maintain keys in a secure manner.

Any individual entering the high security area of the Property Room other than the property and evidence technician or Support Services Manager must be accompanied by the property and evidence technician or the Support Services Manager, and must sign in and out on the logbook giving the date and time of entry and exit and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

801.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

801.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the property label. Care shall be taken to maintain the chain of custody for all evidence.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence (Minn. Stat. § 626.04 (a)). Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Minn. Stat. § 626.04 (b) and Minn. Stat. § 629.361).

An officer arresting a person for burglary, robbery or a theft offense shall use reasonable diligence to secure the property that was alleged to have been stolen and shall be answerable for it while it remains in his/her custody (Minn. Stat. § 629.361).

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the documentation acknowledging receipt of the item(s).

801.3.1 PROPERTY INVENTORY PROCEDURE

All property must be inventoried prior to the employee going off duty. Employees inventorying property shall observe the following guidelines:

a. Complete the property inventory in FileOnQ by describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

b. The employee shall inventory each item of evidence.

c. If item is placed in an envelope, tube, box or bag, the employee shall seal, tape, initial and date all inventoried items.

d. The employee shall place inventoried items into a property locker and lock key inside.

e. Items too small to mark, or that will be damaged or degraded or devalued by marking, should be individually packaged, labeled, and the package marked with initials and date.

f. Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

g. The original property documentation shall be submitted with the case report.

h. When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any Department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property label placed into a numbered property locker indicating the location of the property.

801.3.2 CONTROLLED SUBSTANCES

All controlled substances shall be inventoried separately. Drug paraphernalia shall also be inventoried separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

801.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify the immediate supervisor. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling, and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be inventoried. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials.

801.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be dried using the Drying Lab. See section 801.10 Drying Lab - SafeKeeper FDC-007D

(b) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property and evidence technician or placed in the bicycle storage area.

(c) All cash shall be counted in the presence of another officer and the envelope initialed by both officers. An on-duty supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count and will initial and date the property documentation and specify any additional security procedures to be used.

(d) All evidence collected by personnel requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal inventory is required. In cases where no responsible person can be located, the property should be inventoried for safekeeping in the normal manner.

801.3.5 COURT-ORDERED FIREARM SURRENDERS

(a) Although not required, this department generally will accept firearms surrendered by an abusing party or defendant pursuant to a court order. A decision to refuse a surrendered firearm should be approved by a supervisor (Minn. Stat. § 260C.201, Subd. 3; Minn. Stat. § 518B.01, Subd. 6; Minn. Stat. § 609.2242, Subd. 3; Minn. Stat. § 609.749, Subd. 8).

(b) Members accepting surrendered firearms should complete a standardized Surrendered Firearms Receipt form, if available. If a standard Surrendered Firearms Receipt form is not available, use an Evidence/Property form and include the following information:

1. Whether the firearm is being transferred temporarily or permanently
2. The abusing party or defendant’s name
3. The date and time of the transfer

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

4. Complete description of all firearms surrendered (e.g., make, model, serial number, color, identifying marks)

(c) In certain circumstances, a court may issue an order for the immediate transfer of firearms of an abusing party or defendant.

1. BCPD may serve the court order either by assignment or when an officer comes into contact with an abusing party or defendant for which a court order has been issued but has not been served, or for which they are in violation. In such cases, if there are firearms that may be lawfully seized, they should be seized and submitted to the Property Room pursuant to standard protocol.
2. If the abusing party or defendant is not cooperative, seek guidance from legal counsel to ensure that firearms are seized lawfully.
3. Permits possessed by the abusing party or defendant should be returned to the Sheriff where the person resides.

(d) The Property Room shall develop and maintain a process to store, transfer or release firearms ordered surrendered by a court. The procedures shall:

1. Provide for adequate storage and protection so as to preserve the condition of the firearms.
2. Require a valid court order or written notice from the abusing party or defendant to be presented before any transfer of the firearms.
3. Ensure that recipients of transferred firearms are not legally prohibited from possession of firearms under state or federal law.
4. Ensure that proper affidavits or proof of transfer are obtained from any designated firearms dealer or third party.
5. Ensure that prior to disposition of unclaimed firearms, abusing parties or defendants are notified via certified mail.

801.4 COURT-ORDERED FIREARM SURRENDER PROCEDURE

AUTHORITY

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

Legislative changes require the courts to issue orders to domestic child abusers, domestic abusers, persons convicted of domestic assault and persons convicted of stalking, to surrender their firearms to a law enforcement agency, a federally licensed firearms dealer or a third party.

DEFINITIONS

Domestic Violence Restraining Orders – Provisions in Minnesota statutes require the court when issuing restraining orders under Minn. Stat. 260C.201 (Domestic Child Abuse) or Minn. Stat.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

518B.01 (Order for Protection) to order the restrained person to surrender firearms and permits to carry or purchase firearms if the court finds the restrained party represents a credible threat to the physical safety of the protected party. An order granting relief that was issued after a hearing of which the abusing party received actual notice and which the abusing party had the opportunity to participate, shall prohibit the abusing party from possessing firearms for the length the order is in effect. The order shall direct the abusing party to transfer any firearms that the person possesses to a federally licensed firearms dealer, a law enforcement agency or a third party who may lawfully receive them. A law enforcement agency is not required to accept an abusing party/respondent's firearms under this paragraph.

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

Authorized Recipients of the Firearms – Defendants may choose to whom they surrender their firearm(s). The statute allows the transfer to: a local enforcement agency, a federally licensed authorized dealer, or a third party who does not reside with the abusing party/defendant.

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

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

Reasonable Storage Fee – Actual expenses a city incurs for storage of firearms to include the cost of storage space and staff time to process related paperwork. The storage fee should not normally be so high that it exceeds the value of the firearm. Agencies should periodically review their fee schedule to insure their storage fee covers the city's actual costs. Agencies should give consideration to releasing firearm(s) only after the reasonable storage fee is paid.

<u>PROCEDURE</u>

A.Intake Procedure – <u>Surrendered Firearms</u>:

1. A copy of the Court Order is required prior to accepting the transfer of firearms.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

2. The abusing party/respondent must arrange for the transfer within three business days.

3. A law enforcement agency is not required to accept firearms in every situation. Factors to consider might be jurisdiction for any underlying criminal prosecution(s), county of residence for the petitioner and/or respondent. All decisions to reject must be approved by a supervisor.

4. If decision is made to accept the firearms, an Incident Report shall be completed with initiation of a Case Number.

5. The department may charge a reasonable storage fee of $10 per day for firearms held under the provisions of this policy.

6. Only a licensed peace officer may accept firearms from an abusing party/respondent with the respective court order.

7. Surrendered firearms will be received by an officer, by appointment, during regular business hours or at other times at the discretion of the accepting law enforcement agency.

8. The party surrendering weapons to a law enforcement agency shall receive instructions on proper procedure for the safe surrender of weapons:

a. The party should be directed to not bring firearms into the department but rather comply with specific instructions provided by the law enforcement agency.

b. When directed, the firearms should be delivered to the law enforcement agency enclosed in a carrying case for firearms.

i. The firearms must be completely contained in gun cases made expressly for that purpose.

ii. The cases must be zipped, buckled, tied or otherwise fastened, with no portion of the firearm exposed.

c. All firearms must be unloaded. This means having no shell or cartridge in the chamber of the firearm or in any magazine attached to the firearms.

d. Caps must be removed from a percussion muzzle loading firearms or have the flash pan cleaned of powder from a flint locked muzzle loading firearm.

9. The receiving officer shall complete the Surrendered Firearms Receipt form ensuring the following information is included as required by the Court:

a. Whether the firearm(s) is to be temporarily or permanently transferred;

b. The defendant’s name;

c. Date of the transfer to the department;

d. Serial number of all surrendered firearms;

e. Make of all surrendered firearms;

f. Model of all surrendered firearms;

g. Brief description and condition of the firearm(s).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

10. Once completed, a copy of the Surrendered Firearms Receipt form is given to the defendant to file with the Court.

11. The receiving officer will make the weapon safe, secure and package the firearm(s) pursuant to Department Property Room procedures. No ammunition will be accepted into evidence, but rather given to range personnel for disposal.

12. Property Room personnel will store the surrendered firearm(s) pursuant to evidence guidelines and protocols.

13. Accepting the surrendered firearm(s) gives the department the lawful authority to possess the firearm(s); it does not transfer ownership or title to the department.

14. All staff will use due care to preserve the quality and function of the transferred firearm(s).

B. Immediate Possession of Firearms - Imminent Risk Involved

1. The court may order the department to take immediate possession of a defendant's firearm(s).

2. A peace officer or investigator will be assigned the case and an Incident Report shall be completed with initiation of a Case Number.

3. Only a licensed peace officer may accept surrendered firearms from a defendant.

4. Due to the risks of firearms being delivered to the department or seized from private residences, the assigned officer or investigator will give due consideration to the variety of safety concerns. The assigned officer or investigator should initiate contact with the defendant, arranging for the safest means of firearm(s) surrender.

5. The difficulties in knowing with certainty the full extent of a defendant's firearms inventory are acknowledged. The assigned officer or investigator will attempt to insure the abusing party/ respondent complies with the Order. If the abusing party/respondent refuses to comply with the order, every effort, including a consent search or possibly seeking a search warrant, will be initiated to ensure the court order is carried out.

6. Within three (3) business days of the court ordering the immediate transfer of the firearm(s), defendants may request the transfer of their firearms(s) from the department to a federally licensed firearms dealer or a third party, who may lawfully receive them.

a. A licensed peace officer or investigator will facilitate the transfer;

b. Prior to transfer the officer will require the federally licensed firearm dealer or third party who may lawfully receive them, to complete a Minnesota Uniform Firearm Application/Receipt Permit to Purchase/Transfer;

c. Once the application is completed, the department has two business days to file the completed application to purchase/transfer with the respective courts.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

C. Out of Jurisdiction Compliance

1. Notwithstanding a court order to the contrary, police agencies are responsible for the enforcement of firearm surrender orders when the respondent resides in the agency's jurisdiction.

2. When the court orders the firearm(s) must be turned over only to law enforcement, police agencies are only required, notwithstanding a court order to the contrary, to store firearms turned over by defendants/respondents residing within their jurisdiction.

3. Officers tasked with enforcement of a surrender order, when learning the firearm(s) is located in another jurisdiction, will share that information with the pertinent law enforcement agency to aid in the order's enforcement.

4. Officers asked to assist another law enforcement agency with the enforcement of a firearm surrender order shall provide reasonable assistance so as to help aid the order's enforcement.

D. Return , Abandonment or Forfeiture of Firearms

1. Upon receipt of a court order, the department will return the surrendered firearms(s) to the abusing party/defendant so long as the abusing party/defendant is not otherwise prohibited from possessing firearms under State or Federal law.

2. An assigned officer or investigator will facilitate the release of the firearms(s) pursuant to the court order, complying with State and Federal law and department protocol.

3. On requests to transfer to a third party the assigned officer or investigator will conduct a records check to ensure the third party is eligible to receive the firearm(s).

4. The assigned officer or investigator will have the Defendant inspect the firearm(s) before returning and have the defendant acknowledge the firearms are in the same condition as when turned in, except for reasonable wear and tear including the deterioration of firearms that may occur during prolonged storage periods.

5. If a temporarily transferred firearm is abandoned, the department will notify the abusing party/defendant via certified U.S. mail prior to the disposal of the abandoned firearms(s) pursuant to department protocol.

6. If the court order indicates that the firearms(s) transfer is permanent, the firearm(s) will not be returned to the Defendant and will be disposed of pursuant to forfeiture and/or department protocol.

801.5 PACKAGING OF PROPERTY

Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be inventoried separately as follows:

(a) Controlled substances

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Firearms (ensure they are unloaded and booked separately from ammunition)

(c) Property with more than one known owner

(d) Drug paraphernalia

(e) Fireworks

(f) Contraband

801.5.1 PACKAGING CONTAINER

Employees shall package all property in a suitable container available for its size. Knife tubes should be used to package knives, handgun boxes should be used for handguns, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items.

801.5.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the results of this test shall be included in the officer's report.

Controlled substances shall be packaged in an envelope of appropriate size, available in Evidence Intake. The inventorying officer shall initial the sealed envelope and the initials covered with tape. Controlled substances shall not be packaged with other property.

The inventorying officer shall weigh the suspected narcotics or dangerous drugs after separating it from its original packaging. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property label. The packaging or container that the narcotics or dangerous drugs were seized in will be inventoried as a separate item. After packaging and sealing as required, the inventorying officer will initial and date the package.

The weight will be verified every time the package is checked in or out of the Property Room and any discrepancies noted on the outside of the package. Any change in weight should be immediately reported to the Support Services Manager.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded.

801.5.3 RIGHT OF REFUSAL

The property and evidence technician has the right to refuse any piece of property that is not properly documented or packaged. Should the property and evidence technician refuse an item, he/she shall maintain secure custody of the item in a temporary property locker and may inform the submitting officer, their supervisor and/or the Support Services Manager. The refused item will be corrected in a timely manner.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

801.6 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall maintain a property record for each piece of property received. The property record will be the permanent record of the property in the Property Room. The property and evidence technician will record his/her signature, GPW if it is a controlled substance to be used as evidence, the date and time the property was received, and where the property will be stored in the property record.

A property record shall be maintained and a unique property number created for each piece of property received. The property record shall record by property number, the date received, case number, tag number, item description, item location, and date disposed. A unique property number shall be obtained for each item from the property record. This number shall be recorded on the property tag and the property record.

Any changes in the location of property held by the Brooklyn Center Police Department shall be noted in the property logbook.

801.7 PROPERTY CONTROL

Each time the property and evidence technician receives property or releases property to another person, he/she shall enter this information in the property record. Officers desiring property for court shall contact the property and evidence technician at least three days prior to the court day, if possible.

801.7.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or assigned detective.

Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the property and evidence technician.

801.7.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property record and the request for laboratory analysis.

The property and evidence technician releasing the evidence must complete the required information on the property record and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the employee will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Support Services for filing with the case.

801.7.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes or for court shall be noted on the property record, stating the date, time, and to whom it was released.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The property and evidence technician shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property record, indicating date, time, and the person who returned the property.

801.7.4 AUTHORITY TO RELEASE PROPERTY

The property and evidence technician shall not release any property without authorization from an appropriate authorized member of the Department. The assigned investigator or supervisor shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

Property held as evidence for a pending criminal investigation or proceeding shall be retained for a period of time no less than that required pursuant to Minn. Stat. § 628.26.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a property and evidence technician shall, upon the request of the owner:

(a) Provide a list describing the property unless such release would seriously impede an investigation.

(b) Return the property expeditiously unless the property is required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner of the property in accordance with the requirements of Minn. Stat. § 609.523.

801.7.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property label or must specify the specific item(s) to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 60 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction, which may be conducted as an Internet-based auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Unless the auction is Internet based, property with an estimated value of

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

$500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.

A property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. The owner shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered on the property record, the property record shall be forwarded to the Support Services for filing with the case.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation.

801.7.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the owner (Minn. Stat. § 609.523 Subd. 3). Such property may be released from law enforcement custody when the following are satisfied:

(a) Photographs of the property are filed and retained by the Property Room.

(b) Satisfactory proof of ownership of the property is shown by the owner.

(c) A declaration of ownership is signed under penalty of perjury.

(d) A receipt for the property is obtained from the owner upon delivery.

801.7.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

801.7.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922.

The Department shall make best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner (Minn. Stat. § 609.5315 Subd. 7). At the expiration of such period, the firearm or other deadly weapon may be processed for disposal consistent with this policy.

801.8 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for sixty days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws and ordinances upon receipt of proper authorization

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

for disposal. The property and evidence technician shall request a disposition or status on all property that has been held in excess of 120 days and for which no disposition has been received from a supervisor or investigator.

801.8.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances.
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court.
- Counterfeiting equipment.
- Gaming devices.
- Obscene matter ordered to be destroyed by the court.
- Altered vehicles or component parts.
- Controlled substances.
- Unclaimed, stolen or embezzled property.
- Destructive devices.

Money found in gambling devices by any peace officer, other than a municipal police officer, shall be paid into the county treasury. Money found in gambling devices by a municipal police officer shall be paid into the treasury of the municipality (Minn. Stat. § 626.04 (b)).

801.8.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the money is presumed abandoned property and is reportable as specified in § 804.8, Minn. Stat. § 345.38 and Minn. Stat. § 345.75).

801.8.3 RETENTION OF BIOLOGICAL EVIDENCE

The Support Services Manager shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Investigation Division Supervisor

Biological evidence shall be retained for a minimum period established by law, the Support Services Manager, or the expiration of any sentence imposed related to the

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

evidence (Minn. Stat. § 590.10), whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to or motion regarding the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division Supervisor and Support Services Manager.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Bulk evidence may be destroyed prior to these minimum retention periods only pursuant to a court order or if the Support Services Manager determines that such destruction is consistent with Minn. Stat. § 590.10 and the above notices have been made.

801.9 REPORT OF ABANDONED PROPERTY (MONEY)

The Investigations Division Commander or designee shall complete an annual report of presumed abandoned property as described in law to the Commissioner of Commerce. The report is to cover the 12-month period ending July 1 each year and is to be filed before October 31 each year (Minn. Stat. § 345.41).

801.10 INSPECTIONS OF THE PROPERTY ROOM

On a monthly basis, the Support Services Manager shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(a) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(b) An annual audit of evidence held by the Department shall be conducted by a Division Commander who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.

(c) Whenever a change is made in personnel who have access to the Property Room, an inventory of all evidence/property shall be made by an individual(s) not associated with the Property Room or function to ensure that records are correct and all evidence property is accounted for.

801.11 DRYING LAB - SAFEKEEPER FDC-007D

801.11.1 PURPOSE

The purpose of this listed procedures guideline is to govern the use, care, maintenance, possession and setup of the SafeKeeper FDC-007D, herein also referred to as the Drying Lab or Drying Cabinet.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

801.11.2 USE

The SafeKeeper FDC-007D can be used by any agencies currently in contract with the Northwest Metro Drug Task Force. Agencies outside the contract agencies may be allowed to use the SafeKeeper FDC-007D with granted permission by the current Northwest Metro Drug Task Force supervisor and/or current Northwest Metro Drug Task Force board member for short term use. Items placed into the device should be picked up by outside agencies within 24 hours unless prior approval has been granted for extended use. Permission should be recorded by paper or electronic means and be dated prior to the granted use.

The general purpose of the SafeKeeper FDC-007D is the drying of raw, non-consumable marijuana plant material and other bio-hazard and non-biohazard drying purposes. Large quantities of marijuana material should be placed into the cabinet according to recommended guidelines. The device should not be used to dry consumable marijuana. The purpose for acquisition of the drying room using Northwest Metro Drug Task Force funds was established based on large marijuana grow operations and the alleviation of marijuana odors at participating agency property storage areas. Granted use may be granted on a case by case basis with approval from any Northwest Metro Drug Task Force member including active investigators and administrative personnel with Brooklyn Center Police Department.

The user will place item(s) in the SafeKeeper FDC-007D Drying Cabinet, lock the cabinet and activate the switch to initiate drying.

The duration of drying time will vary depending on the material being dried.

The key for the SafeKeeper FDC-007D Drying Cabinet will be placed into a small envelope and that envelope will be sealed with clear tape or red evidence tape, dated and initialed by the submitting officer.

The envelope containing the key will be placed into locker #10 in property intake. This key will remain inside of the Brooklyn Center Police Department Property Room until the user contacts the Property Technician or the Support Services Manager to receive the key back.

Keys to the SafeKeeper FDC-007D shall not be removed from the building without authorization from administrative personnel with Brooklyn Center Police Department.

801.11.3 CARE

It will be the responsibility of the Brooklyn Center Police Department to care and house the SafeKeeper FDC-007D Drying Cabinet. Any required maintenance fees should be submitted to the Northwest Metro Drug Task Force board for approval and/or reimbursement.

All efforts should be made to keep the interior and exterior clean.

Cleaning of the SafeKeeper FDC-007D Drying Cabinet will be the responsibility of the person placing items within the cabinet. Upon removal of items, the cabinet should be inspected and made clean and free of any debris.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

A new paper liner will be used each time a biohazard item is placed in the drying lab.

The cabinet should be sanitized by the user after each biohazard drying use.

The Brooklyn Center Police Department will maintain the drying cabinet in a manner consistent with the manufacturers guidelines and recommendations.

The SafeKeeper FDC-007D Drying Cabinet shall be kept in a secure area.

801.11.4 RECORDS MANAGEMENT

A log, either paper or electronic, shall be maintained by the Brooklyn Center Police Department regarding the use of the FDC-007D Drying Cabinet. The records shall include an agency case number, date, description, gross package weight and the Officer's name associated with the storage and/or use. Evidence processing practices shall be adopted by the Brooklyn Center Police Department as the primary use provider. The user will complete a log entry each time the drying lab is used.

801.11.5 POSSESSION

The Brooklyn Center Police Department has agreed to house the SafeKeeper FDC-007D Drying Cabinet at their facility. Should the Brooklyn Center Police Department decide at any time to discontinue its current membership with the Northwest Metro Drug Task Force, the matter of possession will be decided by the Northwest Metro Drug Task Force board members.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Records Division Procedures

802.1 PURPOSE AND SCOPE

The Support Services Supervisor shall maintain the Department Records Division Procedures Manual on a current basis to reflect the procedures being followed within the Support Services. Policies and procedures that apply to all employees of this department are contained in this chapter.

802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Support Services by Support Services personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 000001 starting at midnight on the first day of January of each year. As an example, case number 10-000001 would be the first new case beginning January 1, 2010.

802.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports related to a case shall be maintained in a secure area within the Support Services, accessible only to authorized Support Services personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through a supervisor.

802.2.1 ORIGINAL REPORTS

Original reports are maintained online by the Records Division. Any modifications need prior approval of a supervisor.

802.3 RECORDS MANAGER TRAINING

The Support Services Supervisor shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under the Minnesota Government Data Practices Act (MGDPA).

802.4 FRONT DESK PROCEDURES

802.4.1 HOT FILE ENTRY

Hot file entry for stolen vehicles and missing person during business hours 8:00AM to 4:30PM

1. The officer will fill out and complete a hot file form.
2. The officer will give the hot file to the front desk Records Technician to enter into NCIC.
3. The front desk Records Technician will enter the hot file into NCIC without delay.

Hot file entry for stolen vehicles and missing person after business hours 4:30PM to 8:00AM

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1. The officer will fill out and complete a hot file form.

2. The officer will fax the hot file form to the Hennepin County dispatch clerk.

3. The officer will detach the white copy of the hot file and place it in the Records IN BASKET along with the fax confirmation. The officer will then place the yellow carbon copy in the Hot Files bin up front.

4. Records will enter the actual report into RMS and front desk will put their entry into NCIC.

Confirm and remove a hot file during business hours 8:00AM to 4:30PM

1. If Hennepin County dispatch clerk or the requesting agency sends the front desk Records Technician a hit confirmation request (YQ) the front desk Records Technician will check the hot files folder to confirm the person or property. He or she will send a hit confirmation response (YR) back to Hennepin County dispatch or the requesting agency.

2. After confirming the hit, the front desk Records Technician will then clear the hot file out of NCIC, print all the hit confirmation messages and queries and attach all paperwork to the original case pulled from the hot files folder.

3. The front desk Records Technician will then complete the locate/recovery portion of the hot file.

4. The front desk Records Technician will then give all the paperwork to another Records Technician to second party check and they will update the case in RMS and in Laserfiche.

5. If Hennepin County dispatch clerk or the requesting agency requests an officer to confirm a hit, the officer may contact the front desk Records Technician to check the hot files folder to confirm the hit or the officer may come into the police department to confirm it themselves.

6. After the hit is confirmed, the officer will need to take out the hot file from the folder and complete the locate/recovery portion.

7. After the officer completes the locate/recovery portion of the hot file, he or she will give the hot file to the front desk Records Technician to clear it out of NCIC.

8. The front desk Records Technician will then clear the hot file out of NCIC, print all the hit confirmation messages and queries and attach all paperwork to the original case pulled from the hot files folder.

9. The front desk Records Technician will then give all the paperwork to another Records Technician to second party check and they will update the case in RMS and in Laserfiche.

Confirm a hot file after business hours 4:30PM to 8:00AM & Weekends

1. When a Hennepin County dispatch clerk or another agency requests a hit confirmation, the officer must check the hot file folders to see if the person or property is still missing. If so, confirm the hit with dispatch or the requesting agency.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

2. Fill out the locate/recovery portion of the hot file completely. The officer will obtain all information such as the agency name, officer's name, case number, location, date and time of locate/recovery, circumstances, date and time when the owner or parent was notified, and date and time of when dispatch cleared the hot file.

3. Notify the Hennepin County dispatch clerk to clear the hot file from NCIC.

4. After completing the locate/recovery portion, do not put the form back in the folder, leave the form in the hot files bin for the front desk Records Technician.

Stolen articles & stolen guns

1. Do not request Hennepin County dispatch to enter any stolen articles or guns into NCIC during or after business hours.

2. Complete a Brooklyn Center Police stolen article and gun form and attach it with your report. The Records Technician that takes your report will give the form to the front desk Records Technician to enter it into NCIC.

3. The front desk Records Technician will not enter any stolen articles or guns without a completed form. Emailed or verbal requests to enter a stolen article will be directed to complete a stolen article form.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Restoration of Firearm Serial Numbers

803.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this policy is to develop standards, methodologies and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

803.2 PROCEDURE

Any firearm coming into the possession of the Brooklyn Center Police Department as evidence and found property, where the serial numbers have been removed or obliterated, will be processed in the following manner:

803.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tabular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately document the condition of the gun when received. Note the positions and conditions of the various components, such as the safeties, cylinder, magazine, slide and hammer. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, it should be processed before the serial number restoration is attempted. First record/document important aspects, such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

803.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed or obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

803.2.3 OFFICER RESPONSIBILITIES

The property and evidence technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime laboratory for restoration.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

803.2.4 DOCUMENTATION

Case reports should be prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received or collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

803.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the crime laboratory, a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center(NTC) trace request form will be completed and submitted to the NTC or the data may be entered into the ATF eTrace system.

803.3 OTHER CONSIDERATIONS

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the ATF's National Integrated Ballistic Information Network (NIBIN), which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Confidential Data on Individuals - Data classified as confidential by state or federal law and that identifies individuals and cannot be disclosed to the public or even to the individual who is the subject of the data (Minn. Stat. § 13.02, Subd. 3).

