

Olmsted County

Olmsted County SO Policy Manual

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.

MISSION STATEMENT AND RELATED VALUES

Mission Statement

The mission of every member of the Olmsted County Sheriff's Office is to be dedicated to providing quality services that promote and protect the well-being, safety, and security of all people in our community.

Related values

To accomplish our mission we will:

- Respect the integrity and dignity of all individuals
- Demonstrate the highest standards of personal integrity and a commitment to excellence
- Be proactive and innovative problem solvers - Encourage our staff to volunteer in our community and seek volunteers to work with us
- Commit to open communications and partnerships with the members of our community
- Endeavor to provide fiscally responsible public safety services
- Attract, develop, motivate, and empower people who demonstrate professional competence, conduct, and courage
- Build and enhance relationships with other law enforcement and community-based agencies and organizations

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Olmsted County to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

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

100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE OLMSTED COUNTY

Arrest authority of a full-time deputy or part-time deputy extends to any place within the jurisdiction of the office 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 deputy's presence.
- (d) The person is being arrested for a non-felony crime that was not attempted or committed in the deputy'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 GRANTING AUTHORITY TO OTHERS

A deputy 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 as applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state. Peace officer powers may also be extended when an on-duty officer enters Minnesota in fresh pursuit of a misdemeanor or infraction subject, or at any time when in fresh pursuit of a felony subject (Minn. Stat. § 626.65 and Minn. Stat. § 626.71).

Peace officers from another state may possess and exercise peace officer powers in Minnesota if acting consistent with a joint powers agreement or mutual aid agreement consistent with Minn. Stat. § 471.59 Subd. 12 or transporting a prisoner as authorized by Minn. Stat. § 626.72. In addition, federal peace officers and peace officers from states adjoining Minnesota have full arrest powers if all of the following conditions are met (Minn. Stat. § 626.77):

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- (a) The officer is on-duty and acting on a request of a Minnesota peace officer.
- (b) The officer is acting under the direction of a Minnesota peace officer.
- (c) The officer is acting in accordance with the rules and regulations of his/her own agency.
- (d) If an arrest is made, the officer surrenders custody of the arrestee to a Minnesota peace officer.

100.4 POLICY

It is the policy of the Olmsted County to limit its members to only exercise the authority granted to them by law.

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

Chief Law Enforcement Officer (CLEO)

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

101.1.2 SHERIFF REQUIREMENTS

Any person who files as a candidate for sheriff must be licensed as a peace officer in this state. Any person who is appointed to the office of sheriff must be licensed as a peace officer in this state before entering upon the duties of the office (Minn. Stat. § 387.01).

Prior to performing duties, a sheriff shall give bond to the state as prescribed by Minnesota law.

Oath of Office

102.1 POLICY

It is the policy of the Olmsted County that, when appropriate, office members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Office and the dedication of its members to their duties (Minn. Stat. § 358.05).

102.2 PURPOSE AND SCOPE

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

102.3 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 that I will support the Constitution of the United States and the Constitution of the State of Minnesota, and that I will faithfully discharge the duties of (applicable position or office) within and for the (name of political entity) and State according to the best of my judgment and ability, so help me God.

102.4 MAINTENANCE OF RECORDS

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

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Olmsted County 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 office. 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 office 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 Olmsted County and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for office administrative action, training or discipline. The Olmsted County reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Sheriff 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 Sheriff or the authorized designee is authorized to issue Interim Directives, which shall modify those provisions of the manual to which they pertain. Interim Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

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.

Child- Any person under the age of 18 years.

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Command Staff - Promoted persons promoted, appointed or elected to the rank of Captain or above.

County - The County of Olmsted.

Civilian - Employees and volunteers who are not licensed peace officers.

Office/OCSO - The Olmsted County.

DPS- The Minnesota Department of Public Safety.

DVS- The Minnesota Department of Driver and Vehicle Services.

Employee/personnel - Any person employed by the Office.

Manual - The Olmsted County Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Olmsted County including:

- Full- and part-time employees
- Licensed peace officers
- Reserve, auxiliary deputies
- Civilian employees
- Volunteers.

Deputy - Those employees, regardless of rank, who are licensed peace officer employees of the Olmsted County.

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 Office 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 a deputy.

Shall or will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other office members, directing the work of other members or having the authority to adjust grievances. The supervisory

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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., deputy-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 office member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

USC- United States Code.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the office network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff 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 Interim 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 Sheriff 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 Captain will ensure that members under his/her command are aware of any Policy Manual revision.

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

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Olmsted County Sheriff's Office 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

- Administration Division
- Administrative Services
- Patrol Division
- Investigations Division
- Civil/Warrants, Court Security and Transport Division
- Training Division and
- Emergency Management
- SE MN Violent Crime Enforcement Team

200.2.1 PATROL DIVISION

The Patrol Division is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of Uniformed Patrol Deputies and Fleet Management.

200.2.2 INVESTIGATIONS DIVISION

The Investigations Division is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the Investigations Division. The Investigations Division consists of Criminal and Welfare Fraud Investigations.

200.2.3 CIVIL/WARRANTS, COURT SECURITY AND TRANSPORT DIVISION (C/W CST)

The CIVIL/WARRANTS, COURT SECURITY AND TRANSPORT DIVISION, herein known as the C/W CST Division is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the C/W CST Division. The C/W CST Division consists of Civil Process, Warrants and Court Security and Transports.

200.2.4 TRAINING DIVISION

The Training Division is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the Training Division. The Training Division consists of Training and Crime Prevention.

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Organizational Structure and Responsibility

200.2.5 SOUTHEAST MN VIOLENT CRIMES ENFORCEMENT TEAM

The Southeast MN Violent Crimes Enforcement Team Division is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the SEMNVCET (Southeast MN Violent Crimes Enforcement Team). The SEMNVCET Division consists of a Violent Crimes Enforcement Team encompassing Olmsted, Winona, Goodhue, Dodge, Mower, Fillmore, Houston, Wabasha County Sheriff's Offices, Winona, Red Wing, Kasson, and Austin Police Departments.

200.2.6 EMERGENCY MANAGEMENT DIVISION

The Emergency Management (EM) Division is commanded by a Captain also identified as the Olmsted County Director of EM. The Director is supported by a Sergeant also identified as the Deputy Director of EM and an Office Manager. All personnel are certified Minnesota and FEMA Emergency Managers. The EM Division maintains the Olmsted County Emergency Operations Plan, coordinates training for and collaborates with Emergency Management Directors and Coordinators in the cities located in Olmsted County; Rochester, Pine Island, Byron, Eyota, Dover, Stewartville and Chatfield as well as the Olmsted County Township Association. The Division also monitors, coordinates and maintains the Severe Weather Warning System for Olmsted County and the listed cities by coordinating with the National Weather Service, LaCrosse office.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Office. During planned absences the Chief Deputy shall act with the authority of the Sheriff. For circumstances in which the Sheriff and Chief Deputy are absent, the Sheriff or Chief Deputy will designate a Captain to serve as the acting commander of the Sheriff's Office.

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

- (a) Chief Deputy
- (b) Most-Senior Law Enforcement Captain present

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, ERU), 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.

Organizational Structure and Responsibility

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

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

Interim Directive and Special Orders

201.1 PURPOSE AND SCOPE

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

201.1.1 INTERIM DIRECTIVES PROTOCOL

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

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

Any Interim 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 Interim 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 Interim Directive.

201.2.2 SHERIFF

The Sheriff or designee shall issue all Interim Directives and Special Orders.

201.3 ACCEPTANCE OF INTERIM DIRECTIVES AND SPECIAL ORDERS

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

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

Disaster Plan

202.1 PURPOSE AND SCOPE

The County 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 Sheriff's Office, the Sheriff, 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 Olmsted County are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff 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 Emergency Operations Plan is located in the Operations Center and is maintained in accordance with state regulations. The Sheriff's EM division is responsible for its oversight.

202.4 PLAN REVIEW

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

Training

203.1 PURPOSE AND SCOPE

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

203.2 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 office members.
- (c) Provide for continued professional development of office members.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

203.3 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

203.3.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

- (a) Federally mandated training:
 1. National Incident Management System (NIMS) training
- (b) State-mandated training:
 1. State training requirements include but are not limited to 48 hours of POST-approved law enforcement related courses every three years.

203.3.2 TRAINING RESTRICTION

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

203.4 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Olmsted County Policy Manual and other important topics. Generally, one training

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bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Sergeant.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Training Sergeant. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members 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 Office.

Members 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. Members should not allow uncompleted DTBs to build up over time, and 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-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

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

203.5 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).

203.6 POLICY

The Office shall administer a training program that will meet the standards of federal, state, local, and POST training requirements. It is a priority of this office to provide continuing education and training for the professional growth and development of its members.

203.7 TRAINING SERGEANT

The Sheriff shall designate a Training Sergeant who is responsible for developing, reviewing, updating, and maintaining the office training plan so that required training is completed. The Training Sergeant should review the training plan annually.

203.7.1 TRAINING SERGEANT RESPONSIBILITIES

The Training Sergeant shall ensure that all sworn members annually review the office policies identified in Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

203.8 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.

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4. Physical limitations preventing the member's participation.
 5. Emergency situations or office necessity.
- (b) Any member who is unable to attend training as scheduled shall notify the member's supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
1. Document the member's absence in a memorandum to the member's supervisor.
 2. Make arrangements through the member's supervisor or the Training Sergeant to attend the required training on an alternate date.

203.9 TRAINING RECORDS

The Training Sergeant is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

203.10 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. Deputies are responsible for responding to these requests in a timely manner and otherwise maintaining their licensed status.

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 Office. 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 Office.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including attachments, transmitted over the Office computer network or accessed through a web browser accessing the Office system are considered Office records and, therefore, are the property of the Office. The Office 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 Office. 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 Office email system shall have no expectation of privacy concerning communications utilizing the system.

204.3 PROHIBITED USE OF EMAIL

The Office email system shall not be used for personal purposes unless that use is authorized in writing by the Sheriff.

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

Email messages addressed to the entire office are only to be used for official business-related items that are of particular interest to all users and must be approved by the Sheriff or their designee. Personal advertisements or announcements are not permitted.

It is a violation of this policy to transmit a message under another user's name or email address or to use the password of another to log onto the system. Users are required to log off the network or lock the workstation when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password.

Electronic Mail

204.4 EMAIL RECORD MANAGEMENT

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

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

Supervision Staffing Levels

205.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Office 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 Office.

205.2 MINIMUM STAFFING LEVELS

Platoons A, B, C, D, E & F:

Day Shift (0600-1800) Sgt or Corporal plus 3 regular deputies on duty in the county at all times.

Night Shift (1800-0600) Sgt or Corporal plus 3 regular deputies on duty in the county at all times.

Power Shifts - Only one deputy allowed off per Power Shift without prior approval of the Patrol Captain.

Special Assignment Deputies are not considered in minimum staff numbers.

There must be prior approval from the Patrol Captain or Chief Deputy for both the Sgt and ADS to be off at the same time.

Exceptions will be made at the discretion of the Patrol Captain or Chief Deputy.

205.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a deputy may be used as an acting duty sergeant in place of a duty sergeant.

With prior authorization from the Patrol Captain, a deputy may serve as the acting duty sergeant for a limited period of time, consistent with the terms of applicable collective bargaining agreements.

Permit to Carry a Pistol

206.1 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. This policy will provide a written process for the application and issuance of such permits.

206.2 QUALIFIED APPLICANTS

To apply for a permit to carry a firearm, the applicant must meet the following requirements (Minn. Stat. § 624.714 Subd. 2):

- (a) Be a citizen or a permanent resident of the United States.
- (b) Must be a Minnesota resident of the county in which the permit is requested. Non-Minnesota residents may apply to any Minnesota county sheriff.
- (c) Be at least 21 years of age.
- (d) Submit a fully completed permit application form.
- (e) Must not be prohibited from possessing a firearm under Minn. Stat. § 518B.01 Subd. 14, Minn. Stat. § 609.224 Subd. 3, Minn. Stat. § 609.2242 Subd. 3, Minn. Stat. § 609.749 Subd. 8, Minn. Stat. § 624.713, Minn. Stat. § 624.719 Minn. Stat. § 629.715, Subd. 2; or Minn. Stat. § 629.72 Subd. 2.
- (f) Present a photocopy of a driver's license, state identification card or the photo page of a passport.
- (g) Provide a certificate of completed authorized firearms training, conducted by a certified instructor, within one year of the original or renewal application.
- (h) Be free from any federal law prohibiting the applicant from possessing or owning a firearm.
- (i) Not be listed in the criminal gang investigative data system.
- (j) Pay the required processing fee.

206.3 APPLICATION PROCESS

Application forms shall be furnished by the Office upon request or available on the Internet (Minn. Stat. § 624.714 Subd. 3). The application must be submitted in person. Upon receipt of an application for a permit and any required fee, the Office must provide a signed receipt indicating the date of submission.

An investigation of the applicant to determine if he/she is eligible shall be conducted (Minn. Stat. § 624.714 Subd. 4). The Sheriff shall notify the Chief of Police, if any, of the municipality where the applicant resides.

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The applicant will be notified within 30 days of the application whether the permit is issued or denied (Minn. Stat. § 624.714 Subd. 6). Failure to notify the applicant of a denial within the 30 days shall constitute issuance of the permit to carry.

The permit shall be issued to the applicant unless a substantial likelihood exists that he/she is a danger to themselves or the public, he/she is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit. Upon issuing a permit the Office shall provide a laminated permit card to the applicant by first class mail or personal delivery and submit the information to the Commissioner of Public Safety within five business days.