Corrections and Detention Data - Data on individuals created, collected, used or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms and all other correctional and detention facilities (Minn. Stat. § 13.85 Subd. 1).

Data on Individuals - All government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual (Minn. Stat. § 13.02, Subd. 5).

Government Data - Data collected, created, received, maintained or disseminated by this department regardless of its physical form, storage media or conditions of use (Minn. Stat. § 13.02, Subd. 7).

Private Data - Data classified as private by state or federal law and that identifies individuals that are only available to the individual who is the subject of the data or with the individual's consent (Minn. Stat. § 13.02, Subd. 12).

804.2 PUBLIC REQUESTS FOR RECORDS

The Department shall comply with Minnesota law regarding the management, retention, and disposal of its records (Minn. Stat. § 15.17; Minn. Stat. § 138.17, Subd. 7). Requests shall be routed through the Records Supervisor or designee.

The Department shall post or have available to the public a document that contains the basic rights of a person who requests government data, the responsibilities of the Department, and the cost of inspecting or obtaining copies (Minn. Stat. § 13.025).

Data created by the Department shall be subject to inspection and release pursuant to lawful requests consistent with the Minnesota Government Data Practices Act (MGDPA) requirements (Minn. Stat. § 13.03, Subd. 1). Public requests for data of this department shall be processed as follows:

804.2.1 PROCESSING OF REQUESTS

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Any member of the public, including the media and elected officials, may access public data of this department by submitting a written and signed request for each record sought and paying any associated fees. A person shall be permitted to inspect and copy public government data at reasonable times and places and shall be informed of the data's meaning if requested (Minn. Stat. § 13.03, Subd. 3).

The Department may not charge or require the requesting person to pay a fee to inspect data. A fee may be charged for remote access to data where either the data or the access is enhanced at the request of the person seeking access (Minn. Stat. § 13.03).

The processing of requests is subject to the following:

(a) The Support Services Supervisor or designee processing the request shall determine if the requested data is available and, if so, whether the data is restricted from release. The Support Services Supervisor or designee shall inform the requesting person of the determination either orally at the time of the request or in writing as soon after that time as reasonably possible. The Support Services Supervisor or designee shall cite the specific statutory section, temporary classification, or specific provision of state or federal law on which the determination is based (Minn. Stat. § 13.03, Subd. 3 (f)).

(b) Inspection includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies, unless printing a copy is the only method to provide for inspection of the data (Minn. Stat. § 13.03, Subd. 3 (b)).

(c) For data stored and made available in electronic form via remote access, public inspection includes allowing remote access by the public to the data and the ability to print copies or download the data (Minn. Stat. § 13.03, Subd. 3 (b)).

(d) The Department shall provide copies of public data upon request (Minn. Stat. § 13.03, Subd. 3(c)).

(e) Government data maintained by this department using a computer storage medium shall be provided in that medium in electronic form, if a copy can be reasonably made. The Department is not required to provide the data in an electronic format or program that is different from the format or program in which the data is maintained (Minn. Stat. § 13.03, Subd. 3 (e)).

(f) The Department shall not be required to create records that do not otherwise exist. However, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any data.

(g) Requests by elected officials for records that are not open to public inspection should be referred to the Investigative Division Commander for a determination as to whether the records will be released.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

804.3 REPORT RELEASE RESTRICTIONS

The Department may temporarily withhold response or incident data from public access when a reasonable belief exists that public access would likely endanger the physical safety of an individual or cause a perpetrator to flee, evade detection, or destroy evidence. Upon request the Department shall provide a statement that explains the necessity for withholding the information (Minn. Stat. § 13.82 Subd. 14).

Absent a court order or other statutory authority, data shall be made public subject to the following restrictions:

804.3.1 GENERAL CASE AND CRIME REPORTS

Data containing any of the items listed below will not be released to the extent that it may reveal any of the following data. In such cases, reports or records shall be redacted prior to release to protect the not public status of the data. (Minn. Stat. § 13.82 Subd. 17):

(a) **Victim Information** - Victims of crimes who have requested that their identifying information be kept not public, victims who are minors, and victims of certain offenses shall not be made public.

(b) **Confidential Information** - Information involving confidential informants, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation shall not be made public when access to the data would reveal the identity of:

1. An undercover law enforcement officer.
2. A victim or alleged victim of criminal sexual conduct.
3. A paid or unpaid informant if the Department reasonably believes revealing the identity would threaten the personal safety of the informant.
4. A person who placed a call to a 9-1-1 system or the identity of the person whose phone was used to place a call to the 9-1-1 system when revealing the identity may threaten the personal safety or property of any person or the purpose of the call was to receive help in a mental health emergency. A voice recording of a call placed to the 9-1-1 system is deemed to reveal the identity of the caller.
5. A juvenile witness when the subject matter of the investigation justifies protecting the identity of the witness.
6. A mandated reporter.

(c) **General Information** - Absent statutory exemption to the contrary or other lawful reason to deem data from reports confidential, information from unrestricted agency reports shall be made public upon proper request.

The Department shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals whose information is protected pursuant to Minnesota law.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

804.3.2 RESPONSE OR INCIDENT RECORDS

Response or incident reports created by this department documenting either a response to a call for service or self-initiated actions taken by an officer shall be released to the public unless the release of the data would reveal the identity of protected individuals (Minn. Stat. § 13.82 Subd. 6).

804.3.3 CRIMINAL INVESTIGATION RECORDS

Criminal investigative data involving active cases shall not be released absent a court order unless otherwise authorized by statute (Minn. Stat. § 13.82 Subd. 7). Inactive investigative data shall be released to the public unless the release of the data would jeopardize another ongoing investigation or would reveal the identity of protected individuals or is otherwise restricted (Minn. Stat. § 13.82 Subd. 7).

804.3.4 ARREST REPORTS

Arrest data shall be accessible pursuant to Minn. Stat. § 13.82 Subd. 2. Arrestee data shall be subject to release in the same manner as data contained in other reports as set forth above.

The following data created or collected by this department documenting any actions taken to cite, arrest, incarcerate, or otherwise substantially deprive an adult individual of liberty shall be public at all times:

(a) Time, date and place of the action.

(b) Any resistance encountered by the Department.

(c) Any pursuit engaged in by the Department.

(d) Whether any weapons were used by the Department or other individual.

(e) The charge, arrest or search warrants, or other legal basis for the action.

(f) The identities of the agencies, units within the agencies, and individual persons taking the action.

(g) Whether and where the individual is being held in custody or is being incarcerated by the Department.

(h) The date, time, and legal basis for any transfer of custody and the identity of the agency or person who received custody.

(i) The date, time, and legal basis for any release from custody or incarceration.

(j) The name, age, sex, and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated, or otherwise substantially deprived of liberty.

(k) Whether the Department employed wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation.

(l) The manner in which the Department received the information that led to the arrest, and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under Minn. Stat. § 13.82 Subd. 17.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(m) Response or incident report number.

(n) Booking photographs.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives, including attorneys, made pursuant to the Minnesota Rules of Criminal Procedure or as discovery in a criminal prosecution, shall be referred to the City Attorney.

State criminal history information including, but not limited to, arrest history and disposition, fingerprints, and booking photos shall only be subject to release to those agencies and individuals as prescribed by law (Minn. Stat. 13.87).

804.3.5 CORRECTIONS AND DETENTION DATA

Corrections and detention data is private unless the data are summary data or arrest data or a statute specifically provides a different classification. Corrections and detention data on individuals are classified as private pursuant to Minn. Stat. § 13.02 Subd. 12, to the extent that the release of the data would either disclose medical, psychological, or financial information, or personal information not related to their lawful confinement or detainment, or endanger an individual's life (Minn. Stat. § 13.85 Subd. 2).

Corrections and detention data are confidential, pursuant to Minn. Stat. § 13.02 Subd. 3, to the extent that release of the data would endanger an individual's life, endanger the effectiveness of an investigation authorized by statute, and relating to the enforcement of rules or law, identify a confidential informant or clearly endanger the security of any institution or its population (Minn. Stat. § 13.85 Subd. 3).

Corrections and detention are public data after any presentation to a court; any data made private or confidential by Minn. Stat. § 13.85 shall be public to the extent reflected in court records (Minn. Stat. § 13.85 Subd. 4).

The responsible authority or its designee of any agency that maintains corrections and detention data may release private or confidential corrections and detention data to any law enforcement agency, if necessary for law enforcement purposes, or to the victim of a criminal act where the data are necessary for the victim to assert the victim's legal right to restitution (Minn. Stat. § 13.85 Subd. 5).

804.3.6 TRAFFIC COLLISION REPORTS

Traffic collision reports and related supplemental reports shall be considered not public and subject to release only to other law enforcement agencies, involved individuals, and their authorized representatives (Minn. Stat. § 169.09 Subd. 13).

A traffic collision report shall be released to a person who provides two or more of the following items in addition to any fee required:

(a) The date of the collision.

(b) The specific address or the highway or street.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) The name of any person involved in the collision.

804.3.7 JUVENILE RECORDS
Juvenile records and data shall be maintained, secured, and released as required by Minn. Stat. § 260B.171.

804.3.8 PERSONNEL RECORDS
The following personnel data regarding an employee of this department is public data unless the person is currently assigned to undercover operations (Minn. Stat. § 13.43 Subd. 2 Subd. 5):

(a) Name, employee identification number, and some aspects of compensation.

(b) Job title, bargaining unit, job description, education and training background, and previous work experience.

(c) Date of first and last employment.

(d) Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action.

(e) Final disposition of any disciplinary action together with the specific reasons for the action, and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of this department.

(f) Terms of any agreement settling any dispute arising out of an employment relationship.

(g) Work location, work telephone number, badge number, and honors and awards received.

(h) Time sheets or other comparable data only used to account for an employee's work time for payroll purposes, excluding the use of sick or other medical leave or other not public data.

All other personnel data regarding employees of this department are private data and may only be released as authorized by that classification (Minn. Stat. § 13.43 Subd. 4).

804.4 OTHER RECORDS
Any other record not addressed in this policy shall not be subject to release where such record is classified as other than public data. All public data shall be released as required by the MGDPA (Minn. Stat. § 13.03 Subd. 1).

The Department may temporarily withhold data classified as public if it is reasonably determined that public access would likely endanger the physical safety of in individual or cause a perpetrator to flee, evade detection, or destroy evidence (Minn. Stat. 13.82 Subd. 14).

Any data that was created under the direction or authority of the City Attorney exclusively in anticipation of potential litigation involving this department shall be classified as protected nonpublic or confidential data while such action is pending (Minn. Stat. 13.39).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

804.4.1 PERSONAL IDENTIFYING INFORMATION
Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number, and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record, or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

804.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum or discovery request should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested data.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

804.6 RELEASED RECORDS TO BE STAMPED
Any record released pursuant to a Subpoena Duces Tecum shall be certified as a true and correct copy of the record of this department.

804.7 PRIVACY AND SECURITY OF RECORDS
Records such as offense reports, arrest reports, juvenile records, or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure.

804.8 POLICY
The Brooklyn Center Police Department is committed to providing public access to records and data in a manner that is consistent with the Minnesota Government Data Practices Act (MGDPA) and Official Records Act (Minn. Stat. § 13.03; Minn. Stat. § 15.17).

804.9 MAINTENANCE OF CLOSED RECORDS
Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure. Closed records shall be kept separate from public records and shall remain confidential.

804.10 EXPUNGEMENT
A petition for expungement and expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records.

804.10.1 PETITION FOR EXPUNGEMENT
When responding to a petition for expungement, the Custodian of Records shall inform the court and the individual seeking expungement that the response contains private or confidential data (Minn. Stat. § 609A.03, Subd. 3).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

804.10.2 ORDERS OF EXPUNGEMENT

The Custodian of Records shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once expunged, members shall respond to any inquiry as though the record did not exist.

Upon request by the individual whose records are to be expunged, the Custodian of Records must send a letter at an address provided by the individual confirming the receipt of the expungement order and that the record has been expunged (Minn. Stat. § 609A.03, Subd. 8).

Expunged records may be opened only by court order (Minn. Stat. § 609A.03, Subd. 7).

Expunged records of conviction may be opened for purposes of evaluating a prospective employee of the Department without a court order.

The Custodian of Records shall inform any law enforcement, prosecution or corrections authority, upon request, of the existence of a sealed record and of the right to obtain access to it.

804.11 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for data should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested data.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

804.12 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released shall include the department name and to whom the record was released.

804.13 RELEASE RESTRICTIONS

Example of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record or any department record, including traffic collision reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Private data on the following individuals (Minn. Stat. § 13.82, Subd. 17):

1. An undercover law enforcement officer.
2. A victim or alleged victim of criminal sexual conduct, or sex trafficking, or of a violation of Minn. Stat. § 617.246, Subd. 2.
3. A paid or unpaid informant if the Department reasonably believes revealing the identity would threaten the personal safety of the informant.
4. A victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the Department reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual.
5. A person who placed a call to a 9-1-1 system or the identity of the person whose phone was used to place a call to the 9-1-1 system when revealing the identity may threaten the personal safety or property of any person or the purpose of the call was to receive help in a mental health emergency. A voice recording of a call placed to the 9-1-1 system is deemed to reveal the identity of the caller.
6. A juvenile witness when the subject matter of the investigation justifies protecting the identity of the witness.
7. A mandated reporter.

(c) Audio recordings of calls placed to the 9-1-1 system requesting law enforcement, fire or medical agency response, except that a written transcript of the call is public unless it reveals the identity of protected individuals. (Minn. Stat. § 13.82, Subd. 4).

(d) Criminal investigative data involving active cases and inactive investigative data (Minn. Stat. § 13.82, Subd. 7):

1. If the release of the data would jeopardize another ongoing investigation or would reveal the identity of protected individuals or is otherwise restricted.
2. Images and recordings, including photographs, video and audio records that are clearly offensive to common sensibilities. However, the existence of any such image or recording shall be disclosed.
3. As otherwise restricted by law.

(e) Juvenile records and data (Minn. Stat. § 260B.171).

(f) State criminal history data held in the Bureau of Criminal Apprehension (BCA) database including, but not limited to, fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data (Minn. Stat. § 13.87).

(g) Traffic collision reports and related supplemental information (Minn. Stat. § 169.09, Subd. 13).

(h) Corrections and detention data (Minn. Stat. § 13.85).

(i) Personnel data except, unless otherwise restricted, (Minn. Stat. § 13.43, Subd. 2):

1. Name, employee identification number and some aspects of compensation.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

2. Job title, bargaining unit, job description, education and training background and previous work experience.
3. Date of first and last employment.
4. Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action.
5. Final disposition of any disciplinary action together with the specific reasons for the action, and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of this department.
6. Terms of any agreement settling any dispute arising out of an employment relationship.
7. Work location, work telephone number, badge number and honors and awards received.
8. Time sheets or other comparable data only used to account for an employee's work time for payroll purposes, excluding the use of sick or other medical leave or other nonpublic data.
9. All other personnel data regarding employees of this department are private data and may only be released as authorized by that classification.

(j) Any data that was created under the direction or authority of the City Attorney exclusively in anticipation of potential litigation involving this department shall be classified as protected nonpublic or confidential data while such action is pending (Minn. Stat. § 13.39).

(k) All data collected by an Automated License Plate Reader (ALPR) on individuals or nonpublic data absent an exception (Minn. Stat. § 13.82; Minn. Stat. § 13.824).

(l) Response or incident data, so long as the Custodian of Records determines that public access would likely endanger the physical safety of an individual or cause a perpetrator to flee, evade detection or destroy evidence (Minn. Stat. § 13.82, Subd. 14).

Any other record not addressed in this policy shall not be subject to release where such record is classified as other than public data. All public data shall be released as required by the MGDPA (Minn. Stat. § 13.03, Subd. 1).

804.14 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for data shall route the request to the Custodian of Records or the authorized designee.

804.14.1 REQUESTS FOR RECORDS

The processing of requests for data is subject to the following:

(a) A person shall be permitted to inspect and copy public government data upon request at reasonable times and places and shall be informed of the data's meaning if requested (Minn. Stat. § 13.03, Subd. 3).

1. The Department may not charge or require the requesting person to pay a fee to inspect data. Inspection includes, but is not limited to, the visual inspection of paper

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

and similar types of government data. Inspection does not include printing copies, unless printing a copy is the only method to provide for inspection of the data (Minn. Stat. § 13.03, Subd. 3(b)).

2. For data stored and made available in electronic form via remote access, public inspection includes allowing remote access by the public to the data and the ability to print copies or download the data. A fee may be charged for remote access to data where either the data or the access is enhanced at the request of the person seeking access (Minn. Stat. § 13.03, Subd. 3(b)).

(b) Government data maintained by this department using a computer storage medium shall be provided in that medium in electronic form, if a copy can be reasonably made. The Department is not required to provide the data in an electronic format or program that is different from the format or program in which the data is maintained (Minn. Stat. § 13.03, Subd. 3 (e)).

(c) The Department is not required to create records that do not exist.

(d) The Custodian of Records or designee processing the request shall determine if the requested data is available and, if so, whether the data is restricted from release or denied. The Custodian of Records or designee shall inform the requesting person of the determination either orally at the time of the request or in writing as soon after that time as reasonably possible. The Custodian of Records or designee shall cite the specific statutory section, temporary classification or specific provision of state or federal law on which the determination is based. Upon the request of any person denied access to data, the denial shall be certified in writing (Minn. Stat. § 13.03, Subd. 3 (f)).

(e) When a record contains data with release restrictions and data that is not subject to release restrictions, the restricted data shall be redacted and the unrestricted data released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

804.15 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records The responsibilities of the Custodian of Records include, but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department data (Minn. Stat. § 15.17; Minn. Stat. § 138.17, Subd. 7).

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep data.

2. Identifying the department division responsible for the original data.

(c) Establishing rules regarding the inspection and copying of department data as reasonably necessary for the protection of such data.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) Identifying data or portions of data that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of data.

(f) Ensuring a current schedule of fees for public data as allowed by law is available.

(g) Ensuring the posting or availability to the public a document that contains the basic rights of a person who requests government data, the responsibilities of the Department and any associated fees (Minn. Stat. § 13.025).

(h) Ensuring data created by the Department is inventoried and subject to inspection and release pursuant to lawful requests consistent with the MGDPA requirements (Minn. Stat. § 13.03, Subd. 1).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Brooklyn Center Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the government data information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Brooklyn Center Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Members of the Brooklyn Center Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information (Minn. Stat. § 13.05, Subd. 13).

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, the National Law Enforcement Telecommunications System (NLETS), Minnesota Division of Driver and Vehicle Services (DVS) records, Minnesota Bureau of Criminal Apprehension (BCA) and the Minnesota Comprehensive Incident-Based Reporting System (CIBRS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

(g) Ensuring a comprehensive security assessment of any personal information maintained by the Brooklyn Center Police Department is conducted at least annually (Minn. Stat. § 13.055, Subd. 6).

(h) Ensuring CIBRS is notified within 10 days that an investigation in CIBRS has become inactive (Minn. Stat. § 299C.40).

805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Brooklyn Center Police Department policy or training (Minn. Stat. § 13.09). Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (Minn. Stat. § 13.05; Minn. Stat. § 299C.40).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Support Services Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Support Services to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

805.5.1 REVIEW OF CHRI

Members of this department shall refer individuals seeking access to CHRI to the Minnesota BCA (Minn. Stat. § 13.87, Subd. 1(b)).

805.5.2 REVIEW OF CIBRS DATA

An individual who is the subject of private data held by CIBRS may request access to the data by making a request to the Support Services Supervisor. If the request is to release the data to a third party, the individual who is the subject of private data must appear in person at the Department to give informed consent to the access or release.

Private data provided to the individual must also include the name of the law enforcement agency that submitted the data to CIBRS and the name, telephone number and address of the agency responsible for the data.

A person who is the subject of private data may challenge the data. The Support Services Supervisor shall review the challenge and determine whether the data should be completed, corrected or destroyed. The corrected data must be submitted to CIBRS and any future dissemination must be of the corrected data.

The Support Services Supervisor must notify BCA as soon as reasonably practicable whenever data held by CIBRS is challenged. The notification must identify the data that was challenged and the subject of the data.

805.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

805.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

805.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Computers and Digital Evidence

806.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

806.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

    1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.

    2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with case number, evidence sheet number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items into the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

    1. Where the computer was located and whether it was in operation.

    2. Who was using it at the time.

    3. Who claimed ownership.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media.

806.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner, the supervisor, or Hennepin County Crime Lab for instructions or a response to the scene. It may be possible to perform an on-site inspection or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence.

806.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, floppy disks, compact discs or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation or other legal authority for examination.

(c) A listing of the items to search for (e.g., photographs, financial records, E-mail, documents).

(d) A forensic copy of the media will be made, and subsequent forensic examination of the copy will be conducted by a trained digital forensic examiner.

806.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CDs, DVDs, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property Room to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

806.4 SEIZING PCDS

Personal communication devices such as cellular telephones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

806.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

806.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted, or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition, or relevance. Video and audio files will not be altered in any way.

806.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (e.g., smart card, compact flash card, or any other media) shall be brought to the Property Room as soon as reasonably possible for submission into evidence.

(b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.

(c) As soon as reasonably possible following the collection of evidence, the camera operator is to download the pictures to the network.

806.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Where reasonably possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

806.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media related to case documentation that is held as evidence. Only digital forensic examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Animal Control

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Officers and Community Service Officers (CSOs) in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

807.2 COMMUNITY OFFICER RESPONSIBILITIES

The CSOs are primarily responsible for enforcing local, state, and federal laws relating to animals and for appropriately resolving or referring animal problems as outlined in this policy (Minn. Stat. § 343.20 Subd. 5.

807.3 OFFICER RESPONSIBILITIES

In the absence of a CSO, Officers may be dispatched to animal-related calls and should take appropriate actions to control the situation. Due to potential hazzards officers should attempt to obtain the proper equipment when possible prior to their action. The following are examples of when an officer may have to act:

(a) When there is a threat to the public safety.

(b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested, and there is no other alternative placement for the animal.

(e) When an animal is gravely injured.

An officer may remove, shelter, and care for any animal that is not properly sheltered from cold, heat, or inclement weather, or any animal not properly fed and watered or provided with suitable food and drink, in circumstances that threaten the life of the animal (Minn. Stat. § 343.29 Subd. 1). The animal may be euthanized following a determination by a doctor of veterinary medicine that the animal is suffering and is beyond cure through reasonable care and treatment (Minn. Stat. § 343.29 Subd. 2).

Officers shall not enter a facility where farm animals are confined unless they follow a procedure and directive for biosecurity measures identified by the Board of Animal Health (Minn. Stat. § 17.986).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

807.3.1 ANIMAL CRUELTY COMPLAINTS

Officers and Community Service Officers shall investigate all reports of animal cruelty pursuant to Minn. Stat. § 343.12. Officers and Community Service Officers shall not hesitate to take any immediate actions deemed necessary.

Following a court order, an officer or CSO shall search the place designated in a warrant and conduct an investigation in conjunction with a veterinary doctor (Minn. Stat. § 343.22 Subd. 2).

807.3.2 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted if reasonably possible (Minn. Stat. § 343.29 Subd. 1). If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If a dog is taken into custody, it shall be transported to the animal shelter if it is open or to the holding pens, making sure the animal has food, water, and bedding.

Release of impounded dogs requires a fee be paid. The Support Services will accept fees and issue receipts.

The CSO will transport any animals in the holding pens to the animal shelter as soon as practical. Once a dog has been taken into custody, all releases should be handled by the animal shelter.

807.3.3 ANIMAL BITES TO HUMANS

Officers or CSO's shall instruct the owner of a biting animal that is a pet, farm animal or domesticated wild animal to keep the animal confined on the property. If the animal is a stray, every reasonable effort shall be made to capture and impound the animal immediately.

The following actions and enforcement by CSO's and officers are required when an animal bites a human (Minn. R. 1705.1151 and Minn. R. 1705.1152):

(a) If a pet animal bites a human, the pet must be confined and observed for signs suggestive of rabies for 10 days or euthanized and tested for rabies. If at any time during the 10-day observation the animal dies, it must be tested for rabies. If the animal shows signs suggestive of rabies, it must be euthanized and tested for rabies.

(b) Stray or unwanted pet animals may be euthanized after a five-day holding period and, if euthanized, must be tested for rabies. If, after consultation with a board or public health official, a veterinarian requests a rabies test in writing, a stray or unwanted animal must be euthanized and tested during the five-day period.

(c) If a farm animal bites a human, it must be evaluated on an individual basis by a veterinarian. If it is normal, it may be confined for 14 days. If it exhibits unusual behavior, it must be euthanized and tested for rabies.

(d) If a wild animal, domesticated wild animal or hybrid animal bites a human, the wild animal, if available, must be euthanized and tested for rabies. Domesticated wild or hybrid animals must be euthanized and tested for rabies, except that the animal may be exempted from testing if a veterinarian determines that the animal shows no signs of rabies, if the local

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

authority, the state public health veterinarian, and the executive director of the Board of Animal Health agree, and the person bitten receives the post-exposure vaccination regimen. An exempt animal must be quarantined until completion of the post-exposure vaccination regimen.

(e) A lagomorph, small rodent or insectivore that has bitten a human should not be tested unless recommended by the Board of Animal Health or the Minnesota Department of Health.

807.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Officers will document any actions taken, citation(s) issued and related report numbers.

If a CSO is unavailable, the patrol supervisor may request the assistance of an animal control officer from an outside agency if the nature of the call warrants the need.

807.4 DECEASED ANIMALS

Deceased animals on public property will be removed and properly disposed of by the CSO or officer.

(a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag. Large animals should be double-bagged.

(b) Neither the CSO nor any officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

807.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below.

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

(b) If after normal business hours, the animal should be taken to an authorized veterinary emergency services clinic.

(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

(d) When it is necessary to kill a seriously injured or dangerous animal the Firearms and Qualification Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on--duty supervisor.

(e) Injured or deceased wildlife should be referred to the nearest rehabilitation center.

(f) When handling dead or injured animals, Department employees shall attempt to identify and notify the owner of the final disposition of the animal.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(g) Each incident shall be documented, at minimum, to include the name of the reporting party and the veterinary hospital and/or person to whom the animal is released.

807.6 CITATIONS

It should be at the discretion of the handling officer or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

807.7 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted with the owner's consent to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Minnesota Bureau of Criminal Apprehension (BCA)

809.1 APPROPRIATE USE OF SYSTEMS AND DATA

In support of criminal justice agencies and other authorized users, the Minnesota Bureau of Criminal Apprehension (BCA) operates a number of data repositories and a secure network. This system allows authorized users to access data from state and federal sources in order to perform their official functions. In some instances, the statute that created the repository authorizes the access to and use of the data. In other instances, access to the data is governed by the provisions found in the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 and Minnesota Statutes, section 299C.46.

A. Purpose

The purpose of this policy is to set the standards and guidelines for appropriate use of the repositories and secure network, document the processes to be followed to determine if the use is appropriate and to provide penalties for failure to meet the standards. The BCA's goal is that authorized agencies and users be in full compliance with all requirements. Agencies and users that fail to comply with this policy will be subject to the sanctions described later.

This Policy and the appendix will be periodically revised as issues and examples are identified. Notice that revised documents are available will be sent to agency heads.

B. Definitions

As used in this policy, the following terms have the meaning given.

"Appropriate use" means the agency that employs the individual user is eligible under the applicable statutes and regulations to have access to the secure network and the data, and that the data have been retrieved as part of an employee's work assignment or are retrieved to share the data with another entity authorized by law to receive them. If an agency has a more restrictive policy on access and/or sharing, the employee must also follow the agency policy.

"Authorized agency" means a criminal justice agency or noncriminal justice agency as defined in Minnesota Statutes, section 299C.46.

"Follow up audit" means an audit of an agency following identification of issues identified during a routine audit or when inappropriate use has been found. A follow up audit can occur anytime within the three year audit cycle.

"Inappropriate use" means any use that is not an "appropriate use" or for which there is no acceptable lawful explanation of or documentation of why the transaction was conducted. Examples or a lawful explanation include "assigned to traffic enforcement," "assigned to Safe and Sober campaign," or "to determine eligibility for benefits."

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

"Intentional" means that an employee knowingly behaves in a manner that is inappropriate or repeats a behavior after being informed that the behavior is not acceptable. Determining the intent of the employee is done either by the agency or the BCA.

"Non-compliant" means an agency has not taken the necessary steps to conduct the investigation or to resolve the issues identified during an audit or investigation.

"Unintentional" means that an employee unknowingly behaves in a way that results in inappropriate use.

C. Control of Access and Appropriate Use

Access to and use of data in BCA repositories or available from other repositories via the secure network is controlled by one or more of the following:

A specific state statute – e.g. Minnesota Statutes, section 299C.40 controls the Comprehensive Incident-Based Reporting System (CIBRS)

Minnesota Statutes, section 299C.46 controls the use of the secure network

Federal regulations implemented through the FBI CJIS Security Policy

The Rules of Public Access to Records of the Judicial Branch control access to court case information

Policies adopted by other agencies concerning access to and use of that agency's data – e.g. Corrections' policies on access to the Statewide Supervision System (S3).

Terms of the contract between the agency and the BCA

A chart showing all of the repositories or tools with authorized users and examples of appropriate and inappropriate use is attached as Appendix 1.

It is never appropriate to retrieve data on yourself. Data practices procedures must be used to obtain data on you.

The BCA provides training on appropriate use of the various repositories and in some instances requires that users be certified to have access. Some of the systems that require certification also require re-certification. The BCA enforces all certification and re-certification requirements. The agency head is responsible for ensuring that authorized employees review relevant training for use of the secure network and accessing the repositories as well as completing certification when required.

To ensure that all authorized agencies and users are in compliance with the applicable requirements, the BCA has a Training and Auditing Unit whose staff members are responsible for assisting agencies and their users as well as auditing transactions for compliance.

D. Audits

Currently, transactions involving Minnesota and federal criminal history and "Hot File" data are audited every three years as required by the FBI. Additional audits are done of agencies:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

with access to CIBRS;

of Integrated Search Services users who access the S3 ; and

using a methodology that identifies patterns of use. For example, access to Driver and Vehicle Services (DVS) data via the secure network.

If issues are identified during an audit, the agency may be subject to follow up audits.

Evaluation of access and use can occur during an audit, as a result of a question asked by an agency's user, in response to an official agency request, following allegations of inappropriate use or based on transactions identified by the BCA's pattern analysis tool. Use will be reviewed at both an individual user and agency level.

Examples of issues that can result in a finding of inappropriate use or noncompliance include, but are not limited to:

o Unintentional inappropriate use of data retrieved from BCA repositories or repositories reached via the BCA secure network

o Unintentional inappropriate use of the secure network

o Intentional inappropriate use of data retrieved from BCA repositories or repositories reached via the BCA secure network

o Intentional inappropriate use of the secure network

o Retrieving data and providing it to an individual whose access to the system or network has been suspended

o Failure to ensure the security of the data and equipment used to retrieve the data

o Retrieval or sharing of data in a manner not authorized by the governing statute or federal regulation

o Failure to investigate allegations of inappropriate use presented by BCA to the agency

o Failure to request an extension to respond to an audit request

o Failure to respond to BCA requests for information about transactions performed by agency users

o Failure to address problems found during an audit or follow-up audit

If the failure to respond to BCA requests for information are due to litigation, the agency should inform the BCA of the litigation and provide an explanation once liability is determined or the case settles, whichever occurs first.

E. Sources of Possible Inappropriate Use

There are four ways that possible inappropriate use is identified for investigation and evaluation.

Audit of an agency

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Inappropriate use discovered during an agency audit will be addressed as part of that audit and is subject to the requirements and sanctions in this Policy.

Allegations of inappropriate use to the BCA by an individual who is the subject of the data

When a member of the public alleges inappropriate use of data about that individual or the individual's minor child, the individual is directed to the BCA data practices process. If the individual completes the request form and meets the requirements for identification (notarization or in-person presentation with government-issued photo id), any data that are about the individual who has made the request, or their minor child, and which are contained in Archive Services are produced.

If the individual or their legal representative subsequently notifies the data practices analyst that they believe inappropriate use has occurred, the data practices analyst refers the individual to the MNJIS Executive Director.

The Executive Director will contact the agency head to give notice that inappropriate use allegations have been raised, that the individual has been advised to contact the agency head, request that the agency determine if inappropriate use has occurred and report any findings to the Executive Director. If the alleged inappropriate use involves data housed in a repository operated by another agency, the Executive Director will notify that other agency of the allegations. The Executive Director will also notify the Director of the Training and Auditing Unit so that a case can be created in the BCA case management system. Data about employees in the case management system are private data on individuals according to Minnesota Statutes, section 13.43, subd. 4.

The Executive Director will refer the individual to the agency at which the inappropriate use is alleged and will notify the Superintendent as needed.

If the data that were produced for the individual show a pattern of inappropriate use, the Executive Director will also consult with the CJIS Systems Officer (CSO) and the Director of the Training and Auditing Unit. Access by the user, the agency or both to a particular system or tool may be suspended during the investigation. Prior to any such suspension, the agency head will be notified of the action.

Recognizing that Minnesota Statutes, section 13.43 classifies data about alleged misconduct by an employee as private data, the Executive Director will request that the agency head consult with the Director of the Training and Auditing Unit prior to finalizing any disciplinary decisions so that the consequences related to data or system access can be coordinated. The CSO will have an opportunity to evaluate the general circumstances and determine if additional sanctions will be imposed by the BCA. Any data shared by the agency will be documented in the BCA case management system. The imposition of sanctions by the CSO may be appealed to the Superintendent of the BCA.

Allegations of inappropriate use from the head of an agency where the inappropriate use is alleged to have occurred

The head of an agency authorized to access data via the BCA systems and tools may contact either DPS Internal Affairs or the Director of the Training and Auditing Unit with a report of

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

suspected inappropriate use. Internal Affairs will refer the agency to the Director of the Training and Auditing Unit.

After consulting with the agency about the basis for the allegations and obtaining initial facts, the Director of the Training and Auditing Unit will request that the agency send a written request for assistance with their investigation.

On receipt of the written request, appropriate queries in Archive Service are run and the data are reviewed. In addition, the request is recorded in the BCA case management system and the Training and Auditing Unit Director will inform the MNJIS Executive Director of the request. The Executive Director will notify the Superintendent, as needed, of these requests.

The Director of the Training and Auditing Unit will provide the agency with the data and will ask the agency to notify BCA of the findings of its investigation, to the extent possible given section 13.43, and to consult with BCA prior to taking any particular disciplinary action in response to what is found so that any consequences related to data or system access can be coordinated. The Director of the Training and Auditing Unit will provide assistance to the agency regarding access requirements for FBI and MNJIS systems.

When the report of the agency's findings from their investigation is received, the Director reviews its content. The findings are recorded in the BCA case management system along with any decision made by the CSO concerning sanctions. When the Director identifies a repeat offender, or the conduct is part of a pattern of possible criminal activity, or the offense appears to be egregious, the Director will meet with the CSO to discuss possible sanctions as provided in this policy. The CSO may concur with the findings and steps taken by the agency or may choose to impose additional sanctions. The imposition of sanctions by the CSO may be appealed to the Superintendent of the BCA.

Utilization of a methodology that identifies patterns of use for investigation and evaluation

The BCA has computer software that can analyze usage of queries involving data accessed over the BCA's secure network. The software can identify patterns of use that may be inappropriate according to this policy.

F. Process to Investigate and Evaluate Possible Inappropriate Use

General Process

When data are received in Training and Auditing that indicate there may be inappropriate use, the BCA auditor will contact the agency head by telephone, explain what the data are and ask that an informal review be conducted to determine if the use is appropriate or not. If the agency head indicates to the BCA auditor that the use is appropriate, the matter ends. If the agency head indicates that there may be or is inappropriate use, then the BCA auditor will open an audit.

The agency will review a list of targeted transactions provided by their BCA auditor on a transaction worksheet. Within two weeks, the agency will provide a descriptive literal reason for each transaction, the user who ran each transaction, along with all public data that supports each

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

of the transactions. The agency will be told that if it cannot respond within the two week period, an extension needs to be requested from the BCA auditor.

The BCA auditor will send a reminder email to the agency on the 10th day, if the agency has not been in contact with the auditor.

The agency will return the transaction worksheet with responses to the BCA auditor. The BCA auditor will review the responses supplied on the transaction worksheet.

The failure of an agency to request an extension or reply within the two week time period will result in the determination that the access was inappropriate and immediately start the audit in the designated phase.

The BCA auditor will issue audit findings using the audit application tool.

The agency does have the right to provide a response to the audit findings as well as appeal any audit findings to the Director of the Training and Auditing Unit.

First inappropriate use

The Training and Auditing Unit will add a case into the BCA's case management system.

Once inappropriate use has been identified, the BCA auditor will retrieve the user's transactions for the 30 days prior to the inappropriate use. The transactions will be forwarded to the agency for immediate review and response – any inappropriate transactions will be included in the audit report.

The agency/user may be sanctioned as described later in this Policy.

An email will be sent to the agency head notifying them of BCA actions and to the DVS Data Practices Coordinator if DVS data are at issue.

If the user loses access, a follow-up audit will be conducted within 30 days of the user regaining access.

The audit is saved as noncompliant.

Second inappropriate use

The Training and Auditing Unit will add a case to the BCA's case management system.

A review of the user's transactions for the 30 days prior to the inappropriate use will occur. The transactions will be forwarded to the agency head for immediate review and response – any inappropriate transactions will be included in the audit report. The Director of the Training and Auditing Unit will request that the agency head consult prior to finalizing any discipline so that consequences can be coordinated.

The agency/user may be sanctioned as described later in this Policy.

An email will be sent to the agency head notifying them of BCA actions and to the DVS Data Practices Coordinator if DVS data are at issue.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

A follow-up audit will be conducted within 30 days of the user regaining access.

The audit is saved as noncompliant.

Third inappropriate use

The Training and Auditing Unit will add a case to the BCA's case management system.

A review of other users' transactions or transactions in other repositories will be forwarded to the agency head for immediate review and response – any inappropriate transactions will be included in the audit report.

The Director of the Training and Auditing Unit will contact the agency to discuss an appropriate plan of action and will request that the agency head consult prior to finalizing any discipline so that consequences can be coordinated.

The agency/user may be sanctioned as provided later in this Policy.

An email will be sent to the agency head notifying them of BCA actions and to the DVS Data Practices Coordinator if DVS data are at issue.

The audit is saved as noncompliant.

G. Sanctions

Sanctions will be administered after a review and evaluation of the totality of the circumstances including the severity of the inappropriate use. Sanctions are cumulative over the career of the user or the life of the agency unless the user or agency demonstrates compliance through appropriate use for a six (6) year period. If six years of compliance is achieved, any future inappropriate use by the user or agency will be sanctioned as if there was no history of noncompliance. A user's history of inappropriate use follows the user to a new agency. Access by the user at a new agency will not be possible until the sanctioned user completes all elements of the sanction.

If one or more individual users at an agency are found to have inappropriate access to or use of one or more repositories or the secure network, the BCA will take the following steps, including the following sanctions.

1. Unauthorized access to the secure network by a user or agency will be terminated when possible.

2. Inappropriate access to a repository will place the agency in non-compliant status and the staff of the Training and Auditing Unit will work with the agency to achieve compliance. Tools used include follow-up audits, tutoring, coaching, mentoring and training.

3. The first violation by an individual user will result in training or the user's access will be suspended for a period not to exceed 5 working days or both.

4. A second violation by an individual user will result in suspension of access for a period not to exceed 30 calendar days and any other sanctions appropriate for the circumstances including, but not limited to, additional training or supervised system access.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

5. A third violation by an individual user may result in one or more of the following: suspension of access for longer than 30 days, loss of access to other systems or tools that the individual uses, termination of access, or referral for criminal prosecution.

6. Notwithstanding items 3 through 5 above, the totality of the circumstances may be so egregious that stronger sanctions are warranted and will be imposed on a case-by-case basis.

If an agency has multiple users who are found to have inappropriate or unauthorized access to one or more repositories or the secure network, the following additional sanctions may be assessed against the agency.

A. Removal of access to one or more queries used to access information or functionalities such as Integrated Search Service or MNJIS Reports on Demand.

B. Restrict the number of users with access to one or more systems or tools for a period to time.

C. Disable system access for all users at the agency.

D. Notwithstanding items A through C above, the totality of the circumstances may be so egregious that stronger sanctions are warranted and will be imposed on a case-by-case basis.

The user or agency may appeal the imposition of sanctions to the Superintendent of the BCA.

809.2 DISCIPLINE POLICY FOR MISUSE OF CJDN

CJDN – The Criminal Justice Data Communications Network is the overall system, which provides criminal justice agencies computer access to data stored on state and national systems.

Inquiries into the motor vehicle registration, driver license, criminal history or any other file in the MNJIS/NCIC systems will be performed for criminal justice purposes only.

Any employee misusing information or obtaining information for other than official criminal justice purposes from the Criminal Justice Data Network will be subject to disciplinary action.

When performing any file inquiries or making any entries into NCIC or MNJIS, it is important to remember that the data stored in MNJIS/NCIC is documented criminal justice information and this information must be protected to ensure correct, legal and efficient dissemination and use. The individual receiving a request for criminal justice information must ensure that the person requesting the information is authorized to receive the data. The stored data in NCIC and MNJIS is sensitive and should be treated accordingly, and unauthorized request or receipt of NCIC or MNJIS material could result in criminal proceedings.

When the Chief or the TAC becomes aware that an employee is using a CJDN terminal, CJDN terminal generated information, CJDN equipment, or CJDN access not in accordance with agency policies, state policies, or NCIC policies and said problem is not deemed merely operator error, the Chief or his designee, or the TAC shall promptly address the violation.

The Chief or his designee shall meet with the person who is alleged to have violated the policy and determine appropriate sanctions, which may include any or all of the standard discipline policies currently in place including verbal reprimand, written reprimand, suspension, or termination.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Intentional misuse of the CJDN system is a serious violation and the BCA will be informed of such violations. If criminal behavior is believed to have occurred, appropriate agencies will be notified for further investigation.

The specific situation in each case of misuse of the CJIS system will be looked at, with all circumstances considered when determining disciplinary actions. Consideration will be given to the extent of loss or injury to the system, agency, or other person upon release or disclosure of sensitive or classified information to an unauthorized individual. This also includes activities which result in unauthorized modification or destruction of system data, loss of computer system processing capability, or loss by theft of any computer system media including: chip ROM memory, optical or magnetic storage medium, hardcopy printout, etc.

The TAC, with the Chief's approval may at any time terminate a staff person's access to the CJDN system for any rule violation.

809.3 N-DEX POLICY AND OPERATING MANUAL

1.0 INTRODUCTION

1.1 Purpose

1.1.1 National Data Exchange (N-DEx) Mission: To provide criminal justice agencies with a powerful new investigative tool to search, link, analyze and share criminal justice information such as, incident/case reports, incarceration data, and parole/probation data on a national basis to a degree never before possible.

1.1.2 N-DEx Vision: To provide the right information (incident and case reports, arrest, incarceration and booking data, probation and parole data) to the right hands (approved criminal justice agencies), right now (near real time).

1.1.3 Scope of N-DEx policy: The N-DEx Policy and Operating Manual applies to all entities accessing data via N-DEx (i.e. both warehoused data and leveraged data sources). N-DEx information shall be used only for the purpose indicated by the Use Code and used consistently with the coordination required by the Advanced Permission Requirement (confirming the terms of N-DEx information use). Any subsequent use of N-DEx information inconsistent with the original Use Code or the previously conducted Advanced Permission Requirement requires re-satisfaction of the Advanced Permission Requirement.

1.1.4 The N-DEx Policy and Operating Manual integrates presidential directives, federal laws, Federal Bureau of Investigation (FBI) directives, and the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) decisions to provide criminal justice agencies with a minimum set of policy and procedural requirements for participating in N-DEx and to protect and safeguard criminal justice information. This minimum set of requirements ensures continuity of N-DEx operation and information security.

1.1.5 The N-DEx Policy and Operating Manual may be used as the sole policy and operating manual for N-DEx participating agencies. A participating agency may complement the N-DEx

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Policy and Operating Manual with agency specific policy and operating procedures, or the participating agency may develop their own stand-alone policy and operating manual; however, the N-DEx Policy and Operating Manual shall always be the minimum standard and participating agencies may augment, or increase the standards, but shall not detract from the N-DEx Policy and Operating Standards.

1.1.6 The N-DEx Policy and Operating Manual applies to all entities with access to, or who operate in support of, N-DEx services and information. This policy manual is subject to change as a result of presidential directives, federal laws, FBI directives, and CJIS APB decisions. The terms of any policy and procedural change preempt any existing inconsistency contained herein.

1.1.7 The N-DEx Policy and Operating Manual is an unrestricted document and can be shared without limitation.

1.2 Operational Framework

1.2.1 The N-DEx system is a system managed within the framework of the CJIS System of Services and identified within the CJIS systems User Agreement.

1.2.2 Participating agencies and users must adhere to the CJIS Security Policy.

1.2.3 The N-DEx system stores vast amounts of criminal justice information which may be instantly retrieved by and/or furnished to any authorized agency.

1.2.4 N-DEx is restricted to documented criminal justice information obtained by criminal justice agencies in connection with their official duties administering criminal justice.

1.2.5 Within the context of N-DEx, leveraging refers to the capability to access CJIS Systems of Service and Non-CJIS criminal justice data sources via web services. CJIS Systems are only available if the CJIS Systems Agency (CSA) authorizes this capability.

1.2.6 N-DEx will not contain criminal intelligence data as defined by Title 28, Code of Federal Regulations (C.F.R.), Part 23.

1.2.7 In accordance with the CJIS Security Policy and consistent with Title 28, C.F.R., Part 20, Subpart A, N-DEx system access is restricted to "criminal justice agencies" and agencies performing the "administration of criminal justice."

1.2.8 N-DEx is an on-line real-time program and records are constantly being updated; therefore, record information can change at any time.

1.2.9 N-DEx is the national enhanced pointer and data discovery system for SBU, law enforcement sensitive, and Controlled Unclassified Information (CUI) class criminal justice data.

1.2.10 N-DEx is a fee free, secure, nationwide, computerized information sharing system established to fill an identified gap in the CJIS System of Services.

1.2.11 The N-DEx Program is a cooperative endeavor of local, state, tribal, and federal law enforcement/criminal justice entities, in which each entity is participating under its own legal status, jurisdiction and authorities. All N-DEx operations will be based upon the legal status, jurisdiction

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

and authorities of individual participants. N-DEx is not intended, and shall not be deemed, to have any independent legal status.

1.2.12 Agencies shall participate in N-DEx in accordance with their own individual legal status, jurisdiction, restrictions, and authorities.

1.2.13 Participating agencies contribute information to N-DEx with an express promise of confidentiality.

1.2.14 N-DEx participants shall contribute or allow access to information via N-DEx, and agrees to permit the access, dissemination, and/or use of such information by other parties pursuant to the provisions of this policy. The record owning agency has the sole responsibility and accountability for ensuring that it is not constrained from permitting this access by any laws, regulations, policies, or procedures.

1.2.15 N-DEx is not created pursuant to a single federal statute; rather, N-DEx is the FBI's response to the criminal justice community's request to answer the challenge of information sharing.

1.2.16 All inquiries regarding the N-DEx system should be addressed to the FBI, CJIS Division, via e-mail: ndex@leo.gov; via telephone (304) 625-HELP [4357]: or via mail; Attention: N-DEx Program Office, Module B-3, 1000 Custer Hollow Road, Clarksburg, WV 26306-0153.

1.3 Data Use

1.3.1 The N-DEx system shall be used in accordance with the policies in this document and those of the leveraged CJIS System of Services operating procedures or policies. The CSA shall ensure N-DEx participating agencies have procedures to comply with the policies in this document and those of the leveraged CJIS system as a part of enabling user agency access of leveraged services, e.g., procedures to engage hit confirmation and the placing of a "locate" in accordance with NCIC policy.

1.3.2 An N-DEx result indicates that criminal justice information may exist.

1.3.3 System Access: N-DEx contains criminal justice information obtained by criminal justice agencies in connection with their official duties administering criminal justice, and N-DEx system access is restricted to criminal justice agencies and agencies performing the administration of criminal justice. Only the following agencies are authorized to access N-DEx based on the agency type Originating Agency Identifier (ORI) value as indicated by the 9th character:

1.3.3.1 Law Enforcement Agencies

Law enforcement agencies possessing 9th character ORIs of 0 - 9 (numeric values) e.g., police, sheriff, etc.

1.3.3.2 Criminal Justice Agencies

Prosecuting Attorney's Offices –ORIs end in an "A." This includes District Attorney's Offices, Attorney General's Offices, etc.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Pretrial service agencies and pretrial release agencies – ORIs end in a "B."

Correctional Institutions ORIs end in a "C." This includes jails, prisons, detention centers, etc.

Nongovernmental railroad or campus police departments qualifying for access to III – ORIs end in an "E."

Probation and Parole Offices – ORIs end in a "G."

INTERPOL – ORIs end in an "I." As a foreign criminal justice agency, INTERPOL shall be a Limited System Participant. Local, state, and tribal criminal justice agency data shall not be shareable with limited system participants.

Courts and Magistrates Offices – ORIs end in a "J."

Custodial facilities in medical or psychiatric institutions and some medical examiners' offices which are criminal justice in function – ORIs end in an "M."

Regional dispatch centers that are criminal justice agencies or noncriminal justice governmental agencies performing criminal justice dispatching functions for criminal justice agencies – ORIs end in an "N."

Local, county, state, or federal agencies that are classified as criminal justice agencies by statute but do not fall into one of the aforementioned categories – ORIs end in a "Y."

1.3.4 Acceptable System Use: Personnel engaged in the following activities may be granted access by the CSA consistent with state laws:

1.3.4.1 Law enforcement investigations, i.e., to further investigations of criminal behavior based on prior identification of specific criminal activity by an agency with a statutory ability to perform arrest functions.

1.3.4.2 Pretrial release investigation, i.e., to obtain information about recently arrested defendants for use in deciding whether conditions are to be set for defendants' release prior to trial, monitor a defendant's compliance with his/her conditions of release during pretrial period, and identify offenses pending adjudication.

1.3.4.3 Intake investigation, i.e., to conduct prisoner classification and offender risk assessments to safely manage the correction population.

1.3.4.4 Correctional institution investigation, i.e., to identify and suppress criminal suspects and criminal enterprise organizations operating within correctional systems, prepare for the prosecution of crimes committed within a correctional institution, conduct criminal apprehension efforts of prison escapees, ensure inmates cannot continue their criminal activities through misuse of visitation or communication privileges, monitor out source supervision and treatment progress, conduct offender travel permit investigations, prepare for prisoner transfer, and conduct pre-release investigation to determine reentry requirements and facilitate release notification.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1.3.4.5 Pre-sentence investigation, i.e., to identify the risk of re-offense, flight, community, officer and victim safety, identify law enforcement contact not resulting in arrest, identify offenses pending adjudication, and ensure illicit income is not used for bail, bond, or criminal defense.

1.3.4.6 Supervision investigation, i.e., to identify incident information (i.e. personal conduct, contact with LEAs, offenses, gang affiliations, known associates, employment, etc.) constituting a violation of release or supervision conditions, prepare and investigate interstate transfer of adult offenders, facilitate concurrent supervision, conduct risk and needs assessments, facilitate apprehension of absconders, and identify offenses pending adjudication.

1.3.4.7 Data administration/management, i.e., to perform administrative role responsibilities and conduct searches of record owner contributed data as a part of internal review by a record owner. Responses for this purpose may not be disseminated for any other reason and are limited to that agency's portion of N-DEx contributed records.

1.3.4.8 Training, i.e., to educate users on the policies, services and capabilities of the N-DEx system utilizing authentic criminal justice information submitted to N-DEx by criminal justice agencies.

Training is considered to be an acceptable use of N-DEx, so long as it does not include curiosity searches, browsing, or self-queries.

1.3.5 User Identifier Requirement: A user shall provide the following user identifiers prior to accessing N-DEx:

1.3.5.1 Identity Provider ID: unique identifier that identifies the system the user utilizes to access the N-DEx system.

1.3.5.2 User ID: unique username assigned by the user's identity provider for authentication and identification.

1.3.5.3 Last Name: last name or family name of the user.

1.3.5.4 First Name: first name of the user.

1.3.5.5 Employer ORI: unique identifier assigned to the organization that is the user's assigned agency. ORIs must be a CJIS NCIC assigned ORI.