If the application is denied, the Office shall send the applicant written notification justifying the denial, which includes the source of the justification. The Office shall inform the applicant of his/her right to submit additional documentation in support of the application and the right to seek judicial review.

An applicant whose application for a permit is denied may seek judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.714 Subd. 12).

206.3.1 ADDITIONAL STATE REQUIREMENTS

An applicant should not be denied a permit based solely on the applicant's participation in the medical cannabis registry program or if the applicant is of legal age and uses adult-use cannabis or other legal cannabis-related products (Minn. Stat. § 624.7152).

206.4 EMERGENCY PERMIT

A Sheriff may issue an emergency permit valid for 30 days if a determination is made that the person is in an emergency situation that may constitute an immediate risk to the safety of the person or to someone residing in the person's household (Minn. Stat. § 624.714 Subd. 11a).

206.5 SUSPENDING APPLICATION OR PERMIT

An application or permit to carry a pistol may be suspended by a district court as a condition of release following arrest for a crime against a person, and the issuing Sheriff will be notified (Minn. Stat. § 624.714 Subd. 12a).

206.6 VOIDING OR REVOKING PERMIT

The permit to carry becomes void if the holder becomes prohibited by law from possessing a firearm. If the Sheriff has knowledge that a permit is void, the Sheriff must give notice to the permit holder in writing (Minn. Stat. § 624.714 Subd. 8). When a permit holder is convicted of an offense that prohibits the person from possession of a firearm, the court must take possession of the permit if it is available and deliver it to the Sheriff.

The Sheriff may file a petition with the district court for an order to revoke the permit on the grounds that there is a substantial likelihood that the person is a danger to him/herself or to the public if he/she is authorized to carry a pistol under permit. The court shall issue an order revoking the permit if the Sheriff proves such danger by clear and convincing evidence.

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A permit holder whose permit was revoked may seek a judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.714 Subd. 12).

206.7 APPLICATION FOR RENEWAL

If a permittee wishes to renew the pistol permit, the permit may be renewed no earlier than 90 days prior to the expiration date in the same manner and under the same criteria the original permit was obtained (Minn. Stat. § 624.714 Subd. 7). The Sheriff shall issue a renewal if all statutory provisions are met.

The permittee must successfully retake an approved firearms course within one year of applying for the renewal permit (Minn. Stat. § 624.714 Subd. 2a).

206.8 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, or an intoxicating substance that the person has reason to know could cause impairment (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).

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- (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).

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

206.9 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 Sheriff 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)

Retired Deputy Concealed Firearm Permit

207.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation and denial of a concealed firearm permit (CFP) for retired deputies of this office.

207.2 FIREARM PERMIT

A retired employee of this office may only carry a firearm if granted a permit to do so as specified in Minn. Stat. § 624.714 and associated statutes.

207.3 FEDERAL AUTHORIZATION

Retired deputies of this office, qualified pursuant to 18 USC § 926C, may be authorized to carry a concealed firearm in Minnesota and other states. Such authorization requires that retired deputies comply with each element of 18 USC § 926C. These elements include carrying photographic identification issued by the Office and certification from the Office or the State that the retiree has been tested and certified within the past year to meet the training and qualification standards for active law enforcement officers of the Office or the standards established by the State of Minnesota.

It is the responsibility of the retired deputy to obtain certification and documentation necessary for federal authorization and to comply with all concealed carry requirements if such authorization is desired.

Handgun Purchase and Transfer Permit

208.1 PURPOSE AND SCOPE

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

208.2 APPLICATION PROCESS

To apply for a permit to purchase or transfer a pistol, the applicant must complete and submit a signed and dated Minnesota Uniform Firearm Application and Receipt to the Office (Minn. Stat. § 624.7131, Subd. 1). These forms shall be freely available to members of the community at locations determined by the Sheriff. 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 Office shall provide the applicant a dated receipt upon the presentation of the application (Minn. Stat. § 624.7131, Subd. 1).

208.3 INVESTIGATION

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

- (a) A check of criminal histories, records, and warrants regarding the applicant through Minnesota crime information systems, the national criminal record repository, and the National Instant Criminal Background Check System.
- (b) A reasonable effort to check other available state and local record-keeping systems.
- (c) A check for any commitment history through the Minnesota Department of Human Services of the applicant.

208.4 GROUNDS FOR DISQUALIFICATION

The Sheriff shall deny a permit to an applicant when the applicant is prohibited by state or federal law from possessing a pistol or semiautomatic military-style assault weapon, determined to be a danger to themselves or the public when in possession of a firearm, or listed in the criminal gang investigative data system (Minn. Stat. § 624.7131, Subd. 4).

208.5 GRANTING OR DENIAL OF PERMIT

The Sheriff shall issue a transferee permit or deny the application within 30 days of application for the permit. The permits and their renewal shall be granted free of charge (Minn. Stat. § 624.7131, Subd. 5).

The Sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial (Minn. Stat. § 624.7131, Subd. 5).

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When the refusal to grant a permit is due to a substantial likelihood that the applicant is a danger to themselves or the public when in possession of a firearm, the written notification shall provide the specific factual basis justifying the denial, including the source, and inform the applicant that they may submit additional documentation within 20 business days (Minn. Stat. § 624.7131, Subd. 4).

Upon receipt of additional documentation, the Sheriff shall reconsider the denial and inform the applicant within 15 business days of the result of the reconsideration. A notice of denial after reconsideration must be in the same form and substance as the original denial, specifically address any continued deficiencies, and inform the applicant of the right to judicial review of the denial (Minn. Stat. § 624.7131, Subd. 4).

A permit holder whose permit was denied may seek a judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.7131, Subd. 8).

208.6 VOIDING OR REVOKING PERMIT

The permit becomes void at the time that the holder becomes prohibited from possessing or receiving a pistol under Minn. Stat. § 624.713, in which event the holder is required to return the permit within five days to the Office.

The Sheriff shall revoke a permit once they become aware the permit holder is ineligible to possess firearms and shall provide the holder with written notice (Minn. Stat. § 624.7131, Subd. 7).

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Bodily harm - Physical pain or injury.

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or great bodily harm.

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

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

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

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

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. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies 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.

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The Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies 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 AND REPORT

Any deputy present and observing another law enforcement officer or a member 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 (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

300.2.2 ADDITIONAL REQUIREMENTS

A deputy reporting a use of force by another law enforcement officer or member using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances, pursuant to this policy, shall also make the report in writing to the Sheriff within 24 hours (Minn. Stat. § 626.8475).

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy 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 deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies 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 deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Office. Deputies 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 a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

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300.3.1 USE OF FORCE TO EFFECT AN ARREST

A deputy 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.

A deputy 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 deputy 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 a deputy 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 deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with deputy commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness (Minn. Stat. § 626.8452).
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the deputy.
- (l) Potential for injury to deputies, suspects, and others.

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- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed office-approved training. Deputies 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 individual can comply with the direction or orders of the deputy.
- (c) Whether the individual has been given sufficient opportunity to comply.

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

300.3.4 CAROTID CONTROL HOLD

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

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.

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- (d) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy in any related reports.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies 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. Deputies are encouraged to use techniques and methods taught by the Olmsted County for this specific purpose.

300.3.6 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

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

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

300.4 DEADLY FORCE APPLICATIONS

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

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

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

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

- Can be articulated with specificity.
- Is reasonably likely to occur absent action by the deputy.
- Must be addressed through the use of deadly force without unreasonable delay.

However, a deputy shall not use deadly force against a person whose actions are a threat solely to themselves or property unless the person poses an imminent danger of death or serious physical injury to the deputy or others in close proximity (Minn. Stat. § 609.066).

300.4.1 MOVING VEHICLES

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

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

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

Deputies 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 office shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Office may require the completion of additional report forms, as specified in office policy, procedure or law.

300.5.1 NOTIFICATIONS 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 deputy 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 the conducted energy 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.

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- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 STATE REPORTING REQUIREMENTS

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

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

300.6 MEDICAL CONSIDERATIONS

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

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy 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 deputy 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 deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

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:

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- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. The fact that a recorded interview was conducted should be documented in a report and the recording should be retained until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.
- (i) Supervisor shall request medical release be signed by injured party. If injured party is a juvenile, the guardian will be asked to sign the medical release.

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.

300.8 TRAINING

Deputies shall receive training on this policy, including the learning objectives as provided by the Board of Peace Officer Standards and Training (POST), and demonstrate their knowledge and understanding at least annually (Minn. Stat. § 626.8452, Subd. 3).

Subject to available resources, deputies should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.8.1 STATE-SPECIFIC TRAINING REQUIREMENTS

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

300.8.2 TRAINING REQUIREMENTS

Required annual training shall include:

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

300.9 POLICY REVIEW

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

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Olmsted County 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 Olmsted County 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 office 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 Sheriff may exercise discretion and choose not to place an employee in an administrative assignment in any case.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in great bodily harm or death to another.

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

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

The Chief Deputy will convene the Use of Force Review Board as necessary. It will be the responsibility of the Captain or supervisor of the involved employee to notify the Chief Deputy of any incidents requiring board review. The involved employee's Captain or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

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

- Representatives of each division
- Commanding officer in the involved member's chain of command
- Training Sergeant

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- Non-administrative supervisor
- A peer deputy
- A sworn peace officer from an outside law enforcement agency
- Office instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

- (a) The employee's actions were within office policy and procedure.
- (b) The employee's actions were in violation of office policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Sheriff.

The Sheriff 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 Sheriff's final findings will be forwarded to

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the involved employee's Captain for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated. Final determination will be made within 90 days of completion of the criminal investigation.

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

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 Olmsted County authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and office 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 Olmsted County-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, deputies 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 deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 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 deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

302.4 HANDCUFFS OR PLASTIC CUFFS

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

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When transporting arrestees/detainees, they must be searched. It is recommended that they be handcuffed and handcuffed behind the back unless medical or physical conditions that prevent otherwise. 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, deputies 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 deputy 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.

Deputies 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. Deputies should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Deputies should avoid comingling individuals wearing spit hoods with other detainees.

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

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

302.6 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 office shall be used.

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

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

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- (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 deputy while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

302.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, deputies 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 deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The deputy 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 a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.7 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the deputy 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 deputy 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.

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 Olmsted County authorizes deputies 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 office only if the device has been issued by the Office or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed office-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, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

303.4 RESPONSIBILITIES

303.4.1 TRAINING SERGEANT RESPONSIBILITIES

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

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

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

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 Training Sergeant for disposition. A supervisor shall be informed in writing of damage to County property.

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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 deputy reasonably believes the use of deadly force is appropriate. See the Use of Force Policy for additional guidance.

When carrying a baton, uniformed personnel should 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 CHEMICAL MUNITIONS GUIDELINES

Chemical munitions may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Patrol Captain, Incident Commander or Emergency Response Unit Commander may authorize the delivery and use of chemical munitions, 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 chemical munitions to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.7.1 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel deploying a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

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

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the

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appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

303.7.2 TREATMENT FOR CHEMICAL EXPOSURE

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

303.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies 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 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 office 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 office-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.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies 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 deputies.
- (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 deputy should consider such factors as:

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- (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 deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies 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 deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy 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.

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

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. Deputies 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 deputy's training file.

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- (c) Deputies 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 a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

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.

Conducted Energy Device

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING CEDS

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

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

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

Deputies shall only use the CED and cartridges/magazines that have been issued by the Office. Cartridges/magazines should not be used after the manufacturer's expiration date.

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

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

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, deputies should carry an additional cartridge on their person when carrying the CED.
- (c) Deputies should not hold a firearm and the CED at the same time.

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

304.3.1 USER RESPONSIBILITIES

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

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

Conducted Energy Device

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of deputies 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 deputies and individuals with a warning that the CED may be deployed.

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

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

304.5 USE OF THE CED

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

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

304.5.1 APPLICATION OF THE CED

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

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, themselves, or others.

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.

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- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

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

304.5.3 TARGETING CONSIDERATIONS

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

304.5.4 MULTIPLE APPLICATIONS OF THE CED

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

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the deputy must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies shall notify a supervisor of all CED discharges.

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304.5.6 DANGEROUS ANIMALS

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

304.5.7 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry office CEDs while off-duty.

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

304.6 DOCUMENTATION

Deputies shall document all CED discharges in their report and the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

304.6.1 REPORTS

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

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical or trained personnel should remove TASER device probes from a person's body. 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 CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

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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 deputy and/or medical personnel and shall be fully documented in related reports. If a recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy 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 CED may be used. A supervisor should respond to all incidents where the CED was activated.

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

304.9 TRAINING

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

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

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

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

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

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

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

The Training Sergeant should include the following training:

- (a) A review of this policy.

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- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 TYPES OF INVESTIGATIONS

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

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

305.3 CONTROL OF INVESTIGATIONS

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

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

305.3.1 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 Olmsted County would control the investigation if the suspect's crime occurred in Olmsted.

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 Sheriff and with concurrence from the other agency.

305.3.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

305.3.3 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.

305.3.4 INVESTIGATION RESPONSIBILITY MATRIX

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

	Criminal Investigation of Suspect(s)	Criminal Investigation of Peace Officer(s)	Civil Investigation of	Administrative Investigation
OCSO Deputy in This Jurisdiction	OCSO Investigators	OCSO Investigators or Outside Agency	Olmsted County Civil Liability Team	OCSO Chief Deputy
Outside Agency's Peace Officer in This Jurisdiction	OCSO Investigators	OCSO Investigators or Outside Agency	Involved Peace Officer's Agency	Involved Peace Officer's Agency
OCSO Deputy in Another Jurisdiction	Agency where incident occurred	Decision by agency where incident occurred	OCSO Civil Liability Team	OCSO Chief Deputy

305.3.5 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 office 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).