1.3.6 "On behalf of" Log Retention: Each N-DEx search shall clearly identify the N-DEx user, requesting agency, and any individual the search was made "on behalf of" if known at the time the search was conducted. Identification shall take the form of a unique identifier, which shall be captured and maintained in a transaction log, with the identifier remaining unique, for a minimum of one year. While N-DEx supports this logging requirement through the N-DEx Portal, entities accessing N-DEx data through a web service must independently maintain these logs and are encouraged to automate the logging requirement. Using the search reason field to capture "on behalf of" meets the requirement of a log."

1.3.7 Use Code: The FBI's CJIS Division maintains an audit trail of each disclosure and receipt of N-DEx data. Therefore, all N-DEx searches must include a Use Code identifying why the search

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

was performed. The N-DEx system supports this logging requirement through the N-DEx User Interface and for entities accessing N-DEx data through a web service. However, entities utilizing a web service must electronically deliver a Use Code for each search request.

The following Use Codes are considered acceptable when searching N-DEx:

1.3.7.1 Administrative Use Code "A": Must be used when N-DEx is utilized by a record-owning agency or submitter/aggregator to retrieve and display N-DEx contributed records in association with performing the agency's data administration/management duty. Responses for this purpose shall not be disseminated for any other reason and are limited to the record-owning agency portion of N-DEx records.

1.3.7.2 Criminal Justice Use Code "C": Must be used when N-DEx is utilized for official duties in connection with the administration of criminal justice as the term is defined in 28 Code of Federal Regulations (CFR) § 20.3 (2011).

1.3.7.3 Criminal Justice Employment Use Code "J": Must be used when N-DEx is utilized to conduct criminal justice employment background checks or the screening of employees of other agencies over which the criminal justice agency maintains management control.

In order to use N-DEx to conduct criminal justice employment background checks, the agency must adhere to the following notice and consent, redress and audit requirements:

Notice and Consent: The agency must provide notice to the applicant and the applicant must provide a signed consent. At a minimum one of the following or substantially similar statements must appear on an agency’s Notice and Consent form to an applicant, examples of which are provided below:

General Statement:

The (agency's name)'s acquisition, retention, and sharing of information related to your employment application is generally authorized under (state and federal citations). The purpose for requesting this information is to conduct a complete background investigation pertaining to your fitness to serve as a (employee type). This background investigation may include inquiries pertaining to your (employment) (education) (medical history) (credit history) (criminal history) and any information relevant to your character and reputation. By signing this form, you are acknowledging that you have received notice and have provided consent for (agency's name) to use this information to conduct such a background investigation, which may include the searching of (N-DEx) (criminal justice databases) (private databases) (public databases).

Specific N-DEx statement:

I authorize any employee or representative of (agency's name) to search N-DEx to obtain information regarding my qualifications and fitness to serve as a (employee type). I understand that N-DEx is an electronic repository of information from federal, state, local, tribal, and regional criminal justice entities. This national information sharing system permits users to search and analyze data from the entire criminal justice cycle, including crime incident and investigation reports; arrest, booking, and incarceration reports; and probation and parole information. This

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

release is executed with full knowledge, understanding, and consent that any information discovered in N-DEx may be used for the official purpose of conducting a complete employment background investigation. I also understand that any information found in N-DEx will not be disclosed to any other person or agency unless authorized and consistent with applicable law. I release (agency's name) from any liability or damage that may result from the use of information obtained from N-DEx.

Redress: The agency must provide applicants with an opportunity to challenge and/or correct records if employment is denied based on information obtained from N-DEx.

If employment is denied solely due to information obtained from N-DEx, and the applicant challenges the accuracy or completeness of those records, the denying agency shall provide the applicant with the contact information of the agency owning the information underlying the decision to deny. After receiving a written request from the applicant challenging the accuracy or completeness of the record used to deny employment, the record-owning agency shall then review the relevant information and advise the applicant in writing whether it has confirmed the accuracy or completeness of its records or whether the records will be corrected. If the applicant does not receive a response from the record-owning agency within 30 days from the date of the applicant's written request, the applicant may contact the FBI CJIS Division N-DEx Unit, 1000 Custer Hollow Rd, Clarksburg, WV 26306. The FBI shall forward the challenge to the record-owning agency for verification or correction. The record-owning agency shall then review the relevant information and advise the applicant in writing whether it has verified its records or whether the records will be corrected. Agencies should inform applicants of their responsibility to provide any corrected information to the denying agency that may assist the record owning agency in its research on behalf of the applicant.

Audit: The agency must comply with certain procedural and documentation requirements.

All use of N-DEx for criminal justice employment background investigations shall require Use Code "J". Agencies that contribute records to N-DEx shall be permitted and enabled to reject Use Code "J" requests. When N-DEx is searched as part of a criminal justice employment background investigation, the fact that the search was conducted must be documented in the applicant’s file. If information accessed through N-DEx is viewed and used during the criminal justice employment background investigation, the agency must document in the applicant’s file: (1) that the requesting agency received advanced authorization for the use of the information for employment purposes from the record-owning agency and (2) that the requesting agency has confirmed the accuracy of the information with the record-owning agency.

Agencies are expected to comply with the above requirements in addition to the existing N-DEx policy requirements (e.g. training, information sharing, data quality, system security) and all applicable laws and regulations. These additional requirements mitigate the privacy risks of using N-DEx to conduct criminal justice employment background checks and ensure that such use is implemented in a lawful and proper manner.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1.3.8 All users are required to provide a search reason. While the Use Code provides some lead information, it only provides a minimal audit trail. Requiring the reason for all searches will ensure N-DEx searches are conducted for authorized uses and Use Codes are correctly applied. It is recommended unique information, e.g., incident number, arrest transaction number, booking number, project name, description, etc., be entered to assist the user in accounting for appropriate system use for each transaction. This information shall be captured and maintained in a transaction log for a minimum of one year. The N-DEx system supports this logging requirement through the N-DEx User Interface and for entities accessing N-DEx data through a web service. However entities utilizing a web service must electronically deliver a Search Reason for each search request.

1.3.9 Authorized Pre-Permission Use: N-DEx information may be viewed, output, or discussed without advance authorization of the record owning agency, within the record-requesting agency or another agency, if the other agency is an authorized recipient of such information by virtue of meeting the requirements for N-DEx access and is being serviced by the record-requesting agency. However, any recipient of N-DEx data must obtain advanced permission from the record-owning agency prior to acting upon any data obtained through N-DEx.

1.3.10 Advanced Permission Requirement: Terms of N-DEx information use must be obtained from the record-owning agency prior to reliance or action upon, or secondary dissemination. N-DEx information may only be relied or acted upon, or secondarily disseminated within the limitations specified by the record-owning agency. Reliance or action upon, or secondary dissemination of N-DEx information beyond the original terms requires further permission from the record owning agency. The use or inclusion of N-DEx information in the publication or preparation of charts, presentations, official files, analytical products or other documentation, to include, use in the judicial, legal, administrative, or other criminal justice process, etc., specifically requires advanced permission.

1.3.11 Verification Requirement: N-DEx information must be verified with the record-owning agency for completeness, timeliness, accuracy, and relevancy prior to reliance upon, action, or secondary dissemination.

1.3.12 Information returned specifically from an N-DEx leveraged data source must be identified as being received via N-DEx and may only be used in accordance with the N-DEx policies and CJIS System of Service policies.

1.3.13 Immediate use of N-DEx information can be made without the advanced permission of the record owning agency if there is an exigent circumstance - an emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect, or destruction of evidence. The record-owning agency shall be immediately notified of any use made as a result of exigent circumstances.

1.3.14 Participating agencies are encouraged to consider how they may wish to account for use authorization requests and concurrences. While N-DEx does not systematically support

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

nor require a log to be maintained, agencies are encouraged to consider how the advanced permission, verification, and data provision may be documented within their own organization.

1.4 Responsibility for Records

1.4.1 Record-owning agencies that make available records in the N-DEx system are responsible for their timeliness, accuracy, and completeness. For further explanation of timeliness, accuracy, and completeness, see section 2.5 Maintaining The Integrity of N-DEx Records.

1.4.2 Each record-owning agency controls how and with whom their data is shared, thus retaining responsibility, control, and ownership.

1.4.3 Agency-Configurable Data Sharing Controls: N-DEx is designed to allow record-owning agencies to protect their data in accordance with the laws and policies that govern dissemination and privacy for their jurisdictions. All data is presumed sharable unless the record-owning agency restricts data access, in accordance with their sharing policy. N-DEx enables data sharing at the following data item (i.e. reports) dissemination criteria values:

1.4.3.1 Green: Data is viewable.

1.4.3.2 Yellow: Data consists of record ID and record-owning agency Point of Contact (POC) information. To obtain access, contact the record-owning agency.

1.4.3.3 Red: Data is not viewable.

1.4.3.4 Record-owning agencies shall have the ability to configure sharing policy based on agency, agency type, individual users, or data characteristics to create exception groups for their data. Thus, an N-DEx record may be red to one user, yellow to a second, and green to a third. Record-owning agencies are encouraged to submit records using the green value; however if an agency must submit records using the red or yellow values, they are encouraged to make their records green for their agency to realize the full benefit of automatic entity integration, data correlation, and other tools within N-DEx, including the creation of subscriptions.

1.4.4 Pursuant to Executive Order 12958 as amended, Classified National Security Information, N-DEx is designated as an unclassified system. Record-owning agencies shall ensure that data contributed to and/or exchanged by N-DEx is unclassified and free of classified national security information. Information contributed to N-DEx resides on a server(s) located in FBI controlled space, containing SBU and CUI from contributing agencies with established formal agreements.

1.4.5 All participating agencies whether contributing information to N-DEx or leveraging N-DEx shall access the N-DEx server(s) and functionality via secure internet connections (as defined by the CJIS Security Policy) or via the FBI's CJIS Wide Area Network.

1.4.6 The FBI CJIS Division, as manager of N-DEx, helps maintain the integrity of the system through:

1.4.6.1 Automatic computer checks which reject records with common types of errors in data.

1.4.6.2 Pre-data ingestion analysis and data inspection.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1.4.6.3 On-going manual quality control checks by FBI personnel.

1.4.6.4 Automated tool support, e.g., conformance testing assistant, for construction of data submissions.

1.4.6.5 System generated error reports for viewing by the record-owning Source Data Administrator (SDA) and CSA.

1.4.6.6 Monitoring and automated logging of all successful and unsuccessful logon attempts where CJIS is the identity provider, file access, correlations, and transaction types, regardless of access means.

1.4.7 The CSA shall ensure criminal justice agencies that have users connecting to N-DEx through methods that do not permit the capture of N-DEx user information have the ability to generate reports upon request of the CSA and/or N-DEx PO. These reports may be used to audit system access and use.

1.5 System Description

1.5.1 Full system participants are local, state, tribal, and federal criminal justice agencies throughout the United States, District Of Columbia, United States territories.

1.5.2 Limited system participants are foreign criminal justice agencies. Local, state, and tribal criminal justice agency data shall not be shareable with limited system participants, i.e. foreign criminal justice agencies.

1.5.2.1 N-DEx is the technical mechanism to bi-directionally share federal government unclassified criminal justice information with foreign partners, e.g., Australian Federal Police, New Zealand Police, and United Kingdom Serious Organized Crime Agency.

1.5.3 Data contributed to the N-DEx system must meet the criteria established for the particular type of record involved as identified in the N-DEx Information Exchange Package Documentation (IEPD).

1.5.4 N-DEx has the ability to leverage other CJIS System of Services. The capability to leverage additional CJIS System of Services using N-DEx is discretionary with each CSA.

1.5.5 In accordance with the CJIS Security Policy, Criminal Justice Information (CJI) shall refer to all FBI CJIS provided data necessary for criminal justice agencies to perform their missions. Such information shall consist of, but not be limited to biometric, identity history, biographic, property, and case/incident history data.

1.5.6 Data contributed and/or exchanged via N-DEx is CJI, which contains Personally Identifiable Information, e.g., names, social security numbers, etc., as well as, non-identifying descriptive information e.g., offense location, weapon involved, etc., and may contain criminal history record information as defined in Title 28, C.F.R., Part 20. The collection, storage, and dissemination of information shall comply with all applicable laws and regulations.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1.5.7 In accordance with the CJIS Security Policy, an information exchange agreement, i.e., a formal agreement specifying security controls must be signed before exchanging criminal justice information. Formal agreements may take the form of user agreements, management control agreements, CJIS security addendum, or any other document that meets the requirements articulated in the CJIS Security Policy.

1.6 Policy Management

1.6.1 The CJIS APB, established by Title 28, C.F.R., Part 20.35, recommends general policy to the FBI Director with respect to the philosophy, concept, and operational principles of the N-DEx system. In its deliberations, the APB places particular emphasis on system security; and rules, regulations, and procedures to maintain the integrity of CJIS System of Services and criminal justice information.

1.6.2 Detailed information on the operation of the APB process can be found within the Bylaws for the Criminal Justice Information Services Advisory Policy Board and Working Groups.

1.6.3 In accordance with the CJIS Security Policy, the CJIS Systems Officer (CSO) or designee shall ensure a Terminal Agency Coordinator (TAC) is designated within each agency that has devices accessing CJIS systems. The TAC serves as the POC for the CSO at the local agency for matters relating to CJIS information access. The TAC administers CJIS systems programs with the local agency and oversees the agency's compliance with CJIS systems policies.

1.6.4 The CSO or designee shall ensure an N-DEx Agency Coordinator (NAC) is designated within each agency which accesses N-DEx. The NAC serves as the POC for the CSO at the local agency for matters relating to N-DEx. The NAC administers N-DEx within the local agency and oversees the agency's compliance with N-DEx system policies. The NAC may also be the agency's TAC. An agency may change its NAC at any time, but must notify the CSA in writing of the change. The following N-DEx roles may be performed by the CSO, or delegated to the NAC or other appropriate personnel within the CSA or N-DEx agency. It is recommended an alternate be assigned as a back-up to assist with performing the administrative duties in case of emergency or personnel changes. One individual may perform all administrative roles, or the roles may be assigned to several individuals.

1.6.4.1 CSO Administrator Role – Responsible for managing the users, audit, and training within their area of responsibility as identified by ORI. The role is activated by the N-DEx Program Office within the N-DEx system for the CSO. Once activated, the role provides the CSO with the user, audit, and training management functionality. The CSO has the ability to assign the user, audit, and training management functionality by ORI to users/NACs at state, local, federal, and tribal agencies.

1.6.4.2 Source Data Administrator Role – Responsible for establishing and managing the agency's configurable data sharing controls and submitting data to N-DEx for assigned record-owning agency(ies). If the record-owning agency chooses to submit Uniform Crime Reporting / National Incident Based Reporting System (NIBRS) data via N-DEx, the Source Data Administrator's role is expanded to include responsibilities for managing the NIBRS extract authorization and monitoring

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

the extract process. The N-DEx Program Office enables the Source Data Administrator capability within the N-DEx system.

1.6.4.3 Automated Processing Administrator Role – Responsible for activating, configuring, and managing the N-DEx optional automated processing capability. Automated processing enables an agency to receive reports reflecting correlations between their submissions and current N-DEx information.

1.7 System Security

1.7.1 The CSA is responsible for establishing and administering an information technology security program throughout the CSA's user community consistent with roles and responsibilities described in the Bylaws for the CJIS Advisory Policy Board and Working Groups and the CJIS Security Policy.

1.7.2 The FBI uses hardware and software controls to help ensure system security. However, final responsibility for the maintenance of the security and confidentiality of CJI rests with the individual agencies participating in the N-DEx system. Further information regarding system security can be obtained from the CJIS Security Policy.

1.7.3 The data stored in the N-DEx system is documented CJI and must be protected to ensure authorized, legal, and efficient dissemination and use. It is incumbent upon an N-DEx participating agency to implement procedures to make the N-DEx system secure from any unauthorized use.

2.0 QUALITY CONTROL, VALIDATION, TRAINING, AND OTHER PROCEDURES

2.1 Maintaining System Integrity

2.1.1 Responsibility To Maintain System Integrity

2.1.1.1 Pursuant to the current version of the Bylaws Of The Criminal Justice Information Services Advisory Policy Board And Working Groups, the CSA is responsible for ensuring appropriate use, enforcing system discipline and security, and ensuring CJIS operating procedures are followed by all users, regardless of whether they are performed by CSA personnel, contracted support, an outside agency, etc.

2.1.1.2 A CSA may delegate responsibilities, including user management, to the NAC of subordinate agencies as outlined in the CJIS Security Policy.

2.1.1.3 The CSA may require notification of all new users given N-DEx through delegated user management. It is the CSA's responsibility to coordinate this notification process and the frequency of notification with the delegated "user management designee". This process will ensure the CSA has the desired level of involvement for user access since they remain ultimately responsible for all CJIS System of Services activities.

2.2 Security

2.2.1 Security standards are documented in the CJIS Security Policy.

2.3 Audit

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

2.3.1 Compliance audit: Compliance audit standards are documented in the CJIS Security Policy.

2.3.2 The FBI CJIS Division shall conduct compliance audits of CSAs that have agencies using the N-DEx system. Audits shall consist of the following:

2.3.2.1 Administrative interview with N-DEx local agency NAC.

2.3.2.2 Network inspection.

2.3.2.3 A review of random N-DEx transactions.

2.3.2.4 A review of user access.

2.3.2.5 Technical security and, if applicable, NCIC and III policies will also be assessed.

2.3.3 Audits will not include a review of data quality.

2.3.4 CSA informational audits shall be conducted until September 30, 2015. At that time, the FBI CJIS division shall incorporate the N-DEx audit into its existing audit cycle and audit findings will be provided to the APB for its review and appropriate action, which may include sanctions.

2.3.5 Security audits: Security audit standards are documented in the CJIS Security Policy.

2.3.6 Audits by the CSA: CSA audit responsibilities are documented in the CJIS Security Policy and Director approved APB guidance.

2.4 Training

2.4.1 CSAs may delegate N-DEx training to local agencies or regional information sharing entities.

2.4.2 Prior to searching data via N-DEx, CSAs shall ensure, directly or through local delegation, that users are trained on N-DEx policy matters, emphasizing data use rules.

2.4.3 Basic security awareness training shall be required within six months of initial assignment and biennially thereafter, for all personnel who have access to CJI.

2.4.4 Train N-DEx users granted access to leveraged CJIS System of Services system(s) in accordance with individual leveraged system training requirements.

2.4.5 Every two years, train users on N-DEx policy matters, emphasizing data use rules.

2.4.6 CSA shall ensure that all individuals with physical and logical access to N-DEx information are trained on N-DEx data use.

2.4.7 Maintain records of all training and proficiency affirmation.

2.4.8 The N-DEx PO shall make training materials available to the CSA. Training materials may take the form of any of the below:

2.4.8.1 Basic course hand out materials and curriculum.

2.4.8.2 Video training.

2.4.8.3 Computer based training modules.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

2.5 Maintaining The Integrity of N-DEx Records

2.5.1 Record-owning agencies are responsible for the timeliness, accuracy, and completeness of their data. The records in the record-owning agency record/case management system are considered the source records.

2.5.2 Timeliness: Each record-owning agency shall submit data, including any updates or changes to the original submission as often as a contributor can feasibly execute them. Updates or changes shall be executed at least monthly.

2.5.3 Accuracy: Because records contributed to N-DEx will be limited to duplicates and summaries of records obtained and separately managed by the record-owning agency within its own record/case system(s), and for which the record-owning agency is responsible, each record-owning agency shall ensure contributed data is reflected within the source system(s). The record-owning agency shall ensure contributed data is synchronized with the Agencies source system records as they are updated/changed.

2.5.4 Completeness: Each record-owning agency should submit as many N-DEx data elements as they have available or are permitted to by law.

2.6 Quality Control

2.6.1 FBI personnel periodically check records entered into the N-DEx system. Issues discovered in records are communicated directly to the CSA and NAC.

2.7 N-DEx System Maintenance

2.7.1 When scheduled maintenance is being conducted on the N-DEx system, an information page will be displayed stating the expected outage time. If the N-DEx system should become unavailable, outside of scheduled maintenance times, a warning banner will be displayed to the users. However, after a reasonable period of time and the problem is not resolved, notify the FBI CJIS, telephone 304-625-HELP [4357].

3.0 N-DEx SANCTIONS

3.1.1 In accordance with the CJIS Security Policy, each participating agency shall employ a formal sanctions process for personnel failing to comply with established information security policies and procedures.

3.1.2 Upon any discovery of misuse by any users or agencies granted access to the N-DEx system, notification to their NAC and CSA must take place immediately.

3.1.3 Sanctions for misuse of N-DEx shall be established by the CJIS APB.

3.1.4 Sanctions for misuse of N-DEx-leveraged CJIS System of Services shall follow the established sanctions process for the CJIS System of Services.

3.1.5 Sanctions for CJIS Security Policy violations shall follow the established sanctions process.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

809.4 CIBRS

PURPOSE:

The purpose of the CIBRS policy is to comply with MSS 299C.40 as well as rules and policies prescribed by the Minnesota Department of Public Safety, Bureau of Criminal Apprehension (BCA), regarding the access and the use of the CIBRS database system.

DEFINITIONS:

Audit: A process conducted by the staff of the Minnesota Department of Public Safety, Bureau of Criminal Apprehension whereby the Agency is assessed on their compliance with the rules specified in the user agreement.

CIBRS: The Comprehensive Incident Based Reporting System, a statewide repository of incident based data from Minnesota law enforcement agencies. This electronic data sharing program is designed to provide law enforcement access to data submitted by agencies, on a statewide level. The data is recorded by the local agency within their records management system. The data is owned and maintained by the local agency; however data that is public at the local agency will change to private data in CIBRS.

CIBRS Training Certification: Members of the Brooklyn Center Police Department authorized to access the CIBRS system will meet the training and certification requirements as prescribed in the user agreement and the CIBRS policy of the Minnesota Department of Public Safety.

Initial Certification: The BCA training program and successful completion of the examination.

Recertification: An examination which must be successfully completed every two years.

Confidential Data on Individuals: As defined in MSS 13.62, Subdivision 3, confidential data on individuals means the data which is made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of the data.

Government Issued Photo ID: This includes a state issued driver’s license or ID card, a certified passport, or military ID card issued by a recognized branch of the United States military.

Non-Public Data: As defined in MSS 13.02, Subdivision 9, non-public data means data not on individuals that is made by statute or federal law applicable to the data: (a) not accessible to the public and (b) accessible to the subject, if any, of the data.

Private Data on Individuals: As defined in MSS 13.02, Subdivision 12, private data on individuals means data which is made by statute or federal law applicable to the data: (a) not public and (b) accessible to the individual subject of the data.

Protected Non-Public Data: As defined in MSS 13.02, Subdivision 13, protected non-public data means data not on individuals which is made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.

Responsible Agency: An agency that is responsible for the completeness and accuracy of a data record within the CIBRS system.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Submitting Agency: The entity responsible for ensuring the successful submission of a law enforcement agency's records to the CIBRS database.

User Agreement: A document entered into by the Minnesota Department of Public Safety and the Brooklyn Center Police Department which lists the requirements and responsibilities to be met by both entities.

ACCESS TO CIBRS BY DEPARTMENT MEMBERS

Only Department members who have completed the required training and certification and are current on their certification will be allowed to access the CIBRS system. Certification will be verified by the agency administrator for the CIBRS system.

Department members who have met the certification requirements will be allowed to access the CIBRS database solely for the purposes listed below:

1. For the preparation of a case involving a criminal investigation being conducted by this agency.

2. To serve process in a criminal case.

3. To inform law enforcement of possible safety issues before service of process.

4. To enforce no contact orders.

5. To locate missing persons.

6. For the purpose of conducting a pre-employment background check on a candidate for a sworn officer position.

7. To access the data at the request of the data subject.

ACCESS OF CIBRS DATA BY THE DATA SUBJECT

Individuals requesting CIBRS data on themselves must specifically ask for data contained within the CIBRS system. The individual will be given a "CIBRS Request by Data Subject" form to complete. Upon completion of the form the subject will be required to produce a government issued photo ID. The name and date of birth on the government issued photo ID must exactly match the name and date of birth listed on the CIBRS Request by Data Subject form. The exact name and date of birth will be used to query the CIBRS system. A report, which is automatically outputted to a printer, will be generated using the data subject information provided and the report will be given to the data subject. *NOTE* No record flagged as confidential within the CIBRS system shall be included in this report.

An individual may also request CIBRS data on themselves be forwarded to a third party. The subject will be given a "CIBRS Request by Data Subject for Informed Consent" form to complete. Upon completion of the form the subject will be required to produce a government issued photo ID. The name and date of birth on the government issued photo ID must exactly match the name and date of birth listed on the CIBRS Request by Data Subject Informed Consent Form. The exact name and date of birth will be used to query the CIBRS system. A report which is automatically outputted to a printer will be generated using the data subject information provided and given to

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

the data subject who must then review and acknowledge the data contained within the report. To verify this, the data subject will be required to initial the CIBRS report. If after reviewing the report, the data subject still chooses to have the report forwarded to the third party, the Brooklyn Center Police Department will assume responsibility for mailing the report to the address provided on the CIBRS Request by Data Subject Informed Consent Form.

A parent or legal guardian may also request data from the CIBRS database on their juvenile child. The steps to ensure the identity of the requesting party listed above will be followed; additionally some type of proof of parenthood should also be obtained (i.e. same address as parent on D.L. or ID, school issued ID, school records, court records, etc.)

CLASSIFICATION OF CIBRS DATA

No data contained within the CIBRS system is classified as public data, classification within the CIBRS system is as follows:

1. Confidential/Protected Non-Public: This applies to data which relates to an active case. This data is non-public and is not accessible to the subject of the data.

2. Private/Non-Public: This applies to data which relates to an inactive case or one which has not been updated in the CIBRS application for 120 days. This data is not accessible to the public, but is accessible to the data subject.

Only data which is Private/Non-Public will be released to the subject of the data or a third party at the request of the data subject. Data classified as Confidential/Protected Non-Public is related to an active case and will not be released to the subject of the data or a third party at their request. Requests for CIBRS data will be handled by the Chief of Police, CIBRS agency administrator, or the Support Services Supervisor.

CIBRS DATA NO LONGER NEEDED

Data which is no longer required for its intended purpose will be placed in the container to be shredded.

DATA VERIFICATION

Data obtained from the CIBRS database for the purposes of a criminal investigation and/or a pre-employment background check will be verified by contacting the responsible agency.

CIBRS DATA CHALLENGE

Upon the Brooklyn Center Police Department's participation in the CIBRS program as a submitting agency, (Brooklyn Center Police Department is the responsible agency) an individual may file a data challenge questioning the accuracy and/or completeness of the data. If a data challenge is received the following requirements must be met and actions taken:

1. The request must be made in writing by the subject of the data and their identity must be verified through a government issued photo ID. The request must describe the nature of the inaccuracies.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

2. The challenge will be forwarded to the agency responsible authority (the Chief of Police or his/her designee.). The responsible authority will then ensure that the record(s) in question is flagged within the CIBRS database as initiated.

3. Within 30 days the record challenge will be addressed and a determination will be made by the Chief of Police.

a. Sustained challenges will be corrected or deleted upon determination. A letter will be sent to the data subject informing them of the results of their challenge to the data. The Brooklyn Center Police Department Responsible Authority will then update the CIBRS database marking the record in question as having sustained that challenge. CIBRS will then automatically notify the responsible authorities of all agencies that have viewed the record in question within the last year.

b. If a challenge is not sustained and the data will not be altered, a letter will be sent to the data subject informing them of the results of their challenge. They will be informed that any appeal to this decision must be made to the Minnesota Department of Administration in St. Paul. The responsible authority will then see that the flag previously placed on data is changed to declined.

If a data challenge correction is received from another agency in regard to information this agency has obtained from the CIBRS database, the correction will be forwarded to the employee who originally obtained the data. The employee will then destroy the original data or replace it with the updated data.

MISUSE OF THE CIBRS SYSTEM

Misuse of the CIBRS system is defined as:

1. Deliberate or intentional access for purposes not authorized by MSS 299C.40.

2. Repeated misuse whether intentional or unintentional.

3. Intentional dissemination or failure to disseminate CIBRS data in accordance with the statute.

An employee of this department determined to have misused the CIBRS system will have their privilege to access the CIBRS system immediately revoked. The period of revocation will be determined by the Chief of Police. The employee may also be subject to additional discipline per department policy 456.78. The type of discipline and course of action will be determined by the Chief of Police.

Misuse of the CIBRS system may also carry sanctions for the employee or agency from the BCA. These sanctions will be honored and full cooperation will be given to the BCA audit staff. The BCA will conduct audits of the agency to ensure proper use of the CIBRS system. The Brooklyn Center Police Department will cooperate with the audit staff and provide the requested documents and verification.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Chapter 9 - Custody

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Brooklyn Center Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults who are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Brooklyn Center Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Brooklyn Center Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than forty eight hours (Minn. R. 2945.0100; Minn. R. 2945.0120).

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Brooklyn Center Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent. If there is any suspicion the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The officer should promptly notify the Shift Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Sergeant shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual without delay he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
    1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
    1. If the country is on the mandatory notification list, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Tell the individual this notification has been made and inform him/her without delay he/she may communicate with consular officers.
        (c) Forward any communication from the individual to his/her consular officers without delay.
        (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
    2. If the country is not on the mandatory notification list and the individual requests his/her consular officers be notified, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Forward any communication from the individual to his/her consular officers without delay.

900.4.2 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall do the following:

(a) Advise the Shift Sergeant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Avoid placing an adult in a cell with another adult unless no other cell is available. When such placement is necessary, members shall:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141) or whether the person is facing any other identified risk.
2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
   (a) Continuous, direct sight and sound supervision.
   (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensure males and females are separated by sight and sound when in cells.
5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Brooklyn Center Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Brooklyn Center Police Department.

The Shift Sergeant should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The Shift Sergeant should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.3 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Sergeant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears any risk no longer exists.

900.5.4 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Brooklyn Center Police Department. They should be released or transferred to another facility as appropriate.

900.5.5 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Individuals in custody are informed they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

900.5.6 TELEPHONE CALLS

Individuals in temporary custody should be permitted to make a reasonable number of completed telephone calls when it becomes reasonable for an officer to allow telephone access and so long as providing telephone access does not interfere with an ongoing investigation.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact another party in order to make necessary arrangements, including child or dependent adult care, or transportation upon release.

1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, and upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times except during routine cleaning when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 FINGERPRINTING

Once the person has been taken into temporary custody the arresting officer should ensure the following are taken:

(a) Finger and thumb prints

(b) Photographs

(c) Distinctive physical mark identification data

(d) Information on any known aliases or street names

(e) Any other identification data requested or required by the Bureau of Criminal Apprehension

The Shift Sergeant should ensure fingerprints and other identifying information is entered into the searchable database managed by the Bureau of Criminal Apprehension (Minn. Stat. § 299C.10, Subd. 1).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk handcuffs should generally be removed when the person is in a cell.

The use of restraints other than handcuffs or leg irons generally should not be used for individuals in temporary custody at the Brooklyn Center Police Department unless the person presents a heightened risk and then only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy unless the individual requests a different disposition. For example an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient’s signature on the appropriate form.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Upon release of an individual from temporary custody his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Sergeant shall be notified whenever an individual alleges there is a shortage or discrepancy regarding his/her property. The Shift Sergeant shall attempt to prove or disprove the claim.

All intangible personal property that is unclaimed for more than three years is presumed abandoned (Minn. Stat. § 345.38).

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented. The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 15 minutes.

1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Brooklyn Center Police Department. The procedures should include (Minn. Stat. § 390.11, Subd. 1(6)):

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Shift Sergeant, Chief of Police and Investigation Division Commander.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the Medical Examiner.

(g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed the correct individual is being released or transported.

(d) All property except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Brooklyn Center Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

    1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers that exceed 100 miles shall be accomplished with a custodial escort of the same sex as the individual being transferred (Minn. Stat. § 631.412).

900.11 ASSIGNED ADMINISTRATOR

The Support Services Manager should ensure any reasonably necessary supplemental procedures are in place to address the following issues:

(a) General security

(b) Key control

(c) Sanitation and maintenance

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) Emergency medical treatment

(e) Evacuation plans

(f) Fire- and life-safety

(g) Disaster plans

(h) Building and safety code compliance

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Custody Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Brooklyn Center Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Brooklyn Center Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Brooklyn Center Police Department identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.5 STRIP SEARCHES

No individual in temporary custody at any Brooklyn Center Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Brooklyn Center Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Authorization from a Sergeant or Duty Command Officer (DCO) shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The name of the authorizing supervisor.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

6. The name, sex, and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia, or female breasts while that individual is showering, performing bodily functions, or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Sergeant or DCO authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy.

901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician may conduct a physical body cavity search.

(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Sergeant's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and shall be provided to the individual who was searched or other authorized representative upon request.

901.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against prisoners in the Brooklyn Center Police Department Temporary Holding Facilities (28 CFR 115.111).

902.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor, or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive, or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

902.2 POLICY

The Brooklyn Center Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Brooklyn Center Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

902.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards in the Brooklyn Center Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Brooklyn Center Police Department prisoners includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents” or a similarly comprehensive and authoritative protocol.

2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.

3. A process to document all referrals to other law enforcement agencies.

4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.

5. In accordance with security needs, provisions to permit to the extent available prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment, or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to a supervisor any knowledge, suspicion, or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Retaliation against prisoners or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 SUPERVISOR RESPONSIBILITIES

The supervisor shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The supervisor shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison, or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Department shall promptly, thoroughly, and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects, and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect, or witness on an individual basis and not by the person's status as a prisoner or a member of the Brooklyn Center Police Department.

(f) Document in written reports a description of physical, testimonial, documentary, and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the County Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS
All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

902.6 RETALIATION PROHIBITED
All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The supervisor or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

902.7.1 INCIDENT REVIEWS
An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files, and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices, and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

All aggregated sexual abuse data from Brooklyn Center Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state, or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

The Training Sergeant shall maintain documentation that employees, volunteers, contractors, and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Chapter 10 - Personnel

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Brooklyn Center Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state and local law, the Brooklyn Center Police Department provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.2.1 VETERANS' PREFERENCE

Veterans who are candidates for job openings shall receive preference recognizing the training and experience, loyalty, and sacrifice not otherwise readily assessed by examination pursuant to Minn. Stat. § 197.455 Subd. 2. The following preference, credit, and requirements shall be applied as applicable (Minn. Stat. § 197.455):

Nondisabled Veteran's Credit - There shall be added to the competitive open examination rating of a nondisabled veteran, who so elects, a credit of five points, provided that veteran obtained a passing rating on the examination without the addition of the credit points.

Disabled Veteran's Credit - There shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of 10 points, provided that the veteran obtained a passing rating on the examination without the addition of the credit points. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points provided that:

(a) The veteran obtained a passing rating on the examination without the addition of the credit points, and

(b) The veteran is applying for a first promotion after securing public employment.

For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person has a compensable service-connected disability as adjudicated by the U.S. Veterans Administration, or by the retirement board of one of the several branches of the armed forces, that is existing at the time preference is claimed. For purposes of

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use a promotional preference, is entitled to disability compensation under laws administered by the Veterans Administration for a permanent service-connected disability rated at 50 percent or more.

Preference for Spouses - A preference available pursuant to Minn. Stat. § 197.455 may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran, who because of the disability, is unable to qualify.

Ranking of Veterans - An eligible applicant with a rating augmented by veteran's preference shall be entered on an eligible list ahead of a non-veteran with the same rating. When notifying eligible applicants that they have passed examinations this department shall show the final examination ratings and preference credits and shall notify eligible applicants that they may elect to use veteran's preference to augment passing ratings.

When this department rejects a certified eligible applicant who has received veteran's preference, the appointing authority shall notify the eligible applicant in writing of the reasons for the rejection and file the notice with the Brooklyn Center Department of Human Resources.

1000.3 RECRUITMENT

The Administration Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Administration Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.3.1 OPERATION OF A MOTOR VEHICLE

(a) The ability to possess a valid Minnesota driver's license (Minn. R. 6700.0700 Subd. 1 (B)).

(b) The ability to drive safely.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) The ability to control a motor vehicle at high speeds.

(d) The ability to operate a motor vehicle in all types of weather conditions.

(e) The following may be disqualifying:

1. Receipt of three or more moving violations within three years or a reckless driving conviction within five years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
3. A conviction for driving under the influence of alcohol (DUI or DWI) and/or controlled substances within 10 years preceding the date of application or during the hiring process.

1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities, and payoffs.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

(e) The following shall be disqualifying:

1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to a conviction for a felony or crime involving dishonesty or false statement.

(b) The following shall be disqualifying:

1. Conviction of one DUI violation within the preceding five years.
2. Conviction of a second DUI violation.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

3. Admission, conviction, or adjudication of having committed any act defined as a felony (including felony/misdemeanor offenses) under Minnesota law, federal law, the law of another state, or the Uniform Code of Military Justice (UCMJ).
4. Admission or administrative findings of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.
5. Admission or conviction of any act of family violence as defined by law, committed as an adult.
6. Admission of any criminal or delinquent act, whether misdemeanor or felony, committed against children including, but not limited to, molesting or annoying children, child abduction, child abuse, criminal sexual conduct, or indecent exposure.
7. Any history of work-related actions resulting in civil lawsuits that found against the applicant or his/her employer may be disqualifying.

1000.3.4 LEARNING ABILITY

(a) The ability to comprehend and retain information.

(b) The ability to recall information pertaining to procedures, rules, or regulations.

(c) The ability to recall information pertaining to laws, statutes, and codes.

(d) The ability to learn and to apply what is learned.

(e) The ability to learn and apply the material, tactics, and procedures that are required of the position.

(f) The following shall be disqualifying:

1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.
2. Having been academically dismissed from any POST-certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas. Subsequent successful completion of another POST basic law enforcement academy shall rescind this prohibition.

1000.3.5 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

(b) Empathy.

(c) Discretion in applying authority.

(d) Effectiveness in dealing with people without arousing irrational antagonism.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(e) The ability to understand the motives of people and how they will react and interact.

(f) The following may be disqualifying:

1. Having been disciplined by any employer, including the military and/or any law enforcement training facility, for acts constituting racial, ethnic, or sexual harassment, or discrimination.
2. Uttering any epithet derogatory of another person's race, religion, gender, national origin, or sexual orientation.
3. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.3.6 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations.

(b) The ability to make sound decisions on the spot.

(c) The ability to use good judgment in dealing with potentially explosive situations.

(d) The ability to make effective, logical decisions under pressure.

(e) The following shall be disqualifying:

1. Admission(s) of administrative findings or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state civil rights laws.
2. Admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

1000.3.7 ILLEGAL USE OR POSSESSION OF CONTROLLED SUBSTANCES

(a) The following examples of illegal controlled substance use or possession will be considered automatic disqualifiers for applicants, with no exceptions:

1. Any adult use or possession of marijuana within two years prior to application for employment.
2. Any other illegal adult use or possession of a controlled substance not mentioned above within seven years prior to application for employment.
3. Without regard to date, any illegal adult use or possession of a controlled substance while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field.
4. Any adult sale, manufacture, or cultivation of a controlled substance.
5. Failure to honestly divulge to the Department any information about personal illegal use or possession of a controlled substance.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

6. Any drug test of the applicant, during the course of the hiring process, where illegal controlled substances are detected.

(b) The following examples of illegal controlled substance use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:

1. Any illegal use or possession of a controlled substance as a juvenile.
2. Any illegal adult use or possession of a controlled substance that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than two years ago.)
3. Any illegal or unauthorized use of prescription medications.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Citizenship verification, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents

(e) Information obtained from public Internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state and federal criminal history record checks

(h) Polygraph or computer voice stress analyzer (CVSA) examination (when legally permissible)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

1000.4.1 LATERAL TRANSFER OFFICER SELECTION PROCESS

Licensed officer applicants (laterals) currently employed full--time with other Minnesota agencies with a minimum two years full--time law enforcement experience may be deemed to have met various entry requirements and specific steps may be waived at the discretion of the Chief of Police or designee.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Brooklyn Center Police Department.

The background investigation must determine whether the candidate meets the standards established by the Minnesota Board of Peace Officer Standards and Training (POST) as well as the security standards established to access state and national computerized record and communication systems (Minn. Stat. § 626.87; Minn. R. 6700.0700).

1000.5.1 DOCUMENTING AND REPORING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.2 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d; 16 CFR 600 et seq.).

1000.5.3 STATE NOTICES

Upon initiation of a candidate's background investigation, the department shall provide written notice to POST that includes the candidate's full name and date of birth and the candidate's peace officer license number, if applicable (Minn. Stat. § 626.87).

1000.5.4 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Division Commander should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Administration Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(a) Material and information to be considered are verified, accurate and validated.

(b) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1000.5.5 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS
Candidates shall meet the following minimum standards established by Minnesota POST (Minn. R. 6700.0700):

(a) Citizen of the United States

(b) Possess a valid Minnesota driver's license

(c) Free of any felony conviction

(d) Free of conviction of any controlled substance law or of any misdemeanor conviction listed in Minn. R. 6700.0700

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(e) Fingerprinted for purposes of disclosure of any felony convictions

(f) Submit to a medical examination and psychological evaluation to ensure that the candidate is free from any physical, emotional or mental condition which might adversely affect his/her performance of peace officer duties

(g) Successfully complete a physical agility examination

(h) Successfully complete an oral examination

1000.7.2 RECORDS

All selection materials for those individuals hired, including the background investigation, will be placed in an envelope and filed in the employee's personnel file. Employee selection materials will be maintained for the length of the time required for personnel files under the records retention schedule.

All selection materials for those individuals not hired will be maintained for a minimum period established by the records retention schedule.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Brooklyn Center Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability, or other protected classes.

1001.3 EVALUATION PROCESS

Evaluations will cover a specific period of time and should be based on documented performance during that period. Evaluations will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1001.4 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

Position	Evaluated Every Month
Probationary/Sworn	6 month, then annually on anniversary date
Sworn	Annually on anniversary date
Probationary/Civilian	6 month
Civilian	Annually beginning at the end of 6 month probationary period

1001.4.1 VOLUNTEER AND RESERVE OFFICER EVALUATIONS

Volunteer and reserve officer evaluations are covered in the Volunteer Program Policy.

1001.5 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. Probationary licensed personnel are evaluated daily, weekly, and monthly during the probationary period.

1001.6 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Performance Improvement Plan - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

1001.6.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Exceeds Expectations - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Meets Expectations - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - A level of performance less than that expected of a fully competent employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is a very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or exceeds expectations shall be substantiated in the rater comments section.

Any evaluation with an overall rating of exceeds expectations must have prior approval of the Chief of Police.

Any evaluation with a needs improvement or unsatisfactory rating in any catagory requires a performance improvement plan to be completed by the evaluation with prior approval of the Division Commander.

1001.7 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions, and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.8 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Division Commander. The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1001.9 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Promotional and Special Assignment Policy

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion or assignments within the ranks of the Brooklyn Center Police Department.

1002.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and assignments:

(a) Presents a professional, neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

(c) Demonstrates:

1. Emotional stability and maturity.
2. Stress tolerance.
3. Sound judgment and decision-making.
4. Personal integrity and ethical conduct.
5. Leadership.
6. Initiative.
7. Adaptability and flexibility.
8. Ability to conform to organizational goals and objectives.
9. Skills and abilities related to the position.

1002.2 LICENSED NON-SUPERVISORY SELECTION PROCESS

The following positions are considered assignments and are not considered promotions. All assignments are at the discretion of the Chief of Police:

(a) Street Crimes Unit

(b) Auto Theft Officer

(c) Task Force Officer

(d) Emergency Operations Unit

(e) Field Training Officer

(f) Juvenile Officer

(g) School Resource Officer

1002.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for assignment:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) Three years experience.

(b) Off probation.

(c) Has shown an expressed interest in the position applied for.

(d) Education, training, and demonstrated abilities in related areas, such as enforcement activities, investigative techniques, report writing, and public relations.

(e) Complete any training required by POST, federal, or state law.

1002.3 SELECTION PROCESS

The following criteria apply to assignments.

(a) An administrative evaluation as determined by the Chief of Police that may include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit recommendations.

(b) The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate.

(c) Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendation(s) to the Chief of Police

(d) Appointment by the Chief of Police.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations, or for training.

1002.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Brooklyn Center Department of Human Resources.

1002.5 SUPERVISOR CERTIFICATE

Within one year of the effective date of assignment, all full-time first-line supervisors should complete a supervisor training course approved by Minnesota POST.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance, whether there is a basis for the grievance. The Department's philosophy is to promote free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the interpretation or application of any of the following documents:

- The employee collective bargaining agreement.
- This Policy Manual.
- City rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual employee or by an employee bargaining group representative.

Specifically excluded from the category of grievances are the following:

(a) Complaints related to alleged acts of sexual, racial, ethnic, or other forms of unlawful harassment.

(b) Complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background, and other lawfully protected status or activity that are subject to the complaint options set forth in the Discriminatory Harassment Policy.

1003.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he/she has a grievance as defined above, the employee shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with his/her immediate supervisor.

(b) If after a reasonable period of time, generally 21 days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected division or bureau.

(c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Chief of Police.

(d) If the employee and the Chief of Police are unable to arrive at a mutual solution, the employee shall submit a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor that includes the following information:

1. The basis for the grievance (e.g., the facts of the case).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

2. Allegation of the specific wrongful act and the harm done.
3. The specific policies, rules, or regulations that were violated.
4. The remedy or goal being sought by the grievance.
5. The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
6. The Chief of Police will receive the grievance in writing. The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the employee within five business days. The response will be in writing and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Chief of Police and/or City Manager is considered final.
7. An unresolved grievance may be appealed and submitted to arbitration, subject to the provisions of the Public Employment Labor Relations Act of 1971. Arbitrator selection shall be made in accordance with the Rules of Governing the Arbitration of Grievances as established by the Bureau of Mediation Services.

1003.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1003.4 PUNITIVE ACTION

At no time will punitive action be taken against a peace officer for exercising any rights during the grievance procedure (see generally Minn. Stat. § 626.89, Subd. 14).

1003.5 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

1003.6 GRIEVANCE AUDITS

The Patrol Commander shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Patrol Commander shall record these findings in a memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Patrol Commander should promptly notify the Chief of Police.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1003.7 JUDICIAL RELIEF

Any employee or representative may, after exhausting the internal grievance procedure, and, if applicable, arbitration, apply to the proper court for judicial relief as allowed by contract or law.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1004.2 POLICY

The Brooklyn Center Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Services.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule change made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1004.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING

The Minnesota Whistleblower Act protects a member who, in good faith (Minn. Stat. § 181.932):

(a) Communicates a violation of any law or rule to the department or to any government body or law enforcement official.

(b) Participates in an investigation, hearing or inquiry.

(c) Refuses an order to perform an act that the member objectively believes violates a law, rule or regulation, and informs the employee of the reason.

(d) Reports a situation where the quality of health care services provided by a health care facility or provider violates a state or federal standard and potentially places the public at risk of harm.

(e) Communicates the findings of a technical or scientific study that the member believes, in good faith, to be truthful and accurate.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Commander of Investigations for investigation pursuant to the Personnel Complaints Policy.

1004.8 RECORDS RETENTION AND RELEASE

The Support Services Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Reporting of Employee Convictions and Court Orders

1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1005.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Minnesota and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Minn. Stat. § 518B.01).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Minnesota. Any license of a peace officer convicted of a felony is automatically revoked (Minn. Stat. § 626.8431).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this department may prohibit him/her from carrying out law enforcement duties.

Minn. Stat. § 624.713 prohibits ineligible persons from possessing a handgun or semi-automatic assault weapon.

1005.3.1 COURT ORDERS

All employees shall promptly notify the department if they are a party to, or have been served with, any court order from any jurisdiction.

1005.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

officers) in writing if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment, and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1005.5 CHEMICAL DEPENDENCY TREATMENT

If an officer is informally admitted to a treatment facility pursuant to Minn. Stat. § 253B.04 for chemical dependency he/she is not eligible to possess a pistol, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility (Minn. Stat. § 624.713 Subd. 1(6).

Officers in this situation shall promptly notify the department.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1006.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1006.7 REQUESTING SCREENING TESTS

The Department may request or require drug or alcohol testing in the following circumstances (Minn. Stat. § 181.951; Minn. Stat. § 181.952):

(a) **Reasonable suspicion** - A supervisor may request or require an employee to undergo drug and alcohol testing if there is a reasonable suspicion of any of the following:

1. The employee is under the influence of drugs or alcohol.
2. The employee has violated department rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while he/she is working, is on department property or is operating a vehicle owned by the department.
3. The employee has sustained an injury arising out of and in the course of employment, or has caused another employee to sustain an injury (full definition of personal injury in Minn. Stat. § 176.011, Subd. 16).
4. The employee has caused a work-related accident, or his/her use of a vehicle, firearm, or safety equipment involved a work-related accident.

(b) Following a conditional job offer

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) Under a random testing program of employee

(d) When the employee has been referred for an evaluation or treatment or is participating in a treatment program under an employee benefit plan

1006.7.1 DRUG- AND ALCOHOL-TESTING PROGRAM

The following applies to the department's drug and alcohol testing procedures (Minn. Stat. § 181.951; Minn. Stat. § 181.952; Minn. Stat. § 181.953):

(a) An employee or applicant has the right to refuse a test but the consequences of a refusal may result in discipline, up to and including termination or a decision not to hire the applicant.

(b) Initial screening tests must be verified by a confirmatory test for the purpose of discipline.

(c) Employees will have an opportunity to participate in an appropriate alcohol or drug program for their first confirmed positive test. The program may be in lieu of other discipline unless the employee fails the program or refuses to participate (Minn. Stat. § 181.953).

(d) A confirmed positive test may result in discipline, up to and including termination.

(e) An employee or job applicant will have the opportunity to explain a positive test result and may request and pay for a second confirmatory retest.

(f) All disciplinary procedural safeguards in this manual apply, including the post-discipline appeal procedures (see the Personnel Complaints Policy).

(g) Employees and job applicants shall receive required written notice of the drug- and alcohol-testing procedures as set forth in Minn. Stat. § 181.952.

(h) The safeguards of Minn. Stat. § 181.953 will be followed for any testing and any related discipline process.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Sick Leave Policy

1007.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 CFR 825.100).

1007.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability, including pregnancy and maternity, or for medical, dental or vision exams, or medical treatment of the employee or the employee's immediate family when it is not reasonably possible to schedule such appointments during nonworking hours.

Sick leave is not considered vacation and abuse of sick leave may result in discipline and/or denial of sick leave benefits. Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational, or other activity that may impede recovery from the injury or illness.

Upon return to work, employees shall ensure that the appropriate time off has been marked in Workforce Director.

1007.2.1 NOTIFICATION

Employees are encouraged to notify an immediate supervisor, the Shift Sergeant, or other appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than two hours before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every reasonable effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever reasonably possible, provide notice to the Department as soon as reasonably possible and with no less than 30-days notice of the intent to take leave.

1007.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of two consecutive shifts may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Nothing in this section precludes a supervisor, based upon reasonable cause, from requiring a physician's statement if two or fewer sick leave days are taken.

1007.4 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of sick leave by the employee have a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Communicable Diseases

1008.1 PURPOSE AND SCOPE

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

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

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Brooklyn Center Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All Department personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

1008.2.1 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Department's Training Sergeant. The Training Sergeant shall be responsible for the following:

(a) The overall management of the bloodborne Exposure Control Plan and ensuring compliance with 29 CFR 1910.1030 (Minn. R. 5206.0600).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) The Training Sergeant will work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning blood-borne pathogens and other communicable diseases.

(c) The Training Sergeant will act as a liaison during OSHA inspections and shall conduct program audits to maintain an up-to-date Exposure Control Plan.

(d) The Training Sergeant will maintain an up-to-date list of police personnel requiring training, will develop and implement a training program, maintain class rosters, and quizzes and periodically review the training program.

(e) The Training Sergeant will review and update the Exposure Control Plan annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the Training Sergeant and the affected employees to ensure that the proper exposure control procedures are followed.

1008.2.2 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between bodily fluid types, all bodily fluids are to be assumed potentially infectious.

1008.2.3 PERSONAL PROTECTIVE EQUIPMENT

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:

- Not less than two pair of disposable latex gloves (keeping a box in the car recommended).
- Eye protection.
- Alcohol, or similar substance, to flush skin at emergency site.
- Maintaining alcohol hand wipes in the car is recommended.

The protective equipment is to be kept in each police vehicle, 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.

1008.2.4 IMMUNIZATIONS

All Department personnel who, in the line of duty, respond to emergency medical calls or may be exposed to or have contact with a communicable disease shall be offered appropriate immunization treatment.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1008.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves should be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1008.3 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:

1008.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazards with the on-scene EMS 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.