305.3.6 COOPERATION WITH BUREAU OF CRIMINAL APPREHENSION INVESTIGATIONS

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

305.4 INVESTIGATION PROCESS

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

305.4.1 UNINVOLVED DEPUTY RESPONSIBILITIES

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

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.

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- (c) Request additional resources from the Office 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.

305.4.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved OCSO 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 OCSO deputy 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 Duty Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional OCSO 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 OCSO deputy should be given an administrative order not to discuss the incident with other involved officers or OCSO 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 deputies.

305.4.3 DUTY SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Duty Sergeant shall be responsible for coordinating all aspects of the incident until relieved by a superior officer.

305.4.4 NOTIFICATIONS

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

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- Sheriff
- Chief Deputy
- Patrol Captain or Captain of appropriate Division
- Investigations Captain
- Outside agency investigators (BCA OIS Team)
- Olmsted County Attorney's Office
- Psychological/peer support personnel
- Medical Examiner (if necessary)
- Deputy representative (if requested)
- Chaplain

All outside inquiries about the incident shall be directed to the Chief Deputy.

305.4.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 1. Involved OCSO deputies 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-OCSO 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 Office to each involved OCSO deputy. A licensed psychotherapist may also be provided to any other affected OCSO members, upon request.
 - (a) Interviews with a licensed psychotherapist will be considered privileged.
 - (b) 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.
 - (c) A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications with peer counselors are confidential and shall not be disclosed except as provided in Minn. Stat. § 181.9731, Subd. 4 (Minn. Stat. § 181.9731).

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

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

305.5 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 office 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) OCSO supervisors should not participate directly in any voluntary interview of OCSO deputies. 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 deputies 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.

305.5.1 REPORTS BY INVOLVED OCSO DEPUTIES

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

While the involved OCSO deputy 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

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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 OCSO deputy of the right to consult with legal counsel prior to completing any such criminal report.

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

305.5.2 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 Office.
- (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 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this office will conduct an internal administrative investigation of involved OCSO deputies to determine conformance with office policy. This investigation will be conducted under the supervision of the Chief Deputy and will be considered a confidential deputy personnel file.

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

- (a) Any deputy 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

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consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

- (b) If any deputy 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 deputy.
 - 1. If a further interview of the deputy 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 deputy shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved deputy has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information (Minn. Stat. § 626.89).
 - (a) Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
 - (b) The interview must be taken at the OCSO or at a place agreed to by the interviewer and the involved deputy.
 - (c) The interview must be of reasonable duration and provide the involved deputy reasonable periods for rest and personal necessities. When practicable, the interview must be held during the involved deputy's regularly scheduled work shift. If not, the involved deputy must be compensated at his/her current pay rate.
 - (d) If requested, the deputy 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 deputy's statement, involved deputies shall not consult or meet with a representative collectively or in groups prior to being interviewed.
 - (e) Administrative interviews shall be recorded electronically or otherwise by the investigator. The deputy may also record the interview. A complete copy or transcript of the interview must be provided to the involved deputy upon written request without charge or undue delay.
 - (f) The deputy shall be informed of the nature of the investigation. If a deputy 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 deputy shall be informed in writing or on the record that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - (g) The Chief Deputy shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.
 - (h) Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be 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.

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- (i) Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.7 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 County Attorney's Office, as appropriate.

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

When a person dies as a result of the use of force by a deputy, the Office shall (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 626.8473, Subd. 3):

- (a) Allow certain individuals as identified in Minn. Stat. § 13.825, upon request, to inspect all portable recording system data that documents the incident within five days of the request pursuant to the provisions of Minn. Stat. § 13.825.
- (b) Release all portable recording system data that documents the incident within 14 days of the incident pursuant to the provisions of Minn. Stat. § 13.825.

The Sheriff should work with the Custodian of Records when redactions or denials are necessary (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 626.8473, Subd. 3).

305.8 DEBRIEFING

Following an officer-involved shooting or death, the Olmsted County should conduct both a critical incident/stress debriefing and a tactical debriefing.

305.8.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff 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.

305.9 REPORTING

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

Firearms

306.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use and documentation of training in the use of duty firearms. The Sheriff or designee shall approve all duty firearms before they are acquired and utilized by any member of this office.

306.1.1 AUTHORIZATION TO CARRY FIREARMS

All licensed personnel shall successfully complete office 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 SAFE HANDLING OF FIREARMS

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

306.2.1 SAFETY CONSIDERATIONS

(a) 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 Training Sergeant or assigned Firearms Instructor in Charge of the training event.

(c) Any member who discharges his/her weapon negligently or intentionally, on- or off-duty, except during training or dispatching an animal, shall make a verbal report to his/her supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall file a written report to be reviewed by the Captain of the member's division prior to the end of shift. If off-duty, as directed by the on-duty supervisor.

(d) Members shall not place or store any firearm or other weapon on Office premises except where the place of storage is in a secured area. 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 releasing deputy to make sure that persons from outside agencies do not enter the jail section with any firearm.

(e) Any weapon authorized by the Office to be carried on-duty that is found by the deputy to be malfunctioning or needing service shall not be carried and shall be promptly presented to the Training Division or designated Armorer for inspection. Any weapon determined to be in need of service or repair during an inspection by the Armorer will be immediately removed from service.

306.2.2 STORAGE OF FIREARMS 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 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)).

Firearms

306.3 AUTHORIZED FIREARMS, SIGHTING SYSTEMS, HOLSTERS, AMMUNITION AND OTHER WEAPONS

No duty firearms will be carried that have not been declared and thoroughly inspected by a designated armorer and approved by the Training Division Captain. Members may only declare three (3) handguns. Handgun declarations will only be authorized during three (3) instances:

- (a) During annual inspection (typically in February),
- (b) The member is being assigned to another division or ERU,
- (c) Critical failure of a member's declared duty handgun

Except in an emergency or as directed by a supervisor, no duty firearm shall be carried by a member who has not qualified with that weapon at a range authorized by the Office.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the Training Division Captain. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

Weapons and ammunition approved for on-duty use by Members of this office are listed in 306.3.1 and 306.3.2.

306.3.1 DUTY HANDGUNS

Authorized handguns are employee-owned. All members are required to provide their own duty handgun and security holster as permitted by this policy. If a hardship exists, an office-owned handgun and/or security holster will be issued for the first six months of employment. Members may opt to carry a 9mm or .45 caliber handgun for primary duty use. Members of this office that were employed prior to January 1, 2023, that currently carry a .40 caliber handgun are "grandfathered" and may continue to carry a .40 caliber handgun. No new members of this office shall carry a .40 caliber handgun as their primary or backup handgun of any make or model.

The Training Division will keep and update annually a list of approved handguns for duty and backup use. In all cases, a member's declared handgun must be approved by the Training Division Captain.

The office does not have armors for all makes and models of handguns. Should a member select a handgun the office does not have an armor for, that member shall have an annual inspection completed by a certified commercial armor and provide the inspection report to the Training Division at the member's own expense.

Handgun barrel length shall be 3.75 inches in length or greater for on-duty uniformed members unless otherwise authorized in writing by the Training Division Captain. Subcompact handguns with barrel lengths less than 3.75 inches are approved for use by plain-clothes personnel.

Handguns shall have a minimum trigger pull of 4 pounds as determined by certified armorers during initial and subsequent annual inspections.

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Members of this office assigned to the Emergency Response Unit, Southeastern Minnesota Violent Crime Enforcement Team or any other special assignment at the direction of the Sheriff, or their designee, will be allowed to use firearms not listed in this policy. Supervisors of these units will report the use and justification of such weapons to the Training Division Captain. The Training Division will be tasked with maintaining records of approval, training standards and qualifications for weapons not covered in this policy.

306.3.2 AUTHORIZED HOLSTERS

Members of this office may only carry Level II or Level III retention holsters for any on-duty primary handgun.

306.3.3 AUTHORIZED OPTICS AND RED DOT SIGHTS (RDS)

Laser, night sights, optics or other sighting systems may only be installed by an authorized armorer on a weapon carried on-duty after the sights are approved by the Training Division Captain. The Training Division will establish and update annually an approved equipment list and training for laser, night sights, optics or other sighting system equipped duty weapons.

Any approved sighting system shall be installed in strict accordance with manufacturer specifications and carried in approved holsters. Once installed, the member shall attend an approved course for carrying the selected sight and qualify with the handgun/sight to ensure proper function and sighting of the handgun.

Records of approval, training and qualifications shall be maintained by the Training Division.

For laser sights, except in an approved training situation, activation of the laser shall only be done when a member would otherwise be justified in pointing a weapon at an individual or other authorized target.

306.3.4 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry a secondary weapon are subject to the following restrictions:

Size and caliber of the backup handgun and ammunition shall be 9mm, .38, .380 or .45 caliber only. Member's that have completed Field Training and choose to carry a backup handgun must first get approval from the Training Division Captain.

A backup handgun may be carried and concealed for use only in extreme circumstances, such as when a deputy has been disarmed or their primary duty handgun malfunctions. IT IS NOT A SUBSTITUTE FOR THE PRIMARY DUTY HANGUN.

Members with backup handguns to be carried while on-duty shall have the handgun inspected during the annual inspection period. Should a member select a backup handgun the office does not have an armor for, that member shall have an annual inspection completed by a certified commercial armor and provide the inspection report to the Training Division at the member's own expense.

Members will be required to demonstrate knowledge of the safe and efficient use of the backup handgun prior to authorization to be carried.

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Members shall also pass a mandatory qualification with the backup handgun prior to carrying it and will qualify with it at subsequent annual qualifications in both daylight and low-light/inclement weather.

The liability of a second firearm is even more critical than the primary duty handgun. Members are responsible for the use, carrying and safe storage of their backup handgun. Any infractions of rules of use, display of, or careless handling will be grounds for immediate denial of permission to carry a backup handgun by the member's immediate supervisor. Serious or repetitive violations will be subject to progressive discipline.

IT IS A SPECIAL PRIVILEGE to carry a backup handgun, not a requirement of the Sheriff's Office. To be of value, it must be a practice that is kept in confidence, so an assailant is not aware of member's having a backup handgun for an emergency.

306.3.5 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) A handgun being used in an off-duty capacity shall be declared and must be approved by the Training Division Captain.
- (a) An off-duty handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (a) Only department issued ammunition shall be loaded while the handgun is being carried in an off-duty capacity under a member's authority as a peace officer.
- (a) Prior to carrying an off-duty handgun, the member shall demonstrate to the Training Division they are proficient in handling, drawing, and firing the handgun and that it will be carried concealed in a safe manner.
- (a) The member carrying an off-duty handgun will be subject to initial and annual inspections and qualification.
- (a) When carrying off-duty, members shall carry their badge and Olmsted County Sheriff's Office identification card, concealed, yet accessible.

If members have a current concealed carry permit, they may opt to carry under the legal authority granted them by concealed carry laws. However, members carrying under this authority are subject to the same restrictions as ordinary citizens and do not have any authority as a peace officer to circumvent citizen restrictions (e.g. carrying on grounds where concealed carry permit holders are restricted from doing so).

306.3.6 SHOTGUNS

The Sheriff's Office will issue 12-gauge less lethal shotgun with blaze orange stocks to most of its members. Each member assigned a less lethal shotgun is required to maintain it (cleaned, oiled and in good working condition) and have it inspected during annual firearms inspection. Failure

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to maintain the less lethal shotgun may result in progressive discipline. Member's will also be required to qualify with the less lethal shotgun annually.

Less lethal shotguns will be kept in a "Squad Ready" condition. Squad Ready means the chamber is empty, trigger pulled and safety in the off position with its magazine full (4 rounds) of drag stabilized bean bag rounds and side saddle completely full. Less lethal rounds should only be loaded into the chamber when the less lethal shotgun is being deployed.

NO LETHAL SHOTGUN ROUNDS of any kind are to be loaded in the less lethal shotgun. The only lethal shotgun rounds authorized to be transported shall be evidence, and that evidence shall be secured in the evidence room as soon as practicable.

306.3.7 PATROL RIFLES

The Sheriff's Office will issue all members a Rock River Arms LAR-15.223 caliber rifle. The Rock River LAR-8.308 caliber rifle is a specialized weapon and will be assigned by the Training Division Captain to select members of the office that are designated marksmen. Members shall be required to properly maintain their assigned rifle (clean, oiled and in good working condition). Failure to maintain the rifle may result in progressive discipline.

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

- (a) Situations where the member reasonable anticipates an armed encounter,
- (b) When a member is faced with a situation that may require accurate and effective gunfire 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.

When the rifle is not deployed, it shall be properly secured in a locking weapons rack, if provided, or locked out of sight in the member's assigned squad. Members that do not secure their squads in a lockable garage when not on-duty shall remove their issued rifle and store it consistent with MN Statute inside their home. (Minn. Stat. § 609.666 and Minn. Stat. § 609.378 Subd. 1 (c)). Members are allowed to store their rifle in their squad as long as it is not visible and the squad is locked when not at home.

306.3.8 FIXED-BLADE KNIVES

Fixed-blade knives are authorized to be carried by members when the following guidelines are met:

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- (a) All members opting to carry a fixed-blade knife will attend annual training to demonstrate proficiency in its use,
- (b) Members not meeting satisfactory proficiency as determined by the Training Division Captain will not be authorized to carry a fixed-blade knife until they demonstrate proficiency,
- (c) The blade shall be no longer than 4.25 inches in length,
- (d) Members that are assigned to the ERU may carry fixed-blade knives up to 8 inches in length on their ERU tactical vests only. ERU members must also meet the same training requirements as outlined above,
- (e) Blades that are worn on the exterior of the uniform shall be in a locking retention sheath and placed behind another piece of duty equipment on the duty belt to be as inconspicuous as possible,
- (f) Blades carried anywhere else on the body shall remain completely concealed in a safety sheath but be proficiently accessible to the member,
- (g) Members may mount a fixed-blade knife to their tactical vest so long as it has a locking retention sheath, and they meet the above criteria.

Members shall understand the deployment of a fixed-blade knife should only be done in exigent circumstances. There are too many situations to list in which a fixed-blade knife may be advantageous and there are also situations in which they should not be displayed. It is not the intent of this policy to provide strict guidance on the use of fixed-blade knives but rather to allow some leeway for its deployment. Any such deployment that is unprofessional or is without exigent circumstances may be deemed a violation of standards of conduct policy and the member will be subject to progressive discipline.

306.4 DUTY FIREARMS PROFICIENCY

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

Sheriff's Office and POST Board Minimum Qualifications:

Handgun 70%

Rifle 80%

306.4.1 QUALIFICATION

All Sheriff's Office personnel who are required to carry a firearm in the performance of their duties will qualify with it as required by the Minnesota POST Board and/or as required by Sheriff's Office training standards. The minimum qualification standard for all deputies shall be as set forth by the Minnesota Post Board and the Olmsted County Sheriff's Office.

The weapon used for qualification shall be the recorded (declared) weapon of the member approved for use by the deputy by the Training Division Captain or their designee and must be the actual weapon the deputy uses in the course of carrying out daily duties.

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Members will qualify during mandatory qualifications using the carry option (holster, pouch, waste pack, thigh holster, thigh pouch/pack, etc.) the deputy uses in the course of carrying out daily duties. If deputies have other carry options they use in backup or specialty assignments, they need to qualify annually using their special duty or backup holster and weapon in the Back Up Qualification or Special Duty assignment qualification.

Members are allowed two qualification attempts at each qualifying session.

306.4.2 NON-QUALIFICATION

A score less than minimum qualification (70%) is considered a failure to qualify. A second qualification attempt may be made, but no more than two qualification attempts are allowed in one day. If a deputy shoots less than minimum qualification on a second qualification attempt, they will be placed on paid administrative leave and follow the requirements for First Non-Qualification.

Requirements for First Non-Qualification (to be completed within seven days):

- (a) Schedule a minimum 100-round remedial practice session with a Sheriff's Office firearms instructor and Training Division Sergeant.
- (b) Schedule a qualification session with a Sheriff's Office firearms instructor and the Training Division Sergeant.

Upon Non-Qualification for a second consecutive qualifying session, the Training Division Captain and the deputy's Division Captain shall be notified, and the deputy will remain on paid administrative leave pending further investigation and discipline up to and including termination.

Allowances for planned vacations, FMLA or other situations will be reviewed by the Sheriff or designee for approval.

306.4.3 SUPPLEMENTAL TRAINING

Members who fail to qualify after any attempt (less than 70% at any prescribed distance) or shoot less than 85% with handgun or rifle will be required to complete supplemental training. A minimum of three separate supplemental training events consisting of a minimum of 50 rounds must be completed prior to the next qualification or at the direction of the Training Division.

Required supplemental training must be recorded and performed under the observation and guidance of Sheriff's Office firearms instructors.

Supplemental training records will be kept in the Training Division. Failure to complete the required supplemental training prior to the next scheduled qualification may result in progressive disciplinary action.

Training Division will notify each deputy's immediate supervisor and document with the supervisor each deputy who fails to qualify or is required to participate in Supplemental Firearms Training.

Allowances for planned vacation, medical, illness, other training or emergency situations will be reviewed and approved by the Sheriff and the Training Division.

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306.5 FIREARM DISCHARGE

Except during training euthanizing an animal noted in 306.6.1, 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 report with his/her Captain or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (a) If off-duty at the time of the incident, a verbal report shall be made to the on-duty supervisor as soon as practicable and 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 the on-duty supervisor.

306.5.1 REPORTING FIREARMS DISCHARGE

The Sheriff shall notify the Commissioner of Public Safety within 30 days of an on-duty firearm discharge, except when the discharge is in the course of training or destruction of animals (described in this policy). The notification shall contain information concerning the reason for and circumstances surrounding the discharge (Minn. Stat. § 626.553).

306.5.2 WARNING AND OTHER SHOTS

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

Warning shots shall not be used.

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

306.5.4 INJURED ANIMALS

A deputy may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Injured animals should be euthanized after a reasonable search to locate the owner has been made.

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306.6 TRAINING DIVISION DUTIES

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

The range shall remain operational and accessible to members during hours established by the Training Division.

The Training Sergeant or their designee has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried to verify proper operation. The Training Sergeant or their designee has the authority to deem any privately owned weapon unfit for service. The deputy will be responsible for all repairs to his/her personal weapon; it will not be returned to service until inspected by an armorer and approved by the Training Division Captain.

The Training Sergeant has the responsibility to ensure each deputy on a yearly basis can demonstrate proficiency in the care and cleaning of the duty weapon.

The Training Sergeant shall complete and submit to the documentation of the courses provided, including the qualifications of each instructor, a description of the training provided and a list of each deputy who completes training. This list should be entered on a form that has been approved by the POST Board.

306.7 MAINTENANCE AND REPAIR

Personal and Office-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. Members will be responsible for the maintenance and repair of their weapon(s) whether personally or office-owned.

All primary, backup and off-duty firearms (if being carried under the member's authority as a peace officer) must be inspected and approved annually. The Sheriff's Office trains armorers for certain handgun platforms, less lethal shotgun, and AR platform rifles. Members who purchase a weapon platform the Sheriff's Office has no armorer for, the member must have the firearm inspected by a certified commercial firearms armorer and forward the inspection report to the Training Division at the member's own expense.

All declared handguns must be inspected annually. Records of such inspections will be kept in the deputy's permanent inspection/training record file. Members must declare any new handguns (as prescribed in 306.3) to be used in any on-duty capacity and an inspection completed before the handgun can be carried.

Failure to provide inspection documentation annually will result in restriction from duty and progressive disciplinary action until the inspection form is submitted to the Training Sergeant.

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306.7.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

A certified Sheriff's Office armorer, under the direction and approval of the Training Sergeant, shall be the only persons authorized to repair or modify any office-owned weapon.

All repairs and/or modifications (including optics) of office-issued weapons not performed by a Sheriff's Office armorer must be authorized in advance by the Training Sergeant and accomplished by an office-approved gunsmith who is certified to repair or modify such firearm.

Any repairs or modifications to the deputy's personally owned weapon shall be done at their expense and must be approved by the Training Sergeant prior to the modification being made.

The Training Division will keep a record of all approved modifications completed in order to streamline accountability.

306.8 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) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure and,
- (b) must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules,
- (c) Deputies must carry their Olmsted County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, deputy's signature and the signature of the Sheriff or the official seal of the Office and,
- (d) Must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport),
- (e) The Olmsted County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel,
- (f) If approved, TSA will send the Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the NLETS message on the day of travel to airport personnel as authorization to travel while armed,
- (g) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's official need to fly armed, detail the itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed (LEOFA),
- (h) Deputies flying while armed shall complete the mandatory TSA LEOFA course that will be administered by the Sheriff's Office Transport Division Sergeant,
- (i) It is the deputy'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,

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- (j) Any deputy flying while armed shall discreetly contact the flight crew prior to boarding the plane and notify the flight crew of their assigned seat,
- (k) Discretion shall be used to avoid alarming passengers or crew by displaying the firearm. The deputy shall keep the firearm concealed on the deputy's person at all times. Firearms are not permitted in carry-on luggage nor can they be stowed in overhead luggage compartments,
- (l) Deputies should resolve any conflicts associated with flying while armed with the flight crew captain, ground security manager, TSA or appropriate management personnel of the aircraft carrier,
- (m) Deputies shall not consume alcoholic beverages for a minimum of 8 hours prior to boarding a flight while armed, nor consume any alcoholic beverages during the flight.

306.9 CARRYING FIREARMS OUT OF STATE

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

- (a) The deputy shall carry the deputy's Olmsted County identification card whenever carrying such firearm.
- (b) The deputy may not be the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The deputy will remain subject to this and all other office policies (including qualifying and training).

Deputies 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 a deputy from arrest and prosecution in such locally restricted areas.

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

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307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies 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 deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies (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 deputy 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 Office 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).

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputies conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy 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.

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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 attempts to apprehend a driver who ignores the signal to stop by increasing speed, extinguishing headlights or taillights, refusing to stop the vehicle, or using other means with intent to attempt to elude a peace officer (Minn. Stat. § 609.487).

307.3 DEPUTY RESPONSIBILITIES

It is the policy of this office 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; 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 (Minn. Stat. § 169.17).

307.3.1 WHEN TO INITIATE A PURSUIT

Deputies 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)):

- (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 deputies, 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) The pursuing deputy'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 deputies under the conditions of the pursuit
- (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

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- (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, 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 deputies. 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.

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 deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies 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) The distance between the pursuing deputies 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) The pursued vehicle's location is no longer definitely known.
- (c) The deputy's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The 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, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

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- (h) When directed to terminate the pursuit by a supervisor.
- (i) When radio communications are broken or inadequate.
- (j) When the danger that the continued pursuit poses to the public, the deputies, or the suspect is too great, balanced against the risk of allowing the suspect to remain at large.

307.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the deputy 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, deputies 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 deputy.
- (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 (two units and a supervisor). However, the number of units involved will vary with the circumstances.

A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the suspects. All other deputies shall stay out of the pursuit but should remain alert to its progress and location. Any deputy 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. Deputies in such vehicles may provide support to pursuing units as long as their vehicle is operated in compliance with all traffic laws.

307.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing deputy 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 deputy initiating the pursuit is the apprehension of the suspects without unreasonable danger to the deputy or other persons (Minn. Stat. § 626.8458 Subd. 2 (4)).

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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)).

Unless relieved by a supervisor or secondary unit, the deputy 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.

307.4.3 SECONDARY UNIT RESPONSIBILITIES

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

- (a) Immediately notifying the [dispatcher] of entry into the pursuit
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary deputy, 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

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:

- (a) Deputies, 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.

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- (b) Deputies 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, deputies 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) Deputies 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 deputies.

307.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

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 unit 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 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 deputies 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 office that available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this office (Minn. Stat. § 626.8458 Subd. 2 (4)).

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The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notify involved deputies and Dispatch of supervisory presence and ascertain all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established office 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 the field supervisor's 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 OCSO units when a pursuit enters another jurisdiction.
- (j) Prepare a post-pursuit critique and analysis of the pursuit for training purposes.

307.5.1 DUTY SERGEANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Duty Sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Duty 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)).

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

307.6 COMMUNICATIONS

If the pursuit is confined within the County 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 office 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.

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307.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy 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 deputy or supervisor ensure that notification is provided to the [dispatcher] and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5)).

If a pursuit from another agency enters the office's jurisdiction, Dispatch should update the on-duty supervisor.

307.7.1 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this office 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 office may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this office 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 deputies.

As soon as practicable, a supervisor or the Duty Sergeant should review a request for assistance from another agency. The Duty 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 deputies of this office will terminate at the County limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this office may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies 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.

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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, if possible. In deciding whether to use intervention tactics, deputies/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 deputies and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision (Minn. Stat. § 626.8458 Subd. 2).

It is imperative that deputies 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. Deputies 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 deputy 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 deputies, 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 Office policies guiding such use. Deputies who have not received Office-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 deputies 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 deputies 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, deputies 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.

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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 deputies trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy'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 deputies 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 deputies should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.
- (e) Spike strips should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the deputy shall notify pursuing units and the supervisor of the intent and location. Deputies should carefully consider the limitations of such devices as well as the potential risks to deputies, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Piranha stop sticks are designed to be used on non-moving, four wheel (or more) vehicles. They do not require supervisor approval before deployment but members should advise Communications of the deployment.
- (g) 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, deputies or other members of the public.

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307.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate local and state regulations. The Records Supervisor shall ensure the appropriate forms are filed with the Department of Public Safety within 30 days (Minn. Stat. § 626.5532):

- (a) The primary deputy shall complete appropriate crime/arrest reports.
- (b) The primary deputy or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining available information, the on-duty field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Sheriff 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 deputies.
 - 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 Sheriff or designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
- (e) Annually, the Sheriff should direct a documented review and analysis of Office 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 deputies and others.

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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).

307.9.2 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).

307.9.3 PUBLIC DISCLOSURE

Copies of the current pursuit policy shall be made available to the public on request.

Deputy 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 nonemergency situations (Minn. Stat. § 626.8458, Subd. 1).

308.2 RESPONSE TO CALLS

308.2.1 RESPONSE TO EMERGENCY CALLS

Deputies responding to an emergency call shall proceed immediately as appropriate. Deputies 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 deputy should continuously operate emergency lighting equipment and sound the siren (Minn. Stat. § 169.03 et seq.; Minn. Stat. § 169.17).

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

Deputies 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. Deputies 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

A deputy may operate a vehicle without lights as otherwise required while performing law enforcement duties when the deputy 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 deputies, 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 deputy shall promptly notify Dispatch.

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

- The unit number
- The location

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

308.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The Duty Sergeant or the Corporal should monitor all emergency responses and reduce or enhance the response as warranted.