1008.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

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 particular attention to the fingernails.

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 by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as reasonably possible, using warm water and soap and/or an approved disinfectant. 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.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as a cleaning or decontamination area.

1008.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (e.g., needles, blades) unless they are needed to assist a paramedic or are being collected for evidence. Employees are not to recap sharps. If needed as evidence, employees shall place item in the appropriate evidence container. 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 cleanup debris. If the material must be hand held, protective gloves must be worn.

1008.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (e.g., gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police 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.

1008.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

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.

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.

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, paramedic truck, or police 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.

1008.3.6 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.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Grossly contaminated non-disposable equipment items shall be transported to a hospital or police station 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.

1008.3.7 DECONTAMINATION OF CLOTHING

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 give it to the on-duty supervisor. The on-duty 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 Department'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.

1008.3.8 DECONTAMINATION OF VEHICLES

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. Grossly contaminated vehicles shall be taken out of service and cleaned by a professional service.

1008.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The Training Sergeant shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and maintained in a clean and sanitary order at all times. The application of cosmetics, smoking cigarettes, and consuming food and drink are prohibited in this designated area at all times.

1008.4 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).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1008.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. The report shall be submitted to the employee's immediate supervisor and should include the names of witnesses to the incident, names of persons involved in the underlying incident, and, if reasonably feasible, any written statements from these parties.

1008.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as reasonably possible following the incident, while gathering the following information:

(a) Names and social security numbers of the employee(s) exposed.

(b) Date and time of incident.

(c) Location of incident.

(d) The potentially infectious materials involved.

(e) Source of material or person.

(f) Current location of material or person.

(g) Work being done during exposure.

(h) How the incident occurred or was caused.

(i) PPE in use at the time of the incident.

(j) Actions taken post-event (e.g., clean-up and notifications).

The supervisor shall use the above information to prepare a written summary of the incident, its causes, and recommendations for avoiding similar events. This report will be provided to the Training Sergeant, Division Commander, the consulting physician, and to the City's Risk Manager.

1008.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who received exposure or suspected exposure shall be seen by a physician (or qualified health care professional) as soon as reasonably possible.

The Division Commander will request that the qualified health care professional provide the Division Commander and/or the City's risk manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1008.4.4 COUNSELING
The Department should provide the exposed employee, and his/her family if necessary, the opportunity for counseling and consultation.

1008.4.5 CONFIDENTIALITY OF REPORTS
Most of the information involved in the process must remain confidential. The Division Commander shall ensure that all records and reports are kept confidential (Minn. Stat. § 144.7411).

The Division Commander shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing, and follow-up procedures that took place as a result of an exposure.

The risk manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent, except as required by law.

1008.5 SOURCE TESTING
Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are several methods to obtain such testing. It is the responsibility of the Division Commander to ensure that the proper testing and reporting occur. These methods include the following:

(a) The Brooklyn Center Police Department may request that a licensed hospital or other licensed emergency medical care facility follow the procedures of Minn. Stat. § 144.7401 to Minn. Stat. § 144.7415 for consensual source testing when an officer or any other employee acting as a Good Samaritan may have experienced a significant exposure to pathogenic microorganisms present in human blood that can cause disease. Officers need not have been engaged in providing medical assistance for the exposure to apply for source testing; for example, being pricked by a hypodermic needle during a search may suffice (Minn. Stat. § 144.7401; Minn. Stat. § 144.7402). A court order may be sought when a source person does not consent to the testing requested by a hospital or other facility (Minn. Stat. § 144.7407).

(b) Obtaining voluntary consent directly from a person who may be the source of an exposure to include testing for any relevant disease. This is separate from the consent that may be sought through a statutory process above.

If the Division Commander is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of another Division Commander or designee to ensure testing is sought.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1008.5.1 PROCEDURE

Upon notification of an employee's exposure, the Division Commander should attempt one or more of the following methods to obtain source testing:

(a) In order to seek testing through the procedures of Minn. Stat. § 144.7401 to Minn. Stat. § 144.7415 by a licensed hospital or other emergency medical care facility, the Division Commander should:

1. Notify a hospital or other applicable facility where the exposed officer or other employee was evaluated that testing is being requested.

2. Locate the source person if he/she is not at the hospital or other facility. If the person cannot be located, the Investigations Division Supervisor should be notified and will assist in location attempts. When located, the Division Commander will notify the evaluating hospital of the person's location. (It will then be the responsibility of the hospital to contact the person.)

3. Arrange for free counseling, testing, and treatment of the exposed employee.

4. Inform the exposed employee of the source's test results without the source individual's name, address, or other uniquely identifying information (Minn. Stat. § 144.7404).

5. Contact a City attorney to petition the court to obtain an order for testing a source individual if there is no blood available from the source individual, and the source individual refuses to have blood drawn or tested. The Division Commander will ensure that affidavits in support of the petition are sought and include information that shows:

(a) The hospital followed protocol and attempted to obtain bloodborne pathogen test results.

(b) A significant exposure occurred.

(c) A physician with specialty training in infectious diseases, including HIV, has documented that the exposed department member has provided a blood sample and consented to testing for bloodborne pathogens and that bloodborne pathogen test results on the other person are needed to determine medical treatment for the exposed department member.

6. If a blood sample is already available to the medical facility but the person did not consent to testing for bloodborne pathogens, the medical facility may proceed with testing under Minn. Stat. § 144.7406.

(b) Seek consent apart from the above statutory framework when those efforts do not result in adequate source testing. The following steps should be taken:

(a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C, and other communicable diseases the health care provider deems appropriate under the circumstances.

(b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The Division Commander should document the consent as a supplement to the Exposure Control Report.

(c) The results of the tests should be made available to the source and the exposed employee.

Since there is potential for overlap between the methods for obtaining testing, the Division Commander is responsible for coordinating the testing to prevent unnecessary or duplicate testing. Direct consent with the source person should not be sought if consent is otherwise obtained by a health or medical service provider under one of the above statutory processes. If it appears that source testing would benefit an exposed employee but that it cannot be accomplished through the above methods, the Division Commander should consult with City counsel to seek an alternate legal testing method.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Brooklyn Center Police Department facilities or vehicles.

1009.2 POLICY

The Brooklyn Center Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public.

1009.3 EMPLOYEE USE

Smoking and other use of other tobacco products is not permitted inside any City facility, office, or vehicle.

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1009.4 ADDITIONAL PROHIBITIONS

No employee shall smoke, even while out of view of the public or off-duty, in areas properly posted with “No Smoking” notices, nor shall any employee use tobacco products on public school property (Minn. Stat. § 609.681; Minn. Stat. § 144.4165). The Administration Supervisor should ensure that proper signage is in place for notice of areas where tobacco use is restricted (Minn. R. 4620.0500).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Personnel Complaints

1010.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department (Minn. R. 6700.2200).

Regardless of the source of an allegation of misconduct, all such matters will be investigated pursuant to state or local law and any applicable collective bargaining agreement. The investigation should be completed within six months of the discovery of the allegation or within a reasonable time thereafter based upon the complexity or conditions of the investigation.

The Department investigates all complaints alleging a violation of law.

Additional guidance, provisions, changes or additions may be contained in the collective bargaining agreement.

1010.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law. Misconduct allegations or complaints may be generated internally or by the public.

Inquiries about employee conduct or performance that, if true, would not qualify as a violation may be handled informally by a supervisor and shall not be considered a complaint. These may generally include clarifications regarding policy, procedures or the Department's response to specific incidents.

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of a rank greater than the accused employee or referred to the Commander of Investigations depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Commander of Investigations, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1010.1.2 DEFINITIONS

Complainant - A person claiming to be the victim or witness of misconduct by an officer.

Investigation - An administrative investigation, conducted by the Department, of alleged misconduct by an officer that could result in punitive action.

Investigator - An agent or employee of the Department who is assigned to conduct an investigation.

Punitive Action - A disciplinary suspension, indefinite suspension, demotion in rank, reprimand, termination or any combination of those actions.

Formal Statement - Means the questioning of an employee in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the employee (Minn. Stat. § 626.89 Subd. 1 (b)).

1010.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public lobby and on the Brooklyn Center Police Department website. Forms may also be available at other government offices and facilities. Personnel Complaint forms in languages other than English may also be provided as determined necessary or practicable.

Each Shift Sergeant shall be responsible for monitoring public satisfaction or inquiries regarding the personnel complaint process and shall forward to the Division Commander any suggestions for improvement or changes.

1010.2.2 SOURCE OF COMPLAINTS

Complaints will be accepted from the following:

(a) A Department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

(c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(d) A complaint received by the Minnesota POST Board alleging a violation of a statute or rule that the board is empowered to enforce (Minn. R. 6700.1600).

1010.2.3 ACCEPTANCE OF COMPLAINTS

All written complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed verbally either in person or by telephoning the Department and will be accepted by any supervisor. If a supervisor is not immediately available to take a verbal complaint, the receiving employee

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

shall obtain contact information sufficient for the supervisor to recontact the complainant. The supervisor upon recontact of the complainant shall complete and submit the personnel complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

(b) When an uninvolved supervisor or the Shift Sergeant determines that the reporting person is satisfied that his/her complaint required nothing more than an explanation regarding the proper/improper implementation of Department policy or procedure, a complaint need not be taken.

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a personnel complaint form to be completed and submitted at a later time. However, if the intoxicated person insists on filing the complaint, the complaint shall be taken and properly processed.

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1010.2.4 COMPLAINT DOCUMENTATION

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original personnel complaint.

Formal complaints of alleged misconduct not reported in person shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor shall document informal complaints as a supervisor or Shift Sergeant 24 hour summary.

1010.3 INITIAL SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct or receives a formal complaint shall take reasonable steps to prevent aggravation of the situation.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. Unless the supervisor was involved in or witnessed the alleged incident. The Chief of Police or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Shift Sergeant, Division Commander and Chief of Police are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a personnel complaint form has been completed as fully as possible. The original complaint form will then be directed to the Division Commander of the accused employee, via the chain of command, who will forward a copy of the complaint to the Chief of Police, will take any appropriate action and/or forward the complaint to the Commander of Investigations for further action.

    1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.

    2. If injuries to the complainant are part of the complainant’s allegation, immediate medical attention, if appropriate, should be provided and photographs of alleged injuries as well as accessible areas of non-injury should be taken.

    3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division Commander or the Chief of Police, who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to state and federal law.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Department of Human Resources and the Chief of Police for direction regarding his/her role in investigation and/or addressing the complaint.

1010.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may temporarily assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

1010.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) An employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, Department identification, assigned weapon(s) and any other Department equipment.

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift, generally within normal business hours, during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.

(e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander and the Chief of Police.

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his/her regularly assigned shift with all badges, identification card and other equipment returned.

1010.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this Department is accused of potential criminal conduct, a separate supervisor or assigned investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation and/or any prosecution.

The Chief of Police shall be notified as soon as practicable when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement or prosecutorial agency be conducted parallel to the administrative investigation.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian under the state and federal constitutions and the employee may not be administratively ordered to provide any information to a criminal investigator.

No information or evidence administratively compelled from an employee may be provided to a criminal investigator.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer which has not led to a conviction. However, no disciplinary action, other than paid administrative leave, shall be taken against the accused employee based solely on an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with Department policy.

1010.6 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE

Investigations of a minor nature may be assigned to the employee’s supervisor provided the supervisor was not involved as a witness or an alleged participant in the incident. Allegations that

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

are more serious will be assigned to the Commander of Investigations for investigation. Whether conducted by a supervisor or an assigned member of the Commander of Investigations, the following procedures shall be followed with regard to the accused employee(s) in compliance with the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89):

(a) The Investigator shall not be a person who is the complainant, the ultimate decision maker regarding disciplinary action, or a person who has any personal involvement regarding the alleged misconduct.

(b) Not less than five days before an investigator begins the initial interrogation, the Department must:

1. Provide the employee the name and rank of the officer in charge of the investigation and the officers who will conduct any interrogation.
2. Provide the employee the date, time and place of interrogation or hearing.
3. Provide the employee in writing a summary of alleged misconduct and a description of the nature of the investigation.
4. Provide the employee a copy of the signed complaint (Minn. Stat. § 626.89, Subd. 5).

(c) An investigator may not interrogate or take a formal statement of an employee unless the complainant verifies the complaint in writing.

(d) Interviews of accused employees shall be conducted during reasonable work hours of the employee and, if the employee is off-duty, the employee shall be compensated (Minn. Stat. § 626.89, Subd. 7).

(e) Off-duty interviews should only be conducted based on the seriousness of the investigation and other factors requiring that time is of the essence.

(f) A formal statement will be taken at the employee's usual place of work or at a place agreed upon by the accused employee. An investigator may not interview an employee at that person's home without the employee's prior permission (Minn. Stat. § 626.89, Subd. 4).

(g) No more than two interviewers should ask questions of an accused employee to prevent confusion or misunderstandings.

(h) All interviews shall be for a reasonable period or duration. The employee's personal needs shall be accommodated (Minn. Stat. § 626.89, Subd. 7).

(i) No employee shall be subjected to offensive or threatening language nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.

(j) The interviewer shall record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

recorded interview shall be provided upon request or prior to any subsequent interview (Minn. Stat. § 626.89, Subd. 8).

(k) Before a formal statement is taken, the employee shall be advised in writing or on the record that admissions made may be used as evidence of misconduct or a basis for discipline (Minn. Stat. § 626.89, Subd. 10).

(l) If the allegations involve potential criminal conduct, the employee shall be advised of his/her constitutional rights. This admonishment shall be given administratively whether the employee was advised of these rights during any separate criminal investigation.

(m) All employees whose formal statement is taken shall have the right to have a representative or attorney of his/her choosing during any interrogation (Minn. Stat. § 626.89, Subd. 9). To maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with representatives or attorneys collectively or in groups prior to being interviewed.

(n) All employees shall provide complete and truthful responses to questions posed during interviews.

(o) An employee may not be compelled nor requested to submit to a polygraph examination or be required to produce financial records (Minn. Stat. § 626.89, Subd. 11).

(p) An employee's photograph will not be released unless allowed by law (Minn. Stat. § 626.89, Subd. 12).

1010.6.1 ADMINISTRATIVE SEARCHES

An employee of this Department may be administratively ordered to submit to a blood, breath or urine test for alcohol and drugs consistent with the organization's drug and alcohol testing procedure.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

1010.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Summary Of Allegations - List the allegations separately, including applicable policy sections, with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation, and include comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos and documents) should be attached to the report.

1010.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions based on a finding of fact and considering the totality of circumstances:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve Department personnel. Additionally, complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt.

Investigations should be completed within three months of the date the Department becomes aware of the allegation. The Chief of Police may extend the period to six months if the investigation reasonably requires such an extension.

Should additional time be required, a written request should be made to the Chief of Police, generally 30 days before the end of the period, requesting an extension. A request for extension

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

should include the reason for the request and the completion date requested. Such a request must be approved by the Chief of Police or the authorized designee in writing and a copy provided to the accused employee.

If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employee need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

Upon completion, the report should be forwarded to the Chief of Police through the chain of command of the involved employee.

The Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Notice to the complaining party shall be provided as soon as practicable following final disposition and be consistent with the provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.43 Subd. 2(b)).

1010.8.1 POST ADMINISTRATIVE INVESTIGATIONS

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

1010.8.2 WITHDRAWN COMPLAINTS

If the complainant withdraws their complaint or refuses to further cooperate with the administrative investigation, then the investigation may be closed as incomplete.

If the nature of the allegations can be sufficiently determined without the assistance of the complainant, then the investigation will proceed and be completed as normal.

1010.9 CONFIDENTIALITY OF PERSONNEL FILES

All active investigations of alleged misconduct and personnel complaints shall be considered confidential and maintained separately from peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel, except pursuant to lawful process, such as Minn. R. 6700.2500. Data in closed files shall be treated as private or public data depending on whether discipline was imposed upon the employee.

All records of investigations shall be securely maintained for no less than the periods established by the organization's records retention schedule.

1010.9.1 SUSTAINED COMPLAINTS

Before being placed in the peace officer's file, the employee will have an opportunity to read and initial the comment or document. If the peace officer submits a written response, the response will be attached to the comment or document (Minn. Stat. § 626.89, Subd. 13).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

If punitive action is taken, the employee or a representative authorized by the employee may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the department that relates to the investigation, including any recordings, notes, transcripts of interviews, and documents.

Sustained complaints shall be maintained in the employee's personnel file for the prescribed period. Complaints which are unfounded, exonerated, or not sustained shall be maintained in the risk management file.

1010.9.2 REMOVAL OF COMPLAINT

Upon request, an employee may review any administrative file that does not relate to a current investigation.

If an employee identifies a complaint or allegation that should be removed from his/her personnel file because either the time period has expired or it is an improper document, the employee will write a department memorandum specifically asking for the item to be removed and the reasons for removal.

1010.10 POST INVESTIGATION PROCEDURES

1010.10.1 REPRIMANDS

Any employee wishing to formally appeal a reprimand must submit a written request to his/her Division Commander within 30 days of receipt of the reprimand or as provided for in the collective bargaining agreement. The Chief of Police will then assign the appeal to an uninvolved supervisor.

Reprimands may only be placed in an employee's personnel file after it is received by the employee (see generally Minn. Stat. § 626.89, Subd. 13).

1010.10.2 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed misconduct or personnel investigation, the Division Commander of the involved employee shall review the entire investigative file, the employee's personnel file, and any other relevant materials. The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police the Division Commander may return the entire investigation to the assigned detective or supervisor for further investigation or action.

(b) When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

1010.10.3 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

recommendations and/or may return the file to the Division Commander for further investigation or action. Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, to be imposed. In the event that disciplinary action is recommended, the Chief of Police shall provide the employee with written notice of the following information:

(a) Specific charges set forth in separate counts, describing the conduct underlying each count.

(b) A separate recommendation of proposed discipline for each charge.

(c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(d) An opportunity to respond orally or in writing to the Chief of Police within five days, or as agreed upon in the bargaining agreement, of receiving the notice.

1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

1010.11 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative and/or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses (Minn. Stat. § 626.89, Subd. 9).

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issue(s) of information raised in any subsequent materials.

(f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received concerning the recommended discipline. The Chief of Police shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief of Police has issued a written decision, the discipline shall become effective subject to the collective bargaining agreement or other rights of the employees, such as those under the Veteran's Preference Act.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file. The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

1010.13 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated for misconduct, unsatisfactory performance or the failure to meet Department standards, the employee shall have no right to appeal, except for an employee covered by the Veterans' Preference Act. A probationary employee covered by the Veterans' Preference Act is additionally entitled to written notice of the charges and the intent to terminate, suspend or demote, and his/her right to request a hearing within 60 days of receipt of the notice. Failure to request the hearing in the time specified waives the right to the hearing and all other legal remedies. Any hearing shall be held in compliance with law (Minn. Stat. § 197.46).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Seat Belts

1010.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle collision. This policy will apply to all employees operating or riding in Department vehicles or aircraft (Minn. Stat. § 169.686).

1010.1.1 DEFINITIONS

Child Passenger Safety Seat System - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards set forth in 49 CFR Part 571 (Minn. Stat. § 169.685 Subd. 5 (e)).

1010.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The employee operating such a vehicle shall ensure that all other occupants, including non-employees, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Employees must be prepared to justify any deviation from this requirement.

1010.2.1 TRANSPORTING CHILDREN

An approved child passenger safety seat system should be used for all children younger than 8 years of age and shorter than 4 feet 9 inches tall (Minn. Stat. § 169.685 Subd. 5 (b)).

However, if a child passenger restraint is not available, an officer may transport the child using the standard seat belt (Minn. Stat. § 169.685 Subd. 6 (a) (2)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child passenger safety seat system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and the child passenger safety seat system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. If this is not possible, officers should consider arranging alternative transportation.

1010.3 TRANSPORTING PRISONERS

Prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or by seat belts when a prisoner restraint system is not available. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1010.4 INOPERABLE SEAT BELTS

No Department vehicle shall be operated if the seat belt in the driver's position is inoperable. No person should be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate, or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall promptly report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1010.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Body Armor

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1011.2 POLICY

It is the policy of the Brooklyn Center Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1011.3 ISSUANCE OF BODY ARMOR

Body armor shall be issued to all officers when the officer begins service at the Brooklyn Center Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Patrol Division Commander shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1011.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative, investigative, or support capacity.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1011.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy. Officers shall report any damage or other problems to their supervisor as soon as possible.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1011.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

1011.4 RANGEMASTER RESPONSIBILITIES

The Armorer should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Personnel Files

1012.1 PURPOSE AND SCOPE

This section governs the maintenance, retention, and access to personnel data in accordance with established law. It is the policy of this department to maintain personnel data pursuant to state law.

Data practices requests shall be processed and handled in accordance with the Minnesota Government Data Practices Act (MGDPA) (Minnesota Statutes Chapter 13).

Without regard to where and how stored, all data about a current or former employee or applicant for employment shall be defined and classified as personnel data consistent with Minn. Stat. § 13.43. All data relating to a criminal investigation of a current or former employee or applicant shall be defined and classified as criminal data consistent with Minn. Stat. § 13.82.

1012.2 ADMINISTRATIVE FILE DEFINED

Administrative file - Any file of an employee containing information, comments, or documents about an employee. The term does not include any file relating to an internal investigation. An Administrative file is a personnel file.

1012.2.1 REQUIRED PERSONNEL FILE CONTENTS

Unfavorable comments or documents entered into an employee's personnel file require that the employee has the opportunity to read, initial, or comment. If the employee refuses to initial or comment, a notation is to be made upon the document. The employee may also submit a written response to the document.

(a) The personnel file should contain any letter, memorandum, or document relating to:

1. A commendation, congratulation, or honor bestowed on an employee by a member of the public or by the Department for an action, duty, or activity that relates to official duties.
2. Any misconduct by the employee if the letter, memorandum, or document is from the Department and if the misconduct resulted in disciplinary action.
3. The periodic evaluation of the officer by a supervisor.

1012.2.2 PERMITTED PERSONNEL FILE CONTENTS

The personnel file may also contain:

(a) Personal data, including dependent data, educational and employment history, and similar information.

(b) Medical history including medical leave of absence forms, fitness-for-duty examinations, workers' compensation records, medical releases, and all other records that reveal an employee's past, curren,t or anticipated future medical conditions.

(c) Election of employee benefits.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) Employee advancement or promotion.

1012.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Administrative Investigation Files - Those files that contain records relating to internal or criminal investigations of the employee.

City Personnel Files - Administrative files and other employee files maintained by the City and not under the control of the Chief of Police.

Department File - That file that is maintained in the office of the Chief of Police as a permanent record of an employee's employment with this department.

Division File - Any file that is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - A file maintained separately that exclusively contains material relating to an employee's medical history.

Supervisor Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

1012.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

All of the personnel data defined above shall be deemed private and shall not be subject to disclosure except pursuant to state and federal discovery procedures, state law, or with the employee's written consent. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney, or other attorneys or representatives of the City in connection with official business (Minn. Stat. § 13.43).

1012.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any data classified as other than public contained in any personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the divisional commander or other Department member charged with the maintenance of such records.

Upon receipt of any such request, the responsible Department member shall notify the affected employee as soon as practicable that such a request has been made.

The responsible Department member shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases this will require assistance of approved and available legal counsel.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

All requests for disclosure that result in access to an employee's personnel data shall be logged in the corresponding file and the affected employee shall be notified.

1012.5.1 RELEASE OF PRIVATE DATA

Except as provided by this policy, pursuant to lawful process, pursuant to state law or court order, no private data shall be disclosed without the written consent of the employee or written authorization of the Chief of Police designee (Minn. Stat. § 13.43).

Except as otherwise provided by law the home address and any photograph of an employee in the possession of the Department is private data (Minn. Stat. § 13.43, Subd. 2 (c)).

Any person who intentionally discloses private data may be guilty of a crime.

1012.6 EMPLOYEE ACCESS TO OWN FILE

Upon request, an employee may review all data of that employee other than data classified as confidential.

The employee or his/her authorized representative may, except as otherwise prohibited by federal or state law, review any data relating to the investigation, including any recordings, notes, transcripts of interviews, and documents, if the investigation causes the Department to impose discipline and the employee has the right to access to defend in that proceeding.

Any employee seeking the removal of any data from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such data if appropriate or within 30 days provide the employee with a written explanation why the contested data will not be removed. If the contested data is not removed, the employee's request and the organization's written response shall be retained with the contested data in the employee's personnel file. If the contested data is ultimately removed, the written responses shall also be removed (Minn. Stat. § 181.962, Subd. 1). An employee not satisfied with this resolution may seek such other remedies as are authorized by the MGDPA.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the employee.

1012.7 TYPES OF PERSONNEL FILES

The Department may maintain a personnel file on an employee for the Department's use, but the Department may not release any data contained in the Department file to any agency or person requesting data relating to an employee except as authorized or required by the MGDPA. The Department shall refer to the Chief of Police or designee any person or agency that requests personnel data.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1012.7.1 POLICE DEPARTMENTOFFICE FILE

The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained and a copy provided to the employee.

1. The employee may make a statement in writing, which shall be attached to the performance evaluation.

(b) Disciplinary action.

1. Disciplinary action resulting from sustained complaints shall be maintained in the individual employee's Department file consistent with the organization's records retention schedule.

2. Investigations of complaints that do not result in discipline shall not be placed in an employee's Department file but will be separately maintained for the appropriate retention period in the internal affairs file.

3. Data related to discipline that has been entirely overturned on appeal shall not be placed in an employee's Department file but will be separately maintained for the appropriate retention period in the internal affairs file.

(c) If a negative letter, memorandum, document, or other notation of negative impact is included in an officer's personnel file, the Department shall, within 30 days after the date of the inclusion, notify the affected officer. The officer may file a written response to the negative letter, memorandum, document, or other notation.

1. Any such employee response shall be attached to and retained with the original adverse comment.

2. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(d) Commendations shall be retained in the employee's Department file, with a copy provided to the involved employee(s).

(e) Information reflecting assignments, promotions, and other changes in the employee's employment status.

(f) A photograph of the employee.

1012.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

(a) Supervisor entries, notices to correct, and other materials intended to serve as a foundation for the completion of timely performance evaluations.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
2. Duplicate copies of items that will also be included in the employee's Department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All data practices shall apply equally to the division file.

(c) A record of a supervisory intervention procedure or a policy and procedure inquiry regarding an employee shall not be maintained except in the division file.