308.4 RESPONSIBILITIES OF RESPONDING DEPUTIES

Deputies 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 deputies may (Minn. Stat. § 169.03; Minn. Stat. § 169.17):

- (a) Proceed cautiously past a red or stop signal or stop sign but only after slowing down and utilizing a red light or siren as may be necessary for safe operation.
- (b) Exceed any speed limits, provided this does not endanger life or property.
- (c) Disregard regulations governing direction of movement or turning in specified directions as authorized by law.
- (d) Disregard regulations governing parking or standing when using a warning lamp.

The decision to continue an emergency call response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy 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 deputy should immediately notify Dispatch. A deputy shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

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

308.5 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

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

When making the decision to authorize an emergency call response, the supervisor should consider the following:

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

308.6 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the emergency call response and respond accordingly. The deputy shall notify the supervisor and/or Dispatch 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 office to appropriately respond to emergency and nonemergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

Canine Program

309.1 PURPOSE AND SCOPE

The Canine Program was established to augment law enforcement services to the community. Highly skilled and trained teams of handlers and canines are used to supplement law enforcement operations to locate individuals, contraband and to apprehend criminal offenders.

309.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used in the investigation of a crime or possible crime, in the execution of a warrant, and to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the individual poses an imminent threat of violence or serious harm to the public, any deputy or the handler.
- (b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The individual is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.
- (d) It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing deputy shall not serve as good cause for the use of a canine to apprehend an individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a finished position or otherwise secured as soon as it becomes reasonably practicable.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

309.2.1 PREPARATIONS FOR UTILIZING A CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on-scene shall carefully consider all pertinent information that is reasonably available at the time. The information should include, but is not limited to, the following:

- (a) The individual's perceived age
- (b) The nature of the suspected offense

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- (c) Any potential danger to the public and/or other deputies at the scene if the canine is released
- (d) The degree of resistance or threatened resistance, if any, the subject has shown
- (e) The potential for escape or flight if the canine is not utilized
- (f) The potential for the suspect to injure the deputies or the public if the canine is not utilized

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.

The canine handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

309.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth shall be made prior to releasing a canine. The canine handler, when practicable, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether a verbal warning was given and, if none was given, the reasons why.

309.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic detection-trained canine may be used in accordance with current law under the following circumstances:

- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection canine in support of probable cause.
- (c) To search vehicles, buildings, bags and any other articles as deemed necessary and in accordance with existing search and seizure laws.
- (d) A narcotic detection-trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

309.2.4 USE OF BOMB/EXPLOSIVE DETECTION DOGS

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a trained explosive detection dog team may be warranted. When available, a trained explosive detection dog team may be used in accordance with current law and under the following circumstances:

- (a) To assist in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.

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- (b) To conduct preventative searches at locations such as special events, VIP visits, official buildings and other restricted areas. Because a dog sniff may be considered a search, such searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (c) To assist with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
- (d) To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
- (e) At no time will a detection dog be used to render a suspected device safe or clear.

309.2.5 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances it will be necessary for the handler to evaluate the conditions and ability of the canine in order to determine the feasibility of such an application.

- (a) Absent a change in circumstances that presents an imminent threat to deputies, the canine or the public, such applications should be conducted on-leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.
- (b) Throughout the deployment of the canine in such circumstances, the handler should give periodic verbal assurances that the canine will not bite or hurt the person.
- (c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
- (d) Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practicable.

309.2.6 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed, a Use of Force Information Sheet shall be completed by the handler and turned in to the Canine Unit Coordinator before going off-duty.

Whenever the use of the canine results in a bite or any injury, a Use of Force Information Sheet shall be completed. Canines controlled by peace officers are exempt from regulatory action relating to bites.

Color photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current office evidence procedures.

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The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody, a deputy should remain with the suspect until treatment has been rendered.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

Any unintended bite or injury caused by the canine during deployments, operations, training, presentations or under any other circumstances, either on- or off-duty, shall be promptly reported to the Canine Unit Coordinator. Unintended bites or injuries caused by the canine should be documented in an administrative report.

309.2.7 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Sergeant or the Corporal and as applicable reported to the Canine Unit Supervisor and/or Canine Unit Commander.

Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

The injury will be documented on a Report Form.

309.2.8 ASSIGNMENT OF CANINES

K-9 Handlers will be assigned to a regularly scheduled Patrol Division platoon and receive compensation in accordance with the Labor Agreement between the County of Olmsted and the Olmsted County Deputy Sheriff's Association.

309.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Office are encouraged to freely solicit the use of the canines. If there is a Canine Team on-duty they should proceed directly to the scene of the request.

If no Canine Team is available on-duty then the on-duty supervisor should contact the Canine Supervisor, or the Canine Unit Commander if the Canine Supervisor is unavailable, and the Canine Supervisor or Commander will dispatch an off-duty Canine Unit to respond to the request.

309.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Duty Sergeant, Canine Sergeant or the Canine Unit Coordinator must approve all requests for canine assistance from outside agencies subject to the following provisions:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) If the canine team is on-duty the immediate supervisor of the team may authorize the request for the team to leave. If there is not a supervisor holding the rank of sergeant or

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above on duty, the Program Coordinator, Director of Law Enforcement, or the Canine Supervisor will be called for authorization.

- (d) Canine teams shall not be called out while off-duty or used outside the boundaries of the County of Olmsted unless authorized by the Duty Sergeant, Canine Sergeant, or the Canine Unit Coordinator.
- (e) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.
- (f) In authorizing assistance to another agency, the authorizing personnel must consider the following:
 - 1. The seriousness and nature of the request.
 - 2. Whether there is sufficient staff on duty so that the absence of the canine team does not short the on duty shift.
 - 3. Whether the requesting agency is within a reasonable distance.
 - 4. Availability of the canine team.

309.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Canine Unit Coordinator prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Canine Unit Coordinator.

309.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

- (a) Olmsted County Sheriff's Office deputy (currently off probation).
- (b) Application for the assignment to the Canine Program must be voluntary. Candidates must demonstrate a strong interest and commitment to the program, responsiveness to constructive criticism and Successful as a Deputy Sheriff.
- (c) An adequately fenced, single-family residence (minimum 6-foot high fence with locking gates).
- (d) Have a garage or shed that can be secured and will accommodate a canine unit.
- (e) Agree to be assigned to the position for a minimum of five years.
- (f) Canine team members must demonstrate a willingness to participate in a highly disciplined training program and commit themselves to the proper application of their canine in police service.
- (g) In addition to the criteria listed above the deputies physical home, neighborhood and family situation will be taken into consideration. Since the canine will generally live

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at home with the deputy, the home situation must be willing and able to adapt to the constant care and contact that is normal when a large canine lives in the home.

- (h) Final selection into the canine program will be made by the Sheriff upon recommendation of the Canine Supervisor and the Program Supervisor.

309.5 CANINE HANDLER RESPONSIBILITIES

309.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the Canine Unit Supervisor.

309.5.2 CARE FOR THE CANINE AND EQUIPMENT

The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions. The handler will be responsible for the following:

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be maintained at the Sheriff's Office facility. Handlers shall permit the Canine Unit Supervisor to conduct spontaneous on-site inspections of affected areas of their residence, as well as the canine unit, to verify that conditions and equipment conform to this policy.
- (c) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Canine Unit Supervisor as soon as possible.
- (d) When off-duty, canines shall be maintained in kennels at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.
- (e) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (f) Under no circumstances will the canine be lodged at another location unless approved by the Canine Unit Supervisor.
- (g) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Canine Unit Supervisor.
- (h) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations the handler shall give reasonable notice to the Canine Unit Supervisor so that appropriate arrangements can be made.
- (i) Never allow children to exercise the canine unless the handler is present.

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- (j) Unless directed by the canines' veterinarian, the canine will be fed the food that is approved and furnished by the Sheriff's Office.

309.5.3 CANINE IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canines are trained.

- (a) Canines shall not be left unattended in any area to which the public may have access.
- (b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended unit remains inhabitable for the canine.

309.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog consistent with the Fair Labor Standards Act. The compensation shall be prescribed in the employee's collective bargaining agreement.

309.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.6.2.

309.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the Canine Unit Supervisor.

Any indication that a canine is not in good physical condition shall be reported to the Canine Unit Supervisor or the Canine Unit Commander as soon as practicable.

All records of medical treatment shall be maintained in the designated veterinarian's office.

309.6.2 EMERGENCY MEDICAL CARE

The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the Canine Unit Supervisor and the Canine Unit Commander as soon as practicable when emergency medical care is required.

309.7 TRAINING

Before assignment in the field, each canine team shall be trained and have graduated or be certified to meet current recognized United States Police Canine Association standards. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and have graduated or be certified to meet United States Police Canine Association standards established for such detection dogs. Canine teams may not be used outside the scope of their training or certification.

309.7.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified on an annual basis. Additional training considerations are as follows:

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- (a) Canine teams shall participate in training as dictated by the Canine Unit Supervisor or the Canine Unit Commander.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Canine Unit Supervisor.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Office.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Canine Unit Supervisor or the Canine Unit Commander.

309.7.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any dog team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform, until graduation or certification is achieved.

309.7.3 TRAINING RECORDS

All canine training records shall be maintained and turned in monthly to the Canine Unit Supervisor.

309.8 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Canine Unit Supervisor shall be appointed by staff and shall supervise the Canine Program. The Canine Unit Supervisor is directly responsible to the Canine Unit Commander and Patrol Captain. The Canine Unit Supervisor shall be responsible for, but not limited to, the following:

- (a) Review all Canine Use of Force Reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintain liaison with administrative staff and functional supervisors.
 - (a) Maintain liaison with other agency canine supervisors.
 - (b) Maintain accurate records to document canine activities.
- (c) Recommend and oversee the procurement of needed equipment and services for the unit.
- (d) Be responsible for scheduling all canine-related activities.
- (e) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

309.9 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

The Canine Unit Commander or designee at his/her discretion may authorize a canine handler to have in possession controlled substances to be used for training purposes.

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The Sheriff's Office Canine Unit will maintain a DEA license for the possession of controlled substances.

All controlled substances will be kept in a locked safe in the Canine facility and signed out by the canine handler.

As an alternative, the Sheriff or designee may request narcotics training aids while providing substance abuse training or canine drug detection training from the DEA by filling out the DEA-225 form at www.deadiversion.usdoj.gov.

309.9.1 PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

- (a) All necessary controlled substance training samples shall be acquired from the Olmsted County Sheriff's Office's evidence personnel or from outside agencies authorized to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
- (b) The weight and test results shall be recorded and maintained by the Canine Unit.
- (c) Any person receiving controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine supervisor or designee with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in approved containers at all times, except during training. The approved containers shall be secured in the trunk of the canine handler's assigned patrol unit or stored in a locked evidence locker. There are no exceptions to this procedure.
- (f) The Canine Unit Supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to Property and Evidence or properly destroyed and documented on a report form.

309.10 EXPLOSIVE TRAINING AIDS

Explosive training aids are required to effectively train and maintain the skills of explosive detection dogs and can also provide effective training for law enforcement personnel and the public. Pursuant to Minn. Stat. 609.668 Subd. 3. (a) (1), peace officers are permitted to possess, transport, store or use explosives or destructive devices while acting within the scope and course

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of employment. The use of explosives or destructive devices for training aids is subject to the following requirements:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials they contain.
- (b) Only members of the Canine Unit Supervisor, the Canine Unit Commander or the Explosives Handler shall have access to the explosives training-aid storage facility.
- (c) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or second person on-scene will be designated as the secondary custodian.
- (d) Any lost or damaged explosives training aids shall be promptly reported in writing to the Canine Unit Supervisor, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Domestic Abuse

310.1 PURPOSE AND SCOPE

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

310.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

- (a) Actual or fear of imminent physical harm, bodily injury, or assault
- (b) Threats of violence with intent to terrorize as specified by Minn. Stat. § 609.713, Subd.1.
- (c) Criminal sexual conduct (Minn. Stat. § 609.342 to Minn. Stat. § 609.3451)
- (d) Interference with an emergency call as specified by Minn. Stat. § 609.78, Subd.2.

310.2 POLICY

The Olmsted County'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 office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 INVESTIGATIONS

The following guidelines should be followed by deputies 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.
- (b) When practicable, deputies 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) Deputies 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.

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- (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 Sheriff's Office in the event that the injuries later become visible.
- (f) Deputies 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, deputies 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, deputies 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 deputy should attach a copy of the order to the incident or arrest report.
- (j) Deputies 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. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.

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310.3.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail (Minn. Stat. § 629.72 Subd. 6).
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.3.2 IF NO ARREST IS MADE

If no arrest is made, the deputy 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.

310.4 VICTIM ASSISTANCE

Because victims may be traumatized or confused, deputies should be aware that a victim's behavior and actions may be affected.

- (a) Victims should be provided with the office's domestic abuse information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complains of pain, deputies should seek medical assistance as soon as practicable.
- (e) Deputies should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.
- (f) Deputies should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, deputies should seek or assist the victim in obtaining an emergency order.

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310.5 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 deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.5.1 CANADIAN ORDERS FOR PROTECTION

An order for protection issued by Canada or a Canadian province shall be enforced as if it were the order of a court in this state and afforded the same consideration as foreign court orders with respect to proper issuance and registration (Minn. Stat. § 518F.03).

310.6 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, deputies 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.