1012.7.3 INTERNAL AFFAIRS FILE

The Internal Affairs file shall be maintained under the exclusive control of the Commander of Investigations in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Commander of Investigations. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct regardless of disposition.

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., 10-001, 10-002) with an alphabetically arranged index cross-referenced for each involved employee.

(b) Internal investigations files shall be securely maintained for the minimum periods as identified in the Personnel Complaint and Misconduct Policy.

1012.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Sergeant or designee for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant, supervisor, or designee shall ensure that copies of such training records are placed in the employee's training file.

1012.7.5 MEDICAL FILE

A private medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including, but not limited to, the following:

(a) Materials relating to medical leaves of absence.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Documents relating to workers' compensation claims or receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.

(d) Medical release forms, doctor's slips, and attendance records that reveal an employee's medical condition.

(e) Any other documents or material that reveal the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1012.7.6 EMPLOYEE ASSISTANCE PROGRAMS
Employee assistance records must be kept separate from personnel records and shall not become part of an employee's personnel file (Minn. Stat. § 181.980, Subd. 3).

1012.8 PURGING OF FILES

Personnel data not involved in pending litigation or other ongoing legal proceedings may be purged from respective Department files once the required records retention period has been met.

(a) Divisional Commanders responsible for reviewing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a Divisional Commander determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the review of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. If in the opinion of the Chief of Police a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to records destruction requirements.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Commendations and Awards

1013.1 PURPOSE AND SCOPE

1013.1.1 RESPONSIBILITY
EMPLOYEES:

Each employee of the Department is responsible for nominating other Department employees and citizens whose meritorious action comes to their attention.

RECOGNITION COMMITTEE:

The recognition committee is responsible for reviewing all award recommendations and forwarding final recommendations to the chairperson who shall forward to the Chief.

ADMINISTRATIVE ASSISTANT:

The Administrative Assistant is responsible for placing evidence of an award in the recipient's Department personnel file.

SUPERVISORS:

Department supervisors are not precluded by this General Order from recognizing special effort by an employee. Supervisors are responsible for reporting such performance to the chairperson. In addition, supervisors are encouraged to write letters of appreciation to employees for excellent performance of regular duties.

1013.2 COMMENDATION AWARDS

Medal of Honor :

The Medal of Honor may be awarded to an employee of the Department for an act of outstanding bravery or heroism. Such an act would be characterized by courage in the face of great danger and a risk of personal injury or death. The Medal of Honor shall consist of a medal with a purple neck-ribbon and a commendation bar.

Medal of Valor :

The Medal of Valor may be awarded to an employee of the Department who, conscious of danger, intelligently distinguishes himself or herself by the performance of an act of gallantry and valor. The Medal of Valor shall consist of a medal with a red neck-ribbon and a commendation bar.

Citizen Service Medal :

The Citizen Service Medal may be awarded to a citizen who, conscious of danger, intelligently distinguishes himself/herself by the performance of an act of gallantry and valor. The Citizen

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Service Medal is a Medal of Valor that may be awarded to a citizen by the Chief. The award shall consist of a medal with a red neck ribbon.

Medal of Merit :

The Medal of Merit may be awarded to an employee of the Department for an act of excellent or outstanding self-initiated work, highly creditable unusual accomplishment, or for continuing long-term dedication and devotion to the Department or the community as a representative of the Department. The Medal of Merit shall consist of a medal with a green neck-ribbon and a commendation bar.

Merit of Achievement :

The Merit of Achievement may be awarded to an employee of the Department for outstanding performance in a particular incident, or for several acts of achievement that are beyond the normal performance required of that employee, and which reflect consistent above-average performance on the job. It is awarded for performance that exemplifies professionalism, distinguished because of attention to detail, and the special effort taken to accomplish the particular task(s). It may also be awarded for an accomplishment in the area of improved operations. The Merit of Achievement shall consist of a framed certificate and a commendation bar for sworn personnel or a lapel pin for non-sworn personnel.

Chief's Certificate of Commendation :

The Chief’s Certificate of Commendation may be awarded to an employee of the Department or a citizen for an act of achievement that is beyond the normal performance required of that employee and which reflects great credit upon the Department.

- The Chief may present a Certificate of Commendation directly to a Department employee without approval of, or review by, the recognition committee.
- Any employee of the Department may submit to the Chief for consideration the performance of any other employee of the Department. In this situation, the Chief shall review the case directly.
- Receiving the Chief’s Certificate of Commendation does not preclude eligibility of a Department employee from nomination of another type of award under the recognition program for the same incident.

The recognition committee may recommend the presentation of a Chief’s Certificate of Commendation as an award for single incidents that meet the award criteria.

- After a Department employee has received three Chief’s Certificates of Commendation initiated either by the Chief or the recognition committee in a 12-month period, he/she becomes eligible for a Merit of Achievement Award.
- The recommendation for a Merit of Achievement Award in these incidents is for acknowledgement of an individual's consistent performance beyond the normal requirements of the job.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

- At their discretion, the recognition committee may extend the 12-month time frame for any individual.
- The Chief shall acknowledge the recognition committee's recommendation of this award in his Certificate of Commendation.

Unit/Group Certificate of Commendation :

A Unit/Group Certificate of Commendation may be awarded to a specific unit or group of individuals who exemplify teamwork and achievement beyond normal performance and reflects credit upon the Department. This commendation shall consist of a certificate to each employee of the unit/ group recognizing the singular achievement or consistent above average achievement(s).

Personnel Files :

Evidence of all awards shall be placed in each recipient's Department personnel file.

1013.3 RECOGNITION RECOMMENDATION PROCEDURE

Any Department employee may nominate another employee of the Department or a citizen for an award. Recognition committee members are authorized to participate in the nomination process.

- All nominations shall be made on the two-part Award Recommendation Form. Recommendations shall include a detailed account of the acts or achievements forming the basis for the nomination. Copies of any pertinent reports or documents shall also be attached. The originating person shall retain a copy of the completed recommendation form.
- To access the Award Recommendation Form, open Microsoft Word and go to P:\FORMS \Administrative\Award Recommendation Form. All nominations shall be made on the two-part Award Recommendation Form. Recommendations shall include a detailed account of the acts or achievements forming the basis for the nomination. Copies of any pertinent reports or documents shall also be attached. The originating person shall retain a copy of the completed recommendation form.

All recommendations shall be submitted to the committee chairperson.

1013.3.1 RECOGNITION COMMITTEE MEMBERSHIP

The recognition committee shall consist of seven Department employees serving at the direction of the Chief. The committee shall be comprised of the following:

- 1 administrative staff person or designee (as chairperson)
- 1 sergeant
- 1 detective
- 2 patrol officers
- 1 dispatcher
- 1 records employee.

A community service officer may be appointed to serve a term on the committee in place of a dispatcher or records employee.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Appointment of Committee Members:

- Recognition committee members shall be appointed by the Chief upon recommendation from Department personnel.

Committee Chairperson:

- An administrative staff person, or Chief of police designee, shall serve the function of the committee chairperson. The committee chairperson shall not be a voting member, except in cases of a tie.

Committee Members Nominated for an Award:

- A committee member who has been nominated for an award may not participate in the review of his/her case.

Operating Without an Alternate:

- In cases where a committee member has been nominated for an award, or a member is unable to attend a meeting, the committee shall operate without an alternate.

Compensation for Attendance:

- All committee members shall be compensated for their attendance at committee meetings in accordance with applicable labor agreements and City policies.

1013.3.2 RECOGNITION COMMITTEE PROCEDURES

The recognition committee shall meet annually, or at the direction of the chairperson, to review all award nominations. The committee shall review each recommendation and decide what type of recognition, if any, would be appropriate. The committee shall be authorized to review all documents necessary to make an appropriate decision. If the committee needs additional information, it may return a recommendation to its originator for further documentation or seek that information on its own.

All decisions of the committee shall be made by majority vote with the chairperson casting the deciding vote in the case of a tie. The committee's findings and recommendations shall be submitted to the Chief for final approval.

With the exception of extenuating circumstances, the Chief shall concur with the recommendations made by the committee. If circumstances exist in which the Chief is unable to concur with a recommendation, the committee shall be notified of the extenuating circumstances at such time when notification would be appropriate and confidentiality would no longer be an issue.

Final approval or denial of all awards shall be made by the Chief within thirty (30) days of recommendation by the recognition committee, unless extenuating circumstances prohibit a final decision within that time frame.

<u>Recommendations Denied</u>

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

In the event that a recommendation is denied, the originating person shall receive a written document stating the reason(s) for the denial.

The individual may appeal the decision in writing to the Chief. The Chief shall reevaluate the decision, and do one of the following:

- Reaffirm the original denial, or
- Submit the appeal to the committee for reevaluation.

A denied recommendation may be resubmitted to the committee if new information arises on the incident.

The recognition committee shall keep written records of all recommendations and findings. The records shall be filed in the confidential files of the chairperson.

1013.4 PRESENTATION OF RECOGNITION AWARDS

402:51 Presentation

All Department awards shall be presented to recipients by the Chief as soon as possible and shall be honored at the annual awards ceremony.

402:52 Written Narrative

The committee chairperson and designees shall be responsible for compiling a written narrative to accompany each award describing the nature of the incident(s) for which the recognition is being given.

402:53 Awards Ceremony

All award recipients in a calendar year shall be acknowledged by the Chief in a police awards ceremony to be presented in conjunction with the Crime Prevention Program Awards Ceremony. The police awards ceremony shall be held at least annually.

1013.5 DISPLAY OF AWARDS

When to Display Medals and Ribbons

Medals shall only be used for the purpose of display and shall not be worn on the uniform. Commendation bars shall be worn on the uniform on special occasions designated by the Chief, such as ceremonies, funerals, and any others designated by the Chief of Police.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Display of Ribbon Bars

All commendation bars shall be displayed on the uniform commendation bar holder. Commendation bars shall be displayed center over the right pocket with the name tag being centered at the top of the right pocket.

Display of Ribbon Bars Optional

Officers on a daily basis may display a single commendation bar above the name tag over the right pocket. It is at the officer's discretion as to which bar will be displayed on a daily basis.

Officers to be Recognized

At the officer's annual evaluation, the officer and officer's supervisor shall complete the attached checklist to determine if the officer qualifies for any additional recognition. Upon completion of the checklist, the supervisor shall forward with the annual evaluation to the Divisional Commander for review and submission to the Chief of Police or designee.

1013.6 COMMENDATION BARS
Commendation Bars

Medal of Honor –	solid purple field
Medal of Valor –	solid red field
Medal of Merit –	solid green field
Merit of Achievement -	solid yellow field
Outside Agency Commendation -	TBD other agency (upon approval)
Purple Heart -	white field / Purple Heart / 2 purple vertical bars
Emergency Operations -	black field / 2 purple vertical bars
Field Training -	blue field / red vertical center bar in by 2 white bars
Trainer / Instructor -	half solid green / half solid yellow field
Special Assignment -	half solid blue / half solid yellow field
Detective Promotion -	solid blue field with 2 vertical white bars
Years of Service -	solid grey field with symbol to denote years
Military Service -	solid blue field with a white star
Volunteerism -	1/3 solid red / 1/3 solid white / 1/3 solid blue field

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Fitness for Duty

1014.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1014.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1014.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical, medical, or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem, and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Sergeant or the employee's available Division Commander, a determination should be made whether the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1014.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1014.5 WORK RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Sergeant or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.

(b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1014.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time, and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.

(c) To facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's private medical file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered, or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(g) If an employee is deemed unfit for duty by the Department, the employee may submit a report from the employee's personal physician, psychiatrist, psychologist, or other health care provider that will be taken into consideration.

1014.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one day (24 hour) period or
- 28 hours in any two day (48 hour) period or
- 84 hours in any seven day (168 hour) period

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime, and any other work assignments.

1014.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Meal Periods and Breaks

1015.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible shall conform to the policy governing all City employees pursuant to Minn. Stat. § 177.253, Minn. Stat. § 177.254 and Minn. R. § 5200.0120.

1015.1.1 MEAL PERIODS

Each employee who works for eight or more consecutive hours is entitled sufficient break time to eat a meal (Minn. Stat. § 177.254). Licensed employees shall remain on-duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City. No more than two patrol officers may be out on a meal period without authorization from a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

1015.1.2 10 MINUTE BREAKS

Each employee is allowed adequate time from work within each four consecutive hours of work to utilize the nearest convenient restroom (Minn. Stat. § 177.253).

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Lactation Break Policy

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1016.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act and Minnesota law, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child, pursuant to Minn. Stat. § 181.939 and 29 USC § 207.

1016.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations (Minn. Stat. § 181.939).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1016.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private (Minn. Stat. § 181.939). Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207). The area assigned for this purpose should not be used for storage of any devices, supplies, or expressed milk and should be returned to its original state after each use.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1016.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Payroll Record Procedures

1017.1 PURPOSE AND SCOPE

Payroll records are submitted to Administration on a biweekly basis for the payment of wages.

1017.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1017.1.2 TIME REQUIREMENTS

All employees are paid on a biweekly basis, usually on Friday with certain exceptions such as holidays. Payroll records shall be completed and submitted to Administration no later than 8:00 a.m. on the Monday morning immediately after the end of the pay period, unless specified otherwise.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Overtime Compensation Requests

1018.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt employees who work authorized overtime either by payment of wages as agreed and in effect through the collective bargaining agreement or by the allowance of accrual of compensatory time off. In order to qualify for either the employee must complete and submit a Request for Overtime Payment as soon as practicable after overtime is worked.

1018.1.1 DEPARTMENT POLICY

Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment. The employee may not exceed the number of hours identified in the collective bargaining agreement.

1018.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable via Workforce Director.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1018.2.1 EMPLOYEES' RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and submit them in to the Workforce Director. Employees submitting overtime requests for on-call pay when off-duty shall submit requests via Workforce Director the first day after returning to work.

1018.2.2 SUPERVISOR RESPONSIBILITIES

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1018.2.3 DIVISION COMMANDER RESPONSIBILITIES

Division Commanders, after approving the pay period time records, will then forward the records to payroll.

1018.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the collective bargaining agreement provides that a minimum number of hours will be paid.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1018.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest six minutes as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
6 minutes	.1
12 minutes	.2
18 minutes	.3
24 minutes	.4
30 minutes	.5

1018.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other employee, the approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Outside Employment

1019.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1019.1.1 DEFINITIONS

Outside Employment - The employment of any member of this department who receives wages, compensation, or other consideration of value from another employer, organization, or individual not affiliated directly with this department for services, product(s), or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s), or benefits rendered.

Outside Overtime - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1019.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an Outside Employment Application that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which it is approved. Any employee seeking to continue outside employment shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment whose request has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1019.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current collective bargaining agreement.

1019.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Revocation will be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency and the outside employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment permit(s). After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been reestablished to the minimum level of acceptable competency.

(b) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

1019.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity that:

(a) Involves the employee's use of Department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige, or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1019.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator, or other similar private security position.

Any private organization, entity, or individual seeking special services for security or traffic control from members of this department must make such request to a divisional commander in advance of the desired service. Such outside overtime will be monitored by the Patrol Commander.

(a) The applicant will be required to enter into a written indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the Department uniform/identification.
2. The officer(s) shall be subject to all the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services, outside employment, or outside overtime shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1019.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment. Employees will be compensated for all overtime worked.

1019.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

1019.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1019.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1019.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Department members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue or be suspended or revoked.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of intent to revoke the employee's permit will be forwarded to the involved employee and a copy attached to the original work permit. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending the outside employment permit while on disability status or administrative leave include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The employee's failure to make timely notice of his/her intentions to their supervisor.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) The outside employment is not compatible with the reason the employee is on administrative leave.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

On-Duty Injuries

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to the City Department of Human Resources to ensure proper medical attention is received and document the circumstances of the incident.

1020.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 176.011):

Occupational disease – A mental impairment or physical disease arising out of and in the course of employment peculiar to the occupation in which the member is engaged and due to causes in excess of the hazards ordinary of employment. The term includes diagnosis of post-traumatic stress disorder (PTSD) by a psychiatrist or psychologist; however, mental impairment is not considered a disease if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the Department.

Personal injury – Any mental impairment or physical injury arising out of and in the course of employment, including personal injury caused by occupational disease, while engaged in, on or about the premises where the member's services require the member's presence as part of that service at the time of the injury and during the hours of that service. Personal injury does not include an injury caused by the act of a third person or fellow department member who intended to injure the member because of personal reasons, and not directed against the member as a member of the Brooklyn Center Police Department, or because of the employment with the Brooklyn Center Police Department. Mental impairment is not considered a personal injury if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the Department.

1020.2 WORKERS' COMPENSATION FUND REPORTS

1020.2.1 INJURIES REQUIRING MEDICAL CARE

All work-related injuries, exposures to communicable disease, and work-related illnesses requiring medical care must be documented and also reported to the Minnesota Department of Labor and Industry (Minn. Stat. § 176.231 Subd. 1). A claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays. Records of work-related injuries and work-related illnesses shall be maintained as prescribed by Minnesota law in the City workers' compensation file.

1020.2.2 EMPLOYEE'S RESPONSIBILITIES

An employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

An employee sustaining a work-related injury or illness that requires relief from duty may be required to be examined and treated by a physician.

An employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Department policies and directives relating to the duty to periodically call in during absences in addition to the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified-duty assignment may be available at the Department. Modified-duty may be available for employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practicable to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1020.2.3 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury, illness, or accident should promptly complete a Supervisor's Accident/Incident Report form and a First Report of Injury Form/ Incident/Injury/ Illness Data Form to be forwarded to the Minnesota Department of Labor and Industry through the organization's Workman's Compensation service provider (Minn. Stat. § 176.231 Subd. 1):

(a) Within 48 hours after an occurrence that resulted in death or serious injury to an employee.

(b) Within 10 days after an occurrence that wholly or partially incapacitated an employee for more than three calendar days.

The supervisor shall provide the employee with a Workers' Compensation Information and Privacy Statement Form at the same time the employee is given a copy of the First Report of Injury Form (Minn. Stat. § 176.231, Subd. 2). The supervisor shall request that the employee review and sign the statement. The supervisor shall then complete the Minnesota Agency Claims Investigation Form.

Updated copies of forms with instructions for completion, provided by the Workers' Compensation Coordinator, shall be kept in the Shift Sergeant's office.

For work-related accidents, injuries, or illness not requiring professional medical care, a Supervisor's Report of Injury form shall be completed. The completed form shall be forwarded to the supervisor's Division Commander through the chain of command.

When an accident, injury, or illness is reported initially on the Supervisor's Report of Injury Form and the employee subsequently requires professional medical care, the State of Minnesota First Report of Injury Form and the Agency Claims Investigation Form shall be completed. The injured employee and supervisor shall sign the forms in the appropriate location.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as completed.

Any occupational injury, illness, or accident in which an employee is killed or more than three employees are hospitalized shall be reported within eight hours to the Minnesota Department of Labor and Industry (800-342-5354), or if after business hours to the federal Occupational Safety and Health Administration (800-321-6742) pursuant to 29 CFR § 1904.

1020.2.4 DIVISION COMMANDER RESPONSIBILITIES
The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken.

The Division Commander shall review and forward copies of the report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's risk management file.

All medical documents are retained by Human Resources.

1020.2.5 CHIEF OF POLICE RESPONSIBILITIES

The Division Commander shall review and forward copies of the report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's risk management file.

All medical documents are retained by Human Resources.

1020.3 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed.

1020.3.1 EMPLOYEE TO REPORT INITIAL CONTACTS
When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as practicable.

1020.3.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on-duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

who caused the accident or injury and to protect the City's right of subrogation while ensuring that the employee's rights to receive compensation for injuries are not affected.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Personal Appearance Standards

1021.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1021.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer health safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate and where the Chief of Police has granted exception.

1021.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male licensed members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female licensed members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, and worn up or in a tightly wrapped braid or ponytail.

1021.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1021.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1021.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches, and eyebrows shall not be worn, unless authorized by the Chief of Police or designee.

1021.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1021.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Earrings shall not be worn by uniformed licensed members, investigators, or special assignment personnel without permission of the Chief of Police or designee. Only one ring may be worn on each hand of the employee while on-duty.

1021.3 TATTOOS

Employees, while on-duty or representing the Department in an official capacity may have tattoos or other body art be visible so long as the tattoos or body art are not deemed to be offensive. Examples of offensive tattoos would include, but not be limited to, those that depict racial, sexual, discriminatory, gang related or obscene language

1021.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation.

(c) Abnormal shaping of the ears, eyes, nose, or teeth.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Uniform Regulations

1022.1 PURPOSE AND SCOPE

The uniform policy of the Brooklyn Center Police Department is established to ensure that uniformed officers, special assignment personnel and non- licensed employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

- Firearms
- Department Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The uniform and equipment specifications manual is maintained and periodically updated by the Chief of Police or the authorized designee. The manual, and associated procedures, should be consulted regarding authorized equipment and uniform specifications.

The Brooklyn Center Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement. The uniforms for officers of this department shall be a consistent color pursuant to Minn. Stat. § 626.88 Subd. 2.

1022.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications and procedures which are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(h) If the uniform is worn while in transit while driving a personal vehicle an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while off-duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform- unless specifically authorized by the Chief of Police or designee.

1. Wrist watch.
2. Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/ set may be worn on each hand.
3. Medical alert bracelet.

1022.2.1 DEPARTMENTOFFICE ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a concealed weapon.

(a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1022.3 UNIFORM CLASSES

1022.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, promotions, ceremonies, or as directed. The Class A uniform is required for all licensed personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie.

(b) Polished shoes.

(c) Standard dress pant (no cargo or 6-pocket pants).

The campaign hat may be worn for events held outdoors. Boots with pointed toes are not permitted.

1022.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

(b) A white, navy blue or black crew neck t-shirt must be worn with the uniform.

(c) All shirt buttons must remain buttoned except for the last button at the neck.

(d) Polished shoes.

(e) Approved all black unpolished shoes may be worn.

(f) Boots with pointed toes are not permitted.

1022.3.3 CLASS C UNIFORM
The Class C uniform may be established to allow field personnel cooler clothing during the summer months or for special duty assignments. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1022.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as EOU, Bicycle Patrol, SCU, and other specialized assignments.

1022.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1022.4 INSIGNIA AND PATCHES

(a) Shoulder patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.

(b) Service stripes and stars - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (e.g., EOU, FTO or similar) may be worn as designated by the Chief of Police.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(f) Badge - The Department-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Licensed non-uniform personnel will wear or carry their badge in a manner that it is in reasonable proximity to their firearm and able to be displayed whenever appropriate.

(g) Rank insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1022.4.1 MOURNING BADGE

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this state - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of a fallen officer.

(d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.

(e) As directed by the Chief of Police or designee.

1022.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.

(d) The following items shall not be worn on-duty:

1. T-shirt alone.
2. Open-toed sandals or thongs.
3. Swimsuit, tube tops or halter tops.
4. Spandex type pants or see-through clothing.
5. Distasteful printed slogans, buttons or pins.
6. Denim pants of any color.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

7. Shorts.
8. Sweat shirts, sweat pants or similar exercise clothing.

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to wearing such clothing.

(f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Brooklyn Center Police Department or the morale of the employees.

(g) Licensed employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1022.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Brooklyn Center Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a badge, patch or other official insignia of the Department, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Brooklyn Center Police Department to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

1022.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased at the expense of the employee.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property in the Department-Owned and Personal Property Policy.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1022.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Brooklyn Center Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Brooklyn Center Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Police Explorers

1023.1 PURPOSE AND SCOPE

Explorers work under direct supervision and perform a variety of routine and progressively advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1023.2 EDUCATION REQUIREMENTS

Explorers are required to maintain a minimum grade point average of 2.0 (“C” grade) for all courses taken. High school age students shall continue to be enrolled in high school and maintain at least a 2.0 grade point average.

1023.3 EXPLORER POST COORDINATOR

A Sergeant will serve as the Program Coordinator. The Program Coordinator will be responsible for tracking the educational and job performance of explorers, as well as making their individual assignments throughout the Department. The Program Coordinator will also monitor the training provided for all cadets and explorers and review all decisions affecting job assignments, school attendance, and performance evaluations. The tasks may be assigned to the Explorer post advisors.

1023.3.1 EXPLORER POST ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Explorer Program. These officers will serve as mentors for each explorer. Explorers will bring special requests, concerns, and suggestions to their post advisor for advice or direction before contacting the post coordinator. One advisor may be designated as the coordinator's assistant to lead scheduled meetings and training sessions involving the explorers. Multiple explorers may be assigned to each post advisor. Postadvisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the post coordinator.

1023.4 ORIENTATION AND TRAINING

Newly appointed explorers will receive an orientation of the organization and facilities before reporting to their first assignment. Training will be conducted in compliance with the Explorer Training Manual. Training sessions will be scheduled as needed to train explorers for competition, special events, and other duties. All training will focus on improving performance. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1023.5 EXPLORER UNIFORMS

Each explorer will be provided a uniform meeting the specifications described in the Uniform Manual for non-sworn employees.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1023.6 ASSIGNMENTS

In general, senior explorers will be assigned to positions requiring more technical skill or responsibility, including training newly appointed explorers or other explorers for new assignments.

1023.7 RIDE-ALONG PROCEDURES

All explorers are authorized to participate in the Ride-Along Program, provided Ride-Along standards are met, on their own time and as approved by their immediate supervisor and the appropriate Sergeant. Applicable waivers must be signed in advance of the ride-along. Explorers shall wear their uniform while participating in a ride--along.

1023.8 PERFORMANCE EVALUATIONS

Explorers will be continually evaluated by the Explorer Post Advisors and Coordinator. Any deficient performance will be addressed as soon as practical, including dismissal from the Explorer Post.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Nepotism and Conflicting Relationships

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline, and workplace safety and security.

1024.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the Department employee's annual interest, compensation, investment, or obligation is greater than $250.

Conflict of interest - Any actual, perceived, or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion, or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer, or employee vested with authority by law, rule, or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted, or step), sibling, or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

1024.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following restrictions apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever reasonably possible Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses, or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered predatory offender or who engages in intentional violations of state or federal laws.

1024.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify Dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1024.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Department Badges

1025.1 PURPOSE AND SCOPE

The Brooklyn Center Police Department badge and uniform patch as well as the likeness of these items and the name of the Brooklyn Center Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1025.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried, or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1025.2.1 FLAT BADGE

Licensed officersshall be issued a flat badge. The use of the flat badge is subject to all the same provisions of Department policy as the uniform badge.