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

310.7 LEGAL MANDATES AND RELEVANT LAWS

Minnesota law provides for the following:

310.7.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic abuse report should consider the following:

- (a) A deputy has the authority to arrest a person without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person has, within the preceding 72 hours, exclusive of the day probable cause was established, assaulted, threatened with a dangerous weapon or placed in fear of immediate bodily harm any person covered by the "family or household member"

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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) Deputies 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 deputy 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 deputy'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) A deputy 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 Duty 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 Duty 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) Deputies 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 deputy can verify the existence of the order. If the person is not released on citation in lieu of continuing detention, the person shall be held in custody for these violations for at least 36 hours unless released by a court (Minn. Stat. § 518B.01; Minn. Stat. § 629.75).
- (f) An arrest for a violation of an order of protection may be made regardless of whether the excluded party was invited back to the residence (Minn. Stat. § 518B.01, Subd. 18).

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- (g) A deputy shall arrest and take into custody a person whom the deputy has probable cause to believe has violated a harassment restraining order, pursuant to Minn. Stat. § 609.748.
- (h) Deputies are authorized to make an arrest without a warrant when there is probable cause to believe the person has violated the provisions of any other no contact or restraining order issued by a court, even if the offense did not rise to the level of a felony (Minn. Stat. § 629.34). While conducting a domestic abuse investigation deputies shall attempt to verify whether there has been a court order issued.
- (i) Deputies 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.

310.7.2 REPORTS AND RECORDS

- (a) Deputies should include information related to the following in a report, as applicable (Minn. Stat. § 629.341):
 - 1. Names, addresses, and 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 deputy's decision not to arrest or seek an arrest warrant
 - 12. Evidence of any prior domestic abuse or 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.

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- (c) If a child was present at the scene of a domestic abuse incident or was the victim of domestic abuse, the deputy 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. § 260E.06 et seq.
 - 1. The deputy shall also attempt to verify whether there has been an order for protection issued under Minn. Stat. § 260C.201 and take appropriate action.
- (d) Fees will not be charged for the release of reports related to domestic abuse, as directed in Minn. Stat. § 13.82.

310.7.3 SERVICE OF COURT ORDERS

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

310.7.4 COURT-ORDERED FIREARM SURRENDERS

Although not required, this office 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 Olmsted County; however, when encountering someone in the field who wishes to surrender a firearm, deputies should make reasonable efforts to accommodate the request.

Surrendered firearms should be collected and submitted to the Property and Evidence in accordance with the Property and Evidence Policy.

Search and Seizure

311.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Olmsted County personnel to consider when dealing with search and seizure issues.

311.2 POLICY

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

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

311.3 SEARCHES

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

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

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

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

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this office 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, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Search and Seizure

311.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances reasonably permit:

- (a) Members of this office will strive to conduct searches with dignity and courtesy.
- (b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:
 1. Another deputy or a supervisor should witness the search.
 2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.
 3. When practical, Deputies shall audio and video record the search, taking into account privacy of the individual.

311.5 DOCUMENTATION

Deputies 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 a deputy of the same sex as the person being searched and the identification of any witness deputy

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and office policy have been met.

Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Olmsted County (34 USC § 11133; Minn. Stat. § 260B.176; Minn. Stat. § 260C.176).

This policy does not apply to secure detention facilities, shelter care facilities, or the juvenile portion of an adult facility authorized to hold juveniles, but rather applies to the temporary custody of a juvenile before a juvenile is released, delivered to a court, or delivered to any of these other facilities (Minn. Stat. § 260B.176, Subd. 3; Minn. Stat. § 260C.176, Subd. 3).

312.1.1 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 a deputy 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

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- (b) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (c) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (d) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (e) 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).

312.2 POLICY

The Olmsted County 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 Olmsted County. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Olmsted County:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Deputies 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 Olmsted County unless they have been evaluated by a qualified medical and/or mental health professional.

If the deputy 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.

Temporary Custody of Juveniles

312.3.1 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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

312.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Olmsted County 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 Olmsted County without authorization of the arresting deputy's supervisor or the Duty Sergeant.

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 Olmsted County (34 USC § 11133).

312.4.1 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 Olmsted County. Custodial arrangements should be made for non-offenders as soon as reasonably possible (Minn. Stat. § 260B.175; Minn. Stat. § 260C.143; Minn. Stat. § 260C.176). Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

Juveniles detained for truancy violations may be (Minn. Stat. § 260C.143):

- (a) Transported to the juvenile's home and released to a parent or guardian.
- (b) Transported to the juvenile's school of enrollment and delivered to the school superintendent or a teacher.
- (c) Transported to a child truancy center under Minn. Stat. § 260A.04, Subd. 3.

312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

312.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Olmsted County 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

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that would warrant the arrest of an adult, or when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision.

A deputy 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 deputy'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 themselves or others.
- (b) Not return for a court hearing.
- (c) Run away from or otherwise not remain in the care or control of their parent, guardian, or custodian.
- (d) Face immediate endangerment to the juvenile's health or welfare.

If a juvenile offender is not released to a parent, guardian, custodian, or other suitable person, the deputy taking the juvenile offender into custody shall communicate with or deliver the juvenile to a secure detention facility to determine whether the juvenile should be released or detained. The deputy shall also notify the court as soon as possible of the detention of the juvenile and the reasons for detention (Minn. Stat. § 260B.176).

312.4.4 SCHOOL NOTIFICATION

Minnesota law requires that the Sheriff or the authorized designee notify the superintendent or chief administrative officer of a juvenile's school of an incident occurring within our jurisdiction if (Minn. Stat. § 260B.171 Subd. 5):

- (a) There is probable cause to believe a juvenile has committed an offense that would be a crime if committed as an adult, where the victim is a student or staff member and the notice is reasonably necessary for the protection of the victim.
- (b) There is probable cause to believe a juvenile has committed certain serious crimes regardless of whether the victim is a student or staff member.
- (c) The juvenile is taken into protective custody and methamphetamine manufacture or storage is involved (see the Child Abuse Policy for guidelines) (see also, Minn. Stat. § 260C.171)

However the office is not required to notify the school if it is determined that notice would jeopardize an ongoing investigation.

312.5 ADVISEMENTS

When a juvenile is taken into custody on a warrant the juvenile and his/her parent, guardian or custodian, if present, shall immediately be informed of the existence of the warrant for immediate

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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 deputy shall advise both the juvenile and the juvenile's parent, guardian or custodian as soon as possible (Minn. Stat. § 260B.176 Subd. 3; Minn. Stat. § 260C.176 Subd. 3):

- (a) Of the reasons for custody and the reasons for placement.
- (b) Of the location of the facility unless there is reason to believe that disclosure would place the juvenile's health and welfare in immediate endangerment. If so, the disclosure shall not be made (Minn. Stat. § 260B.176 Subd. 5).
- (c) That the juvenile's parent, guardian or custodian and attorney or guardian ad litem may make an initial visit to the facility at any time. Subsequent visits may also be made on a reasonable basis.
- (d) That the juvenile may telephone parents and an attorney or guardian ad litem immediately after being admitted to the facility and thereafter on a reasonable basis.
- (e) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007 Subd. 6 for longer than 36 hours excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260B.178.
- (f) That the juvenile may not be detained under Minn. Stat. § 260C.175 Subd. 1, clause (1) or (2), item (ii) longer than 72 hours at a shelter care facility excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260C.178.
- (g) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007 Subd. 6 for longer than 24 hours in an adult jail or municipal lockup excluding weekends and holidays or longer than six hours if the adult jail or municipal lockup is a standard metropolitan statistical area, unless a petition has been filed pursuant to Minn. Stat. § 260B.178 and a motion made to refer the juvenile for adult prosecution.
- (h) Of the date, time and place of the detention hearing, if this information is available.
- (i) That the juvenile and the juvenile's parent, guardian or custodian have the right to be present and to be represented by counsel at the detention hearing and that if they cannot afford counsel it will be appointed at public expense.

312.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile or status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Olmsted County shall

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

312.7 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 Olmsted County when the juvenile presents a heightened risk. However non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Restraints shall only be used after less restrictive measures have failed and with the approval of the Duty Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

312.8 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Duty Sergeant will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Olmsted County. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Sheriff and Investigations 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 County attorney.
- (e) Evidence preservation.

312.9 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.

312.10 RESTRICTION ON PHOTOGRAPHING

Photographing of juveniles taken into custody will only occur with the consent of the juvenile court, except when the photograph is taken related to a violation of driving while impaired or is taken pursuant to the laws of arrest (Minn. Stat. § 260B.171 Subd. 5; Minn. Stat. § 260B.175; Minn. Stat. § 169A.20).

Adult Abuse

313.1 PURPOSE AND SCOPE

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

313.1.1 DEFINITIONS

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

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

313.2 POLICY

The Olmsted County will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

313.3 MANDATORY NOTIFICATION

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

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

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

313.3.1 NOTIFICATION PROCEDURE

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

- (a) The identity of the vulnerable adult and any caregiver
- (b) The nature and extent of the suspected maltreatment
- (c) Any evidence of previous maltreatment
- (d) The name and addresses of the person initiating the report or other witnesses

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- (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 Olmsted County, the member receiving the notification shall complete and forward the intake form to the entity responsible for receiving such reports.

313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Minn. Stat. § 626.5571).

313.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. Investigations should be initiated as soon as possible, but in all cases within 24 hours (Minn. Stat. § 626.557).

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

- (a) The overall basis for the contact. This should be done by the investigating deputy 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.

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- (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).

313.6 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 deputy 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 office 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 deputy 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 deputy shall ensure that the adult is delivered to an appropriate protective services agency or medical facility.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies 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.

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record (at minimum) the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

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313.7.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy 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, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including the applicable adult protective services agency, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy 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.

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313.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigations Division supervisor so an interagency response can begin.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

313.10.1 RECORDS DIVISION RESPONSIBILITIES

The Records Division 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.

313.10.2 RELEASE OF REPORTS

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

Discriminatory Harassment

314.1 PURPOSE AND SCOPE

This policy is intended to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

314.2 POLICY

The Olmsted County 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 Office will not tolerate, discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Office 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 Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 DISCRIMINATION

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

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

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

314.3.2 SEXUAL HARASSMENT

The Office 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.

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Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

314.3.3 ADDITIONAL CONSIDERATIONS

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

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Minnesota Department of Human Rights.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

314.3.4 RETALIATION

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

314.4 RESPONSIBILITIES

This policy applies to all office personnel. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional standards, and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Director of Human Resources, or the County Board, or with the Red Flag Reporting System

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

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Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

314.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Sheriff or the Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

314.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

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

314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

314.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty

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expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

314.5.2 FORMAL INVESTIGATION

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

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

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

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, the Director of Human Resources or the County Board.

314.5.3 ALTERNATIVE COMPLAINT PROCESS

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

314.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- (a) Approved by the Sheriff, the County Board, or the Director of Human Resources, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

314.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

314.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form

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that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

314.7.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Director of Human Resources or the County Board for further information, direction or clarification.

Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Olmsted County members are required to notify the county social services agency of suspected child abuse.

315.1.1 DEFINITIONS

Definitions related to this policy include:

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

Child abuse (also known as maltreatment of minors) - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (Minn. Stat. § 260E.03; Minn. Stat. § 260E.06).

315.2 POLICY

The Olmsted County will investigate all reported incidents of alleged criminal child abuse and ensure the county social services agency is notified as required by law.

315.3 MANDATORY NOTIFICATION

Members of the Olmsted County shall notify the county social services agency when they have reason to believe any of the following may have occurred or when someone reports any of the following (Minn. Stat. § 260E.06):

- (a) A child is being neglected or has been neglected within the preceding three years.
- (b) A child is being physically abused or has been physically abused within the preceding three years by a person responsible for the child's care.
- (c) A child is being sexually abused, threatened with sexual abuse, or has been sexually abused within the preceding three years by a person responsible for the child's care, by a person who has a significant relationship to the child, or by a person in a position of authority.
- (d) A woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy, including but not limited to tetrahydrocannabinol (marijuana), or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive (Minn. Stat. § 260E.03, subd. 15; Minn. Stat. § 260E.31).

Notification is mandatory for any acts of neglect, physical abuse, and sexual abuse that constitute a crime, whether or not the suspect had any relationship to or responsibility for the child (Minn. Stat. § 260E.12).

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

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sexual conduct and prostitution offenses. Neglect includes failure to supply a child with necessary clothing, shelter, or medical care. See Minn. Stat. § 260E.03 for full definitions of physical abuse, sexual abuse, and neglect.

315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Minn. Stat. § 260E.09):

- (a) The member tasked with the investigation shall call the county social services agency and report the alleged abuse as required by statute. The time of the call and the name of the person should be documented.
- (b) Notification, when possible, should include:
 - 1. The child's current location and whether the child is in immediate danger.
 - 2. A description of when and where the incident occurred and what happened to the child.
 - 3. A description of the injuries or present condition of the child.
 - 4. The names and addresses of the child, parents, or caregivers.
 - 5. Whether there were any witnesses to the incident and their names.
 - 6. Any additional information about the child, family, or caregivers that may be helpful.
 - 7. Whether the incident occurred in a licensed facility or a school and what actions the facility employees may have taken.
 - 8. Whether there are immediate family, relative, or community resources that would offer protection or support to the child.
- (c) Forms that may be required by the county social services agency or other written notification shall be completed and faxed or delivered to the county social services agency as soon as possible but always within 72 hours, exclusive of weekends and holidays.
- (d) Approved investigation reports should be forwarded to the county social services agency as soon as practical.
- (e) When the child abuse occurred at a facility or by a person from a facility that requires a state license or a profession that requires a state license (e.g., foster homes, group homes, day care, educator), notification shall also be made to the agency responsible for licensing the facility or person (Minn. Stat. § 260E.11).

315.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.

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- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

315.5 INVESTIGATIONS AND REPORTING

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

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

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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

315.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact OCCS Child Protection. Generally, removal of a child from his/her family, guardian or other

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responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy 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 deputy shall ensure that the child is delivered to the county social services agency.

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

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

- (a) When a court has issued an order for removal.
- (b) When a child is found in surroundings or conditions that pose an imminent threat to the child's health or welfare or that a peace officer reasonably believes pose an imminent threat to the child's health or welfare.
- (c) If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, taking the child into custody under this clause shall be consistent with the Indian Child Welfare Act (25 USC § 1922).

315.6.1 NOTICE TO PARENT OR CUSTODIAN AND CHILD

Whenever a deputy takes a child into protective custody, the deputy shall notify the parent or custodian and the child (age 10 years or older) that they may request that the child be placed with a relative instead of in a shelter care facility. The deputy also shall give the parent or custodian a list, published by the Minnesota Department of Human Services, of names, addresses, and telephone numbers of social services agencies that offer child welfare services. When placement with a relative is requested, the deputy will coordinate with the responsible social services agency to ensure the child's safety and well-being in compliance with Minn. Stat. § 260C.181 (Minn. Stat. § 260C.175).

If the parent or custodian was not present when the child was removed from the residence, the list shall be left with an adult who is on the premises or left in a conspicuous place on the premises if no adult is present. If the deputy has reason to believe the parent or custodian is not able to read and understand English, the deputy must provide a list that is written in the language of the parent or custodian (Minn. Stat. § 260C.175; Minn. Stat. § 260C.181).

315.6.2 SAFE PLACE FOR NEWBORNS

A person may leave an unharmed newborn less than seven days old with the staff of a hospital, urgent care facility or ambulance service without being subject to prosecution (Minn. Stat. §

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609.3785). The responsible social service agency is charged with addressing these matters but may contact law enforcement if child abuse is suspected (Minn. Stat. § 145.902; Minn. Stat. § 609.3785).

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

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

315.7.2 DETAINING ABUSE VICTIMS FOR INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

315.7.3 NOTIFICATION TO PARENTS

Generally, deputies should cooperate with parents and guardians and seek consent prior to conducting interviews of children. However, when reasonably necessary, state law grants deputies the authority to interview a child who is the alleged victim of abuse or neglect, and any other children who currently reside or have resided with the alleged victim, without parental consent (Minn. Stat. § 260E.22, Subd. 1).

The interview may take place at school or at any facility or other place where the alleged victim or other children might be found, or the child may be transported to, and the interview conducted at, a place that is appropriate for the interview and has been designated by the local welfare agency or law enforcement agency. When it is possible and substantial child endangerment or sexual abuse is alleged, the interview may take place outside the presence of the alleged offender and prior to any interviews of the alleged offender (Minn. Stat. § 260E.22).

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The deputy shall notify the parent, legal custodian, or guardian that the interview occurred as soon as reasonably practicable after the interview, unless the juvenile court has determined that reasonable cause exists to withhold the information (Minn. Stat. § 260E.22).

315.7.4 INTERVIEWS AT SCHOOL

If deputies assigned to investigate a report of maltreatment determine that an interview should take place on school property, written notification of the intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property (Minn. Stat. § 260E.22, Subd. 7).

The investigating deputy shall determine who may attend the interview, although school officials may set reasonable conditions as to the time, place, and manner of the interview (Minn. Stat. § 260E.22, Subd. 7).

315.7.5 DOCUMENTING AND RECORDING INTERVIEWS

Any statement made by an alleged child abuse victim during the course of a criminal investigation shall be documented. The documentation of the interview must contain, at a minimum (Minn. Stat. § 260E.23):

- (a) The date, time, place, and duration of the interview.
- (b) The identity of the persons present at the interview.
- (c) A summary of the information obtained during the interview if it was not audio recorded.

Members should follow the written guidelines of the county attorney's office regarding recording interviews of a child abuse victim.

315.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility. If feasible, medical examinations should be conducted at the Child Advocacy Center.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

315.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

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315.9.1 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.
- (b) Activate any available interagency response when a deputy notifies the Investigations Division supervisor that the deputy 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) Deputies shall document the environmental, medical, social and other conditions that may affect the child.

315.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigations Division supervisor so an interagency response can begin.

315.9.3 SCHOOL NOTIFICATION

If a juvenile is taken into protective custody after being found in an area where methamphetamine was being manufactured or attempted to be manufactured, or where any chemical substances, paraphernalia or waste products related to methamphetamine are stored, the deputy who took the juvenile into custody shall notify the chief administrative officer of the juvenile's school (Minn. Stat. § 260C.171, Subd. 6).

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

315.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Minn. Stat. § 260E.35).

315.10.2 CHILD MORTALITY REVIEW PANELS

Child mortality review panels are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This office shall cooperate fully with any such team and investigation (Minn. Stat. § 256.01, Subd. 12).

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315.10.3 COORDINATION WITH SOCIAL SERVICES

In every case of child abuse that would require notification to a local county social services agency, the investigating deputy 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 deputy shall prepare a report separate from the social services agency (Minn. Stat. § 260E.12; Minn. Stat. § 260E.14, Subd. 5).

Members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an investigation or a family assessment under Chapter 260E (Minn. Stat. § 243.166; Minn. Stat. § 260E.03).

315.10.4 NOTIFICATION PROCESS

The Patrol Supervisor is responsible for ensuring the mandatory notifications to the county social service agency are carried out. This should be achieved, in part, by establishing and reviewing related procedures and through ongoing training (Minn. Stat. § 260E.01 et seq.).

315.10.5 COURT-ORDERED FIREARM SURRENDERS

Although not required, this office 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 Olmsted County; however, when encountering someone in the field who wishes to surrender a firearm, deputies should make reasonable efforts to accommodate the request.

Surrendered firearms should be collected and submitted to the Property and Evidence in accordance with the Property and Evidence Policy.

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

Endangered - A person the Office has confirmed is missing and there is sufficient evidence to indicate that the person is at risk of physical injury or death. Examples include (Minn. Stat. § 299C.52):

- (a) The person is missing because of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary.
- (b) The person is missing under known dangerous circumstances.
- (c) The person is missing for more than 30 days.
- (d) The person is under the age of 21 and at least one other factor is applicable.
- (e) There is evidence that the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication.
- (f) The person does not have a pattern of running away or disappearing.
- (g) The person is mentally impaired.
- (h) 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 Office deems to indicate the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes any person under the age of 18 or who is certified or known to be mentally incompetent (Minn. Stat. § 299C.52).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, and the Minnesota Crime Alert Network.

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316.2 POLICY

The Olmsted County does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations Division supervisor shall ensure the following forms are available:

- Missing Person Report Form
- Missing Person Investigation Checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing Person School Notification Form
- Medical Records Release Form
- Biological sample collection kits

316.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction (Minn. Stat. § 299C.53, Subd.1(a)).

316.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

- (a) Respond to a dispatched call as soon as practicable. Obtain a detailed description of the missing person, as well as a description of any related vehicle and/or abductor.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be endangered (Minn. Stat. § 299C.53, Subd. 1(b)). Interviews should be conducted separately, if practicable.
- (c) Consult with the Bureau of Criminal Apprehension (BCA) if the person is determined to be an endangered missing person (Minn. Stat. § 299C.53, Subd. 1(b)).
- (d) Canvass the last known area where the missing person was seen, if known. A search of the location where the incident took place, if known, should also be conducted and a search warrant obtained if necessary.
- (e) Determine when, where and by whom the missing person was last seen. Interview the person who last had contact with the missing person.

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- (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 (34 USC § 41308).
- (j) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to 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).
 - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (l) When circumstances permit and if appropriate, attempt to determine the missing person's location through their 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.

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316.5.1 CRIME SCENE INVESTIGATION AND MANAGEMENT

If a crime scene is identified, it should be secured and a command post or operation base located at a reasonable distance from the crime scene. Staff and assign the responsibilities for command post supervisor, media specialist, search coordinator, investigative coordinator, communication officer and support unit coordinator. Provide two liaison deputies (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 office 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 health, relationships, personality, problems, life experiences, plans, equipment, etc.
- (h) Interviewing delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
- (i) Determining if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:
 - 1. Investigative resources (e.g., search and rescue).
 - 2. Interpretive resources.
 - 3. Telephone services, such as traps, traces and triangulation.
 - 4. Media assistance from local and national sources.
- (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 a deputy to communicate with the family/reporting party or their designee. The deputy will be the primary point of contact for the family/reporting party or their

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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 office's ability to locate or protect the missing person or to apprehend or criminally prosecute any person in connection to the case.

316.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Division.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.6.2 RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the Records Division receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (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 (34 USC § 41308).

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316.7 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 party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Shall review the case file to determine whether any additional information received on the missing person indicates that the person is endangered, and shall update applicable state or federal databases accordingly (Minn. Stat. § 299C.535(b); Minn. Stat. § 299C.535(c)).
- (d) Shall attempt to obtain the following, if not previously obtained, if the person remains missing after 30 days (Minn. Stat. § 299C.535(a)):
 - 1. Biological samples from family members and, if possible, from the missing person
 - 2. Dental information and X-rays
 - 3. Additional photographs and video that may aid the investigation or identification
 - 4. Fingerprints
 - 5. Any other specific identifying information
- (e) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (f) Shall verify and update the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (g) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (h) Should consider taking certain actions if a person is missing after a prolonged period, generally exceeding 45 days. Those actions include:
 - 1. Developing a profile of the possible abductor.
 - 2. Using a truth verification device for parents, spouse, and other key individuals.

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3. Reviewing all reports and transcripts of interviews, revisiting the crime scene, reviewing all photographs and videotapes, reinterviewing key individuals and reexamining all physical evidence collected.
 4. Reviewing all potential witness/suspect information obtained in the initial investigation and considering background checks on anyone of interest identified in the investigation.
 5. Periodically checking pertinent sources of information about the missing person for any activity, such as telephone, bank, Internet or credit card activity.
 6. Developing a timeline and other visual exhibits.
 7. Critiquing the results of the ongoing investigation with appropriate investigative resources.
 8. Arranging for periodic media coverage.
 9. Considering the use of rewards and crime-stoppers programs.
 10. Maintaining contact with the family and/or the reporting party or designee, as appropriate.
- (i) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
 - (j) Should make appropriate inquiry with the Medical Examiner.
 - (k) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
 - (l) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, forward the photograph to BCA (Minn. Stat. § 299C.54), and enter the photograph into applicable missing person networks (34 USC § 41308).
 - (m) In the case of an endangered missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

316.8 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 Records 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.

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- (c) Entries are made in the applicable missing person networks (Minn. Stat § 299C.53, Subd. 2).
- (d) When a child is endangered, the fact that the child has been found shall be reported within 24 hours to BCA.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.8.1 PERSONS FOUND ALIVE

Additional responsibilities related to missing persons who are found alive include:

- (a) Verifying that the located person is the reported missing person.
- (b) If appropriate, arranging for a comprehensive physical examination of the victim.
- (c) Conducting a careful interview of the person, documenting the results of the interview and involving all appropriate agencies.
- (d) Notifying the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of his/her whereabouts and contact information, the family/reporting party may be given this information.
- (e) Depending on the circumstances of the disappearance, considering the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.
- (f) Performing a constructive post-case critique. Reassessing the procedures used and updating the Office policy and procedures as appropriate.

316.8.2 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- (c) Use available resources, such as those related to missing persons, to identify the person.

316.8.3 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 office has jurisdiction.

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- (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 office policy and procedures as appropriate.

316.9 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 Olmsted or this office 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 office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.10 TRAINING

Subject to available resources, the Training Sergeant, Sergeants and FTOs should ensure that members of this office 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
 - 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 office members at the scene.

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- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Public Alerts

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local media outlets and office-approved social media to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

317.3 RESPONSIBILITIES

317.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Olmsted County should notify their supervisor, Duty 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.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Captain 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 Captain

317.4 AMBER ALERTS

America's Missing: Broadcast Emergency Response (AMBER) Alert™ is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how it can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement through the Minnesota Crime Alert Network (Minn. Stat. § 299A.61 Subd. 1).

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Public Alerts

317.4.1 CRITERIA

Any non-familial case in which an individual is abducted and the public can assist will trigger the activation of either the AMBER Alert and/or the Minnesota Crime Alert Network (MCAN) to inform the public and request its assistance in locating the individual.

The criteria for issuance of an Amber Alert are as follows:

- (a) A child 17 years of age or younger was abducted and there is reason to believe the victim is in imminent danger of serious bodily injury or death.
- (b) There is information available to disseminate to the general public that could assist with the safe recovery of the victim and/or the apprehension of the suspect.

An AMBER Alert should not be requested if there is no information to distribute.

317.4.2 PROCEDURE

The supervisor shall review the AMBER Alert checklist provided by the Bureau of Criminal Apprehension (BCA) to determine whether the abduction meets the AMBER Alert criteria.

As soon as possible, Records Division personnel or Communications Unit 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, Duty 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.

317.5 MINNESOTA CRIME ALERT NETWORK (MCAN)

MCAN is a statewide communications network that enables law enforcement agencies to quickly alert the public (Minn. Stat. § 299A.61). In cases where the AMBER Alert criteria are not met, the supervisor shall issue a missing person alert through MCAN to notify the public and request information on the case (Minn. Stat. § 299C.53). Law enforcement agencies, businesses, schools, and community members participate in the network.