(a) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.

(b) An honorably retired officer may keep his/her flat badge upon retirement.

(c) The purchase, carrying, or display of a flat badge is not authorized for non-licensed personnel.

1025.2.2 CIVILIAN PERSONNEL

Department identification cards issued to non- licensed personnel shall be clearly marked to reflect the position of the assigned employee (e.g. CSO's, Records staff).

(a) Non-licensed personnel shall not display any ID card except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.

(b) Non-licensed personnel shall not display any ID card or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a licensed officer.

1025.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement, employees shall receive their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1025.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case, or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all licensed employees and non-sworn uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch, and Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1025.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the express authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the Department badge for merchandise and official association business provided it is used in a clear representation of the association and not the Brooklyn Center Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the Department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Modified-Duty Assignments

1026.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, or current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1026.2 POLICY

Subject to operational considerations, the Brooklyn Center Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work while providing the Department with a productive employee during the temporary period.

1026.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Minnesota Human Rights Act (Minn. Stat. § 363A.01 et seq.) shall be treated equally without regard to any preference for a work-related injury.

No position in the Brooklyn Center Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1026.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate, with final approval of the City Manager.

1026.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1026.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified-duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified-duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1026.5.2 SUPERVISOR RESPONSIBILITIES
The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified-duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified-duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full-duty is received from the employee.

(c) Ensuring that employees returning to full-duty have completed any required training and certification.

1026.6 MEDICAL EXAMINATIONS
Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness for duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1026.7 PREGNANCY
If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1026.7.1 NOTIFICATION
Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1026.8 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1026.9 MAINTENANCE OF CERTIFICATION AND TRAINING
Employees assigned to temporary modified-duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

who are assigned to temporary modified-duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Employee Speech, Expression and Social Networking

1027.1 PURPOSE AND SCOPE

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

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1027.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1027.2 POLICY

Because public employees occupy a trusted position in the community their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Brooklyn Center Police Department will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1027.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Brooklyn Center Police Department employees such as posting personal information in a public forum can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee's family or associates or persons that this agency has had professional contact with such as crime victims or staff of

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an employee.
- Disclosing the address, telephone number or email address of an employee.
- Otherwise disclosing where another employee can be located off-duty.

1027.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the organization's safety, performance and public-trust needs the following are prohibited unless the speech is otherwise protected (for example an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Brooklyn Center Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Brooklyn Center Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Brooklyn Center Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen to jeopardize employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Brooklyn Center Police Department.

(f) Use or disclosure, through whatever means, of any not public data, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain or data classified as not public by state or federal law or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Brooklyn Center Police Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty except in the following circumstances:

1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1027.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Brooklyn Center Police Department or identify themselves in any way that could be reasonably perceived as representing the Brooklyn Center Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support, or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group) is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Brooklyn Center Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1027.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the Department e-mail system, computer network, radio or other communication system or medium or any information placed into storage on any Department system or device.

This includes records of all key strokes or web-browsing history made at any Department computer or over any Department network. The fact that access to a database, service or website requires a user name or password does not create an expectation of privacy if accessed through department computers or networks.

1027.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1027.7 TRAINING

Subject to available resources the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

POST Licensing

1028.1 PURPOSE AND SCOPE

Maintaining a valid POST license is a critical element of an officer's ability to continue their employment and is their sole professional responsibility. Every officer is required to complete the continuing education requirements to maintain a valid license every three years (Minn. R. § 6700.0900).

1028.2 RENEWAL SCHEDULE

Any officer whose license expires is not authorized to work as a peace officer until the license status is valid. Officers renew their POST licenses according to the following schedule (Minn. R. 6700.1000):

- Last name starting with A-G will renew in 2007 and every third year thereafter.
- Last name starting with H-M will renew in 2008 and every third year thereafter.
- Last name starting with N-Z will renew in 2009 and every third year thereafter.

1028.2.1 LICENSE RENEWAL CREDITS

A peace officer license may be renewed only upon the licensee or the licensee's appointing authority providing the POST board proof the licensee has successfully completed board-approved continuing education and posting of fees on or before June 30 of the year a license is due for renewal. Licensee required hours of continuing credit are (Minn. R. 6700.1000):

- 16 hours for a peace officer or a part-time peace officer who has been licensed for at least six months but less than 18 months.
- 32 hours for a peace officer or a part-time peace officer who has been licensed for at least 18 months but less than 30 months.
- 48 hours for a peace officer or a part-time peace officer who has been licensed for at least 30 months.

1028.3 LICENSE PROCESS

A general schedule for the license renewal process is:

- February - The Department or officer will receive employment verification.
- March - The Department or officers are sent a license renewal application.
- June - A final notice will be sent from POST for those who have not renewed.
- June 30 - The deadline date for license renewal after which officers whose license expires will no longer be authorized to practice law enforcement or carry a firearm.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1028.4 INACTIVE LICENSE

Officers who fail to complete the requirements will have their license placed in the “Inactive” status. The employee may then be placed in a temporary administrative assignment until their license is “Valid”. Those employees may also face administrative discipline up to and including termination.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Department Managed Social Media

1029.1 PURPOSE AND SCOPE

In an effort to enhance communication, collaboration and information exchange with the community the Brooklyn Center Police Department endorses the use of social media. The intent of this policy is not to address one particular form of social media, rather social media in general, as advances in technology will occur and new forms of social media will likely emerge

1029.2 POLICY

The Brooklyn Center Police Department recognizes that social media provides a potentially valuable means of assisting the department and its personnel in achieving its community outreach, problem-solving and crime prevention goals. This policy establishes the department's position on the use and management of social media and provides guidance on its management, administration, and oversight.

1029.3 DEFINITIONS

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions or comments. This term is short for "Web Log."

Page: The specific portion of a social media website where content is displayed and managed by and individual or individuals with administer rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site

Profile: Information that a user provides about him/herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to social networking sites such as Facebook, microblogging sites such as Twitter, and photo-and video-sharing sites such as YouTube.

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

1029.4 DEPARTMENT SITES

(a) Where possible, each social media site should include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the web site

(b) Where possible, the page(s) should link to the City of Brooklyn Center's official website

(c) Where possible, any advertisement regarding department related events should be routed through city-wide communication means prior to being displayed on police department managed social media sites.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(d) At times, names and rank of department employees may be displayed on department managed social media sites. As such, employees will be asked on an annual basis, but are not required to sign, a consent waiver authorizing the department's potential use of their name, photos or videos where the officer may be present.

1029.5 PROCEDURES

(a) All department social media sites shall first be approved by the Chief of Police and shall be administered by the Chief of Police, a divisional commander, the administrative assistant or other approved personnel.

(b) Department-based social media accounts shall be monitored for appropriate content on a daily basis.

(c) All account names on social media sites must clearly be connected to the city and approved by the Chief of Police.

(d) Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.

(e) Social media content shall adhere to applicable laws, regulations and policies, including all information technology and records management policies.

1. Content is subject to data practices laws. Relevant records retention schedules apply to social media content.

2. Content must be managed, stored and retrieved to comply with data practice and discovery laws.

(f) Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the views of the department.

1. Pages shall clearly indicate that posted comments will be monitored and the department reserves the right to remove obscenities, off-topic comments and personal attacks. Department personnel shall monitor social media sites on a regular basis to ensure that all posted content promotes constructive dialogue.

2. Pages shall clearly indicate that any comment posted or submitted for posting is subject to public disclosure

(g) Department issued technology such as cell phones and computers shall be the primary source of conducting city business on social media sites. Any use of personal technology to transmit data on social media on behalf of the city must be approved by the Chief of Police or division commander.

(h) Any personal technology used to post on department managed social media may be subject to applicable data practice laws

1029.5.1 EMPLOYEE ACCESS

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) Employees given access to social media accounts shall have usernames and passwords unique to the individual user. Employees shall not share their usernames and passwords with others. Specific usernames and passwords must also be consistent with city IT policies.

(b) Employees who discontinue their employment with the City of Brooklyn Center shall immediately have their social media access, passwords and other applicable accounts discontinued.

1029.5.2 CONDUCT BY DEPARTMENT EMPLOYEES

(a) Department personnel representing the department via social media shall do the following:

1. Conduct themselves at all times as representatives of the department and accordingly, shall act in a respectful, professional and truthful manner.

2. Identify themselves as a member of the department.

3. Corrections to posts must be made when needed.

4. Not make any comments about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, not post, transmit or otherwise disseminate confidential information, including photographs or videos without the approval of the Chief of Police or his/her designee.

5. Not conduct any political activities, personal business, support any social issue, religion or product endorsement.

(b) Employees shall observe all copyright, trademark and service mark restrictions in posting materials to electronic media.

1029.6 POTENTIAL USES

(a) Instances where department use of social media may be valuable to achieving its enhanced communication goals include, but are not limited to:

Community Outreach and Engagement

1. Providing crime prevention tips;
2. Sharing crime maps and data; and
3. Soliciting tips about unsolved crimes

Time sensitive notifications related to

4. Road closures;
5. Special events;
6. Weather emergencies; and
7. Missing or endangered persons

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Department Managed Social Media

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Line-of-Duty Deaths

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Brooklyn Center Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1030.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1030.2 POLICY

It is the policy of the Brooklyn Center Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1030.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Sergeant and Dispatch.

  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Shift Sergeant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Shift Sergeant or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1030.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, the Shift Sergeant or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Brooklyn Center Police Department members may be apprised that survivor notifications are complete.

1030.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1030.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1030.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1030.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

(g) Ensuring that department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1030.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Brooklyn Center Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1030.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department's Public Information Officer ([PIO]) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1030.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

  1. Members involved in the incident.
  2. Members who witnessed the incident.
  3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1030.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison’s responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1030.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Brooklyn Center Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1030.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease, Personal Injury and Death Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Benefits (PSOB) Programs.
2. Public Safety Officers' Educational Assistance (PSOEA) Program.
3. Social Security Administration.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Survivor benefits (Minn. Stat. § 353.657).
2. Disability survivor benefits (Minn. Stat. § 353.656).
3. Continued health insurance coverage benefit (Minn. Stat. § 299A.465).
4. Death benefit (Minn. Stat. § 299A.44).
5. Education benefit (Minn. Stat. § 299A.45).

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by Police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1030.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1030.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's [PIO] should be the department's contact point for the media. As such, the [PIO] should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the [PIO].

(c) Prepare necessary press releases.

  1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).

  2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

  1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the [PIO] should request that the media withhold the information from release until proper notification can be made to survivors. The [PIO] should ensure that media are notified when survivor notifications have been made.

1030.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

1030.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1030.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1030.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

INDEX

A

ABUSE 114
ABUSE OF AUTHORITY 10
ACCOUNTABILITY TO SUPERVISOR . . 18
ADDRESS CHANGE 154
ADMINISTRATIVE FILE
Defined. 570
ADMINISTRATIVE HEARINGS 365
ADMINISTRATIVE INVESTIGATIONS
OIS. 67
ADMINISTRATIVE LEAVE
OIS. 64
AIRCRAFT
Flying while armed. 78
AIRCRAFT CRASHES 289
ALCOHOL
Firearms. 75
ALCOHOL 539
ALCOHOL AND DRUGS 73
ALCOHOL USE 539
AMMUNITION 73
ANIMAL CONTROL PROCEDURES . . . 459
ANIMALS
Dangerous. 76
Injured. 353
Line-of-duty deaths. 639
ANTI-RETALIATION 534
APPOINTMENTS
Line-of-duty death liaisons and coordinators 631
ARREST OF TEACHER 209
ARRESTS
Consular notifications. 492
First amendment assemblies. 345
Immigrants. 284
Towed vehicles. 356
ASSET FORFEITURE 379
ATTENDANCE 154
AUDIO/VIDEO RECORDING
Body cameras. 313
Holding cells. 497
AUDIO/VIDEO RECORDINGS
OIS. 69
AUTHORITY
Law enforcement. 9
AUTOMATED LICENSE PLATE READER 321
AUXILIARY RESTRAINTS 48

B

BACKGROUNDS 522
BADGE
Mourning Badge. 605
BARRICADED SUSPECT 259
BARRICADED SUSPECTS 258
BATONS 51
BETTING 156
BIA-BASED PROFILING 238
BODY ARMOR
Suspects. 72
BODY ARMOR 568
BODY-WORN CAMERAS 313
BOMB THREATS 265
BOMBS
Chaplains. 216
BRIBE 156

C

CASH
Custody. 496
CASH AUDITS 414
CASH HANDLING
Cash Transactions. 414
CERTIFICATE MAINTENANCE 617
CHANGE OF ADDRESS 154
CHAPLAINS
Line-of-duty deaths. 638
CHIEF EXECUTIVE 11
CHILD ABUSE
Mandatory notification. 126
CHILD ABUSE
Definitions. 125
Reporting. 125
CHILD AND DEPENDENT ADULT SAFETY 219
CHILD MORTALITY REVIEW PANELS . 131
CHILD SAFETY SEAT 566
CHILDREN
Firearms. 75
Missing persons. 133
Safety. 495
CITATION RELEASES 270
CITIZEN COMPLAINTS 554
CIVIL
Liability response. 69
Warrant. 282
CIVIL COMMITMENTS 267
CIVIL DISPUTES 335
CIVILIAN/NON-SWORN

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

Crisis intervention incidents. 339
COMMAND STAFF
Line-of-duty deaths. 629
COMMUNICABLE DISEASES
Custody. 490
COMMUNICABLE DISEASES 544
Confidentiality. 550
Counseling. 550
CONDUCT
OIS. 62
CONFIDENTIAL DATA 158
CONFIDENTIAL INFORMANTS 387
Payment Procedure. 389
CONFIDENTIALITY
Custodial telephone calls. 495
CONTROL DEVICES
Custody. 496
First amendment assemblies. 344
CONTROL DEVICES 50
CORRESPONDENCE 28
COURT APPEARANCE 169
COURT ORDERED FIREARM SURRENDERS
Child Abuse. 132
Property and Evidence. 420
COURT ORDERED FIREARMS SURRENDER
Domestic Violence. 102
COURT ORDERS
Adult abuse. 117
child custody. 134
Civil disputes. 335
Surreptitious recording. 314
COURTROOM ATTIRE 172
COURTROOM PROTOCOL 172
CRIME ANALYSIS 417
CRIME AND DISASTER SCENE INTEGRITY
. 242
CRIMINAL ACTIVITY REPORTING . . . 161
CRIMINAL GANG INVESTIGATIVE DATA
SYSTEM 301
CRIMINAL INTELLIGENCE 300
CRIMINAL ORGANIZATIONS 300
CRISIS INTERVENTION INCIDENTS . . 337
CRISIS NEGOTIATION TEAM 243
CRITICAL RESPONSE UNIT 243
CUSTODIAL SEARCHES 500
CUSTOMS AND BORDER PROTECTION (CBP)
. 282

D

DAMAGE BY PERSONNEL 162
DEADLY FORCE REVIEW 44
DEATH
Native American Graves (NAGPRA). . . 231
Traffic related. 352
DEATH INVESTIGATION 185
DEATH NOTIFICATION 187
DEBRIEFING
OIS. 69
DECONTAMINATION 546
DEFECTIVE VEHICLES 408
DEFINITIONS
Policy Manual. 13
DEPARTMENT E-MAILS 28
DEPARTMENT/OFFICE-OWNED PROPERTY
. 401
Loss or damage. 402
DEPARTMENTAL DIRECTIVES 20
DEPENDENT ADULTS
Safety. 495
DEPLOYMENT 277
DISASTER PLAN 21
DISCLAIMERS
Policy Manual. 13
DISCRIMINATION 155
DISCRIMINATORY HARASSMENT
Complaints. 122
Definitions. 120
Supervisor's Role. 122
DISHONESTY 156
DISOBEDIENCE 156
DISPARAGING REMARKS 156
DISPUTED CLAIMS 429
DNA SAMPLES 211
DOMESTIC ABUSE 96
DRIVING TACTICS 85
DRUG USE 539
DUTY TO INTERCEDE 37
DUTY WEAPONS 72
DWI ENFORCEMENT 360

E

ELECTRICAL LINES 286
ELECTRONIC MAIL 26
EMERGENCY OPERATIONS PLAN 21
EMERGENCY UTILITY 286
EMPLOYEE ASSISTANCE 540
EMPLOYEE COMMENDATIONS 576
EMPLOYEE CONVICTIONS 537
EVALUATION 525
EVIDENCE
Seizing recordings. 327
Use of force. 40

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police
Department

EXAMINATIONS
Mental, Physical. 583
EXCESSIVE FORCE 156
EXPLOSIVES 263
EXPOSURE CONTROL 544
EXPOSURE CONTROL OFFICER 544
EXPOSURE(S) 257
EXTENDED ILLNESS 542
EYEWITNESS IDENTIFICATION 392

F

FAILURE TO TAKE ACTION 156
FALSIFICATION OF RECORDS 156
FIELD DETAINEES 295
FIELD INTERVIEW 295
FIELD PHOTOGRAPHS 295
FIELD SOBRIETY TESTS 360
FIELD TRAINING OFFICER 291
FIGHTING 154
FIREARM SERIAL NUMBERS 437
FIREARMS
Custody. 496
Retiree carry. 32
FIRST AMENDMENT ASSEMBLIES . . . 341
FITNESS FOR DUTY
OIS. 64
FITNESS FOR DUTY 582
FLYING WHILE ARMED 78
FOOT PURSUIT 317
FOREIGN
Nationals. 492
FOREIGN DIPLOMATIC AND CONSULAR REPRESENTIVES 272
FORMS
Firearms training. 77
Unauthorized possession of medical cannabis. 334

G

GAMBLING 156
GANGS 302
GRATUITY 156
GRIEVANCE PROCEDURE 531
GROOMING STANDARDS 600

H

HANDCUFFING AND RESTRAINTS
Custody. 496
HANDCUFFS 47
HATE CRIMES 149
HAZARDOUS MATERIAL 256
HAZARDOUS MATERIAL (HAZMAT) RESPONSE
Traffic. 352
HEARING IMPAIRED/DISABLED
Communication. 200
HELICOPTER ASSISTANCE 294
HIGH-VISIBILITY VESTS 349
HORSEPLAY 154
HOSTAGE SITUATION 260
HOSTAGES 258

I

IDENTITY THEFT 189
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) 282
IMMIGRATION VIOLATIONS 280
IMMUNITY 272
IMPAIRED DRIVING 360
INFAMOUS
disgraceful. 156
INFORMATION TECHNOLOGY USE . . . 159
INITIATE A PURSUIT 81
INJURY CLAIMS 598
INSPECTIONS
Firearms 75, 77
Holding cells. 497
INSUBORDINATION 156
INTERNET USE 159
INTERROGATIONS, RECORDING 375
INTOXICANTS 155
INVESTIGATION AND PROSECUTION . 374

J

JURISDICTION
Consular notification. 492
Missing persons. 134
OIS 61, 61
JURSIDICTION
Traffic collisions. 351
JUVENILE INFORMANTS 388
JUVENILES
Use as Informants. 388

K

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

KINETIC PROJECTILES 52

L

LAW ENFORCEMENT AUTHORITY 9
LEG IRONS 48
LEG RESTRAINTS 48
LIMITED ENGLISH PROFICIENCY
Eyewitness identification. 392
Immigration violations. 282
LIMITED ENGLISH PROFICIENCY . . . 193
LINE-OF-DUTY DEATHS 629

M

MANDATORY APPEARANCE 169
MANUALS 21
MDC 311
MEAL PERIODS AND BREAKS 585
MEDIA
First amendment assemblies. 345
OIS. 70
MEDIA REQUEST 165
MEDICAL
Adult involuntary detention. 118
Examinations – Adult abuse. 117
Releases. 41
Screening - custody adults. 494
MEGAN'S LAW
Predatory Offender. 176
MINIMUM STAFFING 29
MISAPPROPRIATION OF PROPERTY . . 156
MOBIL AUDIO/VIDEO (MAV)
OIS. 69
MOBILE DIGITAL COMPUTER 311
MOBILE VIDEO RECORDER 305
MUTUAL AID
First amendment assemblies. 343

N

NATIVE AMERICAN GRAVES (NAGPRA) 231
NEWS MEDIA RELATIONS 165
NOTIFICATION
Consular. 492
NOTIFICATIONS
Line-of-duty deaths. 630
Missing persons. 138
Traffic death. 352
Use of force. 41
NOTIFICATIONS 64
Pregnancy. 617
NUMERICAL FILING 434

O

OC SPRAY
Animals. 76
OC SPRAY 51
OFFICER SAFETY
Firearm confiscation. 63
Immigration violations. 282
LEOSA. 32
Vehicle towing. 357
OFFICER-INVOLVED SHOOTING (OIS) . . 61
OLEORESIN CAPSICUM 51
ON-DUTY INJURIES 596
ORGANIZATIONAL STRUCTURE 17
OUTSIDE AGENCY ASSISTANCE 174
OUTSIDE EMPLOYMENT 591
Change in Status. 594
Obtaining Approval. 591
Prohibited Outside Employment. . . . 592
Security Employment. 593
OVERTIME PAYMENT 589

P

PAT-DOWN SEARCH 295
PATROL FUNCTION 236
PEPPER SPRAY 51
PERSONAL APPEARANCE 600
PERSONAL PROPERTY 401
Loss or damage. 402
PERSONNEL COMPLAINTS
Acceptance. 555
PERSONNEL COMPLAINTS
Administrative Searches. 560
Disposition. 561
Documentation. 556
PERSONNEL FILES 570
Purging Of Files. 575
Requests For Disclosure. 571
Types Of Personnel Files. 572
PERSONNEL RECORDS 444
PHOTOGRAPHS
First amendment assemblies. 341
PHYSICAL CONDITION 158
PLASTIC CUFFS 47
POLICE CADETS 608
Program Advisors. 608

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

POLICY MANUAL 13
POLICY REVISIONS 15
PREGNANCY
Custody 490, 496
PREGNANCY 617
PRESS INFORMATION OFFICER 290
PRIVACY EXPECTATIONS
Audio/video recordings. 313
PRIVATE PERSONS ARRESTS 191
PROMOTIONAL PROCESS 529
PROPERTY PROCEDURES 418
Controlled Substances. 419
Disputed Claims. 429
Packaging Of Property. 425
Property Booking. 419
Property Handling. 418
Property Release. 428
PROTECTED INFORMATION 451
PROTECTED INFORMATION 451
PROTECTIVE CUSTODY
Dependent adults. 117
PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY 326
PURSUIT INTERVENTION 88
PURSUIT POLICY 80

R

RACIAL-BASED PROFILING 238
RANGEMASTER
Qualifications. 76
RAPID DEPLOYMENT TEAM 277
REASONABLE FORCE 38
REASONABLE SUSPICION 295
RECORDS BUREAU
Impaired driving. 365
Missing persons. 137
RECORDS RELEASE
Adult abuse. 118
RECRUITMENT AND SELECTION . . . 516
REFLECTORIZED VESTS 349
RELEASE OF RECORDS AND INFORMATION
Arrest Reports. 442
Personnel Records. 444
Processing Requests. 439
RELIEVE FROM 44
RELIGION
NAGPRA. 231
RELIGIOUS
Accommodations in custody. 494
REPORT CORRECTIONS 163
REPORT PREPARATION 161
REPORTING CONVICTIONS 537
Family Violence. 537
REPORTING LAW ENFORCEMENT ACTIVITY 279
RESPONSE TO CALLS 93
RESTRAINTS 46
RESTRICTED INFORMATION 167
RETALIATION 121
REVIEW BOARD 44
REVIEWS
Use of force - annual. 43
RIDE-ALONG
Eligibility. 253
ROLL CALL TRAINING 241

S

SAFE HAVEN 128
SAFE PLACE 128
SAFETY
Firearms. 74
SCHOOL EMPLOYEE REPORTING . . . 209
SCRAP METAL THEFT INVESTIGATION . 398
SCRAP METAL THEFT INVESTIGATION . 376
SEARCH AND SEIZURE 103
SEARCHES 500
SEARCHING
Dead Bodies. 186
SEAT BELT PROCEDURE 566
SECURITY EMPLOYMENT 593
SEXUAL CRIME 377
SHIFT SERGEANTS 304
SHOOTING AT VEHICLES 40
SICK LEAVE 542
SMOKING POLICY 553
SPIT HOODS 47
STANDARDS OF CONDUCT 152
STANDBY 169
STRIP SEARCHES 502
SUBPOENA DUCES TECUM 445
SUBPOENAS 171
SUBPOENAS 169
Acceptance. 170
Failure To Appear. 171
SUPERVISION DEPLOYMENTS 29
SUPERVISION STAFFING LEVELS 29
SUPPORT SERVICES 434
SWEEPS 280

T

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police Department

TASER 55
TASER (TM) DEVICE 55
TATTOOS 601
TEAR GAS 51
TECHNOLOGY USE 159
TEMPORARY CUSTODY OF ADULTS . . 490
TEMPORARY MODIFIED-DUTY
ASSIGNMENTS 615
THEFT 156
TIME CARD 588
TIME CARDS 588
TRAFFIC
Collisions. 351
Enforcement. 348
TRAFFIC CITATIONS 348
TRAFFIC FUNCTION 348
TRAFFIC OFFICER 348
TRAFFIC SIGNAL 286
TRAINING
Control devices. 53
Custody. 499
Firearms. 76
First amendment assemblies. 346
Immigration. 283
Use of force. 42
TRAINING
Anti-Retaliation. 536
Criminal Organizations. 303
SWAT. 246
TRAINING PLAN 22
TRAINING POLICY 22
TRAINING,
Searches. 504
TRANSFER PROCESS 529
TRANSPORTING PRISONERS 566

U

U VISA AND T VISA 283
UNIFORM REGULATIONS 602
UNITY OF COMMAND 18
UNLAWFUL ASSEMBLY 344
URINE SAMPLE 361
USE OF FORCE 37
First amendment assemblies. 344
UTILITY SERVICE 286

V

VEHICLE MAINTENANCE 408
VEHICLES
Inventory. 357
Towing. 355
VICTIM ASSISTANCE 147
VICTIM RIGHTS 377
VIDEO RECORDINGS
First amendment assemblies. 341

W

WARNINGS
Shots. 76
WASHING OF VEHICLES 409
WATER LINES 286
WHISTLE-BLOWING 536
WORKERS' COMPENSATION 596

Copyright Lexipol, LLC 2016/11/15, All Rights Reserved.
Published with permission by Brooklyn Center Police
Department