317.5.1 CRITERIA

MCAN is available for disseminating information regarding the commission of crimes, including information on missing and endangered children or vulnerable adults, or attempts to reduce theft and other crime.

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317.5.2 PROCEDURE

If a supervisor determines that an MCAN alert should be requested, the supervisor should contact the BCA Operations Center and provide the requested information (Minn. Stat. § 299C.53).

The Public Information Officer should prepare a press release that includes all available information that might strengthen the assistance by the public or other law enforcement agencies. It should be updated with additional information as it becomes available and useful. All media releases should be coordinated with the BCA. In the event of a confirmed child abduction, whether or not an AMBER Alert or MCAN alert is activated, procedures designed to inform the media should be followed. Initial information to release may include but is not limited to:

- (a) The nature of the crime that has occurred.
- (b) The victim's identity, age, and description, if relevant.
- (c) Photograph if available.
- (d) The suspect's identity, age, and description, if known.
- (e) Pertinent vehicle description.
- (f) Detail regarding location of incident, direction of travel, and potential destinations, if known.
- (g) Whether there is reason to believe the suspect has a relationship to the victim.
- (h) Name and phone number of the Public Information Officer or other authorized individual to handle media liaison.
- (i) A telephone number for the public to call with leads or information.

As additional information pertinent to the case becomes available, it shall be forwarded to the BCA.

317.6 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer.

317.6.1 CRITERIA

The following criteria should be utilized to determine if a request to activate a Blue Alert will be made:

- (a) A law enforcement officer has been killed, seriously injured or is missing while in the line of duty under circumstances evidencing concern for the officer's safety.
- (b) The investigating law enforcement agency has determined that:
 - 1. The suspect poses a serious risk to the public or other law enforcement personnel.
 - 2. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

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- (c) A description of the offender, the offender's vehicle (including license plate or partial license plate) is available for broadcast.

317.6.2 PROCEDURE

The on-duty supervisor should ensure that contact is made with the Minnesota Bureau of Criminal Apprehension (BCA) to request activation of a Blue Alert. The on-duty supervisor should also ensure that any changes to information (e.g., vehicle information, broadcast area) are communicated to BCA in a timely manner.

Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

318.2 POLICY

The Olmsted County is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Olmsted County will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIM LIAISON

The Sheriff may appoint a member of the Office 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 Olmsted County regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison shall assist the Minnesota Crime Victims Reimbursement Board in performing its duties and ensure that the Records Division forwards copies of requested reports to the board or other authorized organizations within 10 days of receipt, in compliance with the Records Maintenance and Release Policy. These reports include those maintained as confidential or not open to inspection under Minn. Stat. § 260B.171 or Minn. Stat. § 260C.171 (Minn. Stat. § 611A.66).

The crime victim liaison will also (Minn. Stat. § 611A.27):

- (a) Serve for a sexual assault victim or a sexual assault victim's written designee as the liaison between the Olmsted County and a forensic laboratory.
- (b) Facilitate requests for information made by a sexual assault victim or written designee.
- (c) Provide an appropriate response to a victim's request for investigative data within 30 days.
- (d) Develop a procedure allowing a sexual assault victim to request that the sexual assault examination kit be submitted to a forensic laboratory if the victim had not previously authorized such submission.

The crime victim liaison or the authorized designee, in consultation with the Investigations Division Captain, should establish procedures for receiving requests for assistance in applying for U visa or T visa status, and make those procedures available to victims. The procedures should provide for responses to these requests to be made in compliance with applicable law and as set forth in the Immigration Violations Policy and applicable law (Minn. Stat. § 611A.95).

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318.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies 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. Deputies 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 office material or available victim resources.

318.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims, including domestic abuse and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime.
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the deputy's name, badge number, and any applicable case or incident number.
- (j) Notices and information regarding the rights of crime victims, domestic abuse victims, and offender release as detailed in the following:
 - 1. Safe at Home address confidentiality program (Minn. Stat. § 5B.03)
 - 2. Offender release notification (Minn. Stat. § 244.052; Minn. Stat. § 244.053; Minn. Stat. § 611A.06; Minn. Stat. § 629.73)
 - 3. Tenancy issues (Minn. Stat. § 504B.205; Minn. Stat. § 504B.206)
 - 4. Victim and specific domestic abuse victim information/Minnesota CHOICE (Minn. Stat. § 611A.02 et seq.; Minn. Stat. § 629.341; Minn. Stat. § 629.72)
- (k) A notice that a decision to arrest is the deputy's and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution.

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- (l) Contact information for the Office of Justice Programs and the Emergency Fund and Crime Victims Reimbursement (Minn. Stat. § 611A.66).

318.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate or Prejudice Crimes

319.1 PURPOSE AND SCOPE

The Olmsted County 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 office 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 office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 FEDERAL JURISDICTION

The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

319.2 DEFINITIONS

Hate or Prejudice Crime - Conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability (see generally Minn. Stat. § 611A.79, Subd. 1).

319.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

While it is recognized that not all crime can be prevented, this office is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes.

319.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this office 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) Deputies 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.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned deputies 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 deputies will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.

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- (e) Depending on the situation, the assigned deputies or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned deputies 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 deputies before the end of the shift.
- (g) The assigned deputies will provide the victim(s) of any suspected hate or prejudice crime with the brochure on hate and prejudice crimes authorized by the Office. Such brochures will also be available to members of the public upon request. The assigned deputies 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 deputies 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 County Attorney.

319.5 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) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

319.5.1 STATE HATE CRIME REPORTING

This office shall report hate or prejudice crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Records Supervisor or assigned to the Investigations Division (Minn. Stat § 626.5531 Subd. 1). Reports are required to include:

- (a) The date of the offense.
- (b) The location of the offense.
- (c) Whether the target of the incident was a person, private property or public property.
- (d) The crime committed.
- (e) The type of bias and information about the offender and the victim that is relevant to that bias.

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- (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 deputy's reasonable belief or on the victim's allegation.
- (i) Any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

319.5.2 FEDERAL HATE CRIME REPORTING

The Records Supervisor should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Division procedures and in compliance with (28 USC § 534 (a)).

319.6 TRAINING

All members of this office 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).

Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Olmsted County and are expected of all office 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 office or a member's supervisors.

320.1.1 STANDARDS OF CONDUCT FOR PEACE OFFICERS

The Olmsted County adopts the Professional Conduct of Peace Officers model policy established and published by the Minnesota Board of Peace Officer Standards and Training Board (POST) (Minn. Stat. § 626.8457). This model policy applies to all peace officers of this office.

[See attachment: MN POST Professional Conduct of Peace Officers Model Policy.pdf](#)

The provisions of this policy are in addition to collective bargaining agreements or any other applicable law.

The Office shall report to POST any data regarding the investigation and disposition of cases involving alleged misconduct of deputies (Minn. Stat. § 626.8457, Subd. 3).

320.2 POLICY

The continued employment or appointment of every member of the Olmsted County shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

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

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient office service.

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320.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in office or County manuals.
- (b) Disobedience of any legal directive or order issued by any office member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Olmsted County in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.
- (h) The submission of regular, overtime or compensatory time when knowingly not working the hours incurred.

320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

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- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this office.
- (f) Supporting or participating in the activities of a hate or extremist group (Minn. Stat. § 626.8436).

320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this office.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Olmsted County badge, uniform, identification card or office property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and nonsubpoenaed records.

320.5.7 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.

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- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office--related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on office premises.
 - 2. At any work site, while on duty or while in uniform, or while using any office equipment or system.
 - 3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or on office property except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.
- (i) Any act on or off duty that brings discredit to this office.

320.5.8 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (c) Engaging in horseplay that reasonably could result in injury or property damage.

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- (d) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.
- (e) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (f) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.
- (g) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.
- (h) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.
- (i) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
- (j) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (k) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

320.5.9 SAFETY

- (a) Failure to observe or violating office safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.10 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

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- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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 requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

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 Office-approved software 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, it shall be documented in writing.
- (b) In every case where any force is used against any person by OCSO personnel.
- (c) All incidents involving family violence or the threat of violence.
- (d) All incidents of crimes motivated by bias (Minn. Stat. § 626.5531).

321.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any time a deputy points a firearm at any person
- (b) Any use of force against any person by a member of this office (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms and Qualification Policy)

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- (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 COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

321.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this office shall require a report when:

- (a) The injury is a result of a drug overdose.
- (b) Attempted suicide.
- (c) The injury is major or serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

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.

Report Preparation

321.3.1 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

321.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. The original report and the needed correction 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 Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

321.6 ELECTRONIC SIGNATURES

The Olmsted County Sheriff's Office has established an electronic signature procedure for use by all employees of the Olmsted County Sheriff's Office. 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).

The Records Division shall ensure that the report received from the health professional is forwarded to the commissioner of the Department of Health (Minn. Stat. § 626.53, Subd. 2). If the injury resulted from a hunting incident, the Records Division shall ensure that the findings of the investigation are forwarded to the commissioner of the Department of Natural Resources using the form provided by the commissioner (Minn. Stat. § 626.553, Subd. 1).

Media Relations

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 Sheriff or his designee. However, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff or Chief Deputy has given prior approval to Captains, Lieutenant Duty 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 Office 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 office make any comment or release any official information to the media without prior approval from a supervisor or the designated Office 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 office.
- (c) Under no circumstance should any member of this office make any comment(s) to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff.

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 office Public Information Officer or other designated spokesperson.

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- (c) No member of this office 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.

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. Office 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 the Duty Sergeant. 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 deputies 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 Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff 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 Office will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Duty 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.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this office, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated media representative, the custodian of records, or if unavailable, to the Duty Sergeant. Such requests will generally be processed in accordance with the provisions of the Minnesota Government 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 office (see the Records Maintenance and Release Policy and the Personnel Files Policy). When in doubt, authorized and available legal counsel should be obtained.

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.

323.2 POLICY

Olmsted County members will respond appropriately to all subpoenas and any other court-ordered appearances.

323.2.1 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Olmsted County shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisor.

323.3 COURT NOTIFICATION AND SUBPOENAS

Only office members authorized to receive a subpoena on behalf of this office 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 mail box and office e-mail. 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 Office 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 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Olmsted County.

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- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Olmsted County.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary. No member shall be retaliated against for testifying in any matter.

323.3.2 CIVIL SUBPOENA

The Office will compensate members who appear in their official capacities on civil matters arising out of their official duties, in accordance with any collective bargaining agreement.

The Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

323.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

323.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

323.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Office.

If a member on standby changes his/her location during the day, the member shall notify the designated office member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

323.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the office uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.
- (d) Members attending court virtually shall follow all rules and policies as if in an actual courtroom.

323.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with any current collective bargaining agreement .

Part-Time Deputies

324.1 PURPOSE AND SCOPE

The Olmsted County Part-Time Unit was established to supplement and assist licensed sheriff's deputies in their duties. This unit provides professional, licensed part-time deputies who can augment regular staffing levels (Minn. R. 6700.1110).

324.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 626.84, Subd. 1):

Part-time deputy - A person who has been licensed by the Board of Peace Officer Standards and Training (POST), who is utilized for no more than an average of 20 hours per week and no more than 1040 hours per calendar year, and who has either full powers of arrest or has been authorized by the Sheriff to carry a firearm while on active duty.

324.2 SELECTION AND APPOINTMENT OF SHERIFF'S PART-TIME DEPUTIES

The Olmsted County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this office.

324.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as licensed sheriff's deputies before appointment.

Before appointment as a part-time or reserve volunteer deputy, an applicant must complete state required training in a timely manner.

324.2.2 APPOINTMENT

Applicants who are selected for appointment as a part-time/reserve volunteer deputy shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take the Oath of Office as required for regular deputies.

A part-time/reserve volunteer deputy may not perform any law enforcement function without meeting the selection standards, completing the minimum training, and successfully passing the licensing examination for part-time peace officers set by the Minnesota Board of Peace Officer Standards and Training certification (Minn. Stat. § 626.8463, Minn. R. Ch. 6700.0700 and Minn. R. Ch. 6700.1101 Subd. 2).

As allowed by law, part-time licensed officers are temporarily exempt from these selection standards at the discretion of the Sheriff in case of an emergency arising from a natural disaster, civil disorder, fire, explosion or similar event (Minn. Stat. § 626.8465).

324.2.3 COMPENSATION FOR SHERIFF'S PART-TIME OFFICERS

- (a) Compensation for part-time deputies is provided as follows:

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1. All part-time deputy appointees are issued uniform, designated attire and safety equipment. All property issued to the part-time deputy shall be returned to the Office upon termination or resignation.
 2. The Office may provide hospital and medical assistance to a member of the part-time force who sustains injury in the course of performing official duties.
 3. Pay rate as established by Human Resources and the Sheriff's Office.
- (b) Compensation for Reserve Volunteer (hereinafter referred to as Reserve) deputies is provided as follows:
1. All reserve deputy appointees are issued uniform, designated attire and safety equipment. All property issued to the reserve deputy shall be returned to the Office upon termination or resignation.
 2. The Office may provide hospital and medical assistance to a member of the reserve force who sustains injury in the course of performing official duties.

324.3 DUTIES OF PART-TIME DEPUTIES

Part-time and reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Patrol Division. Part-time and reserve deputies may be assigned to other areas within the Office as needed.

324.3.1 POLICY COMPLIANCE

Sheriff's part-time and reserve deputies shall be required to adhere to all Office policies and procedures. Policies and procedures will be made available to each part-time and reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this manual refers to a licensed full-time deputy, it shall also apply to a licensed part-time or reserve deputy unless by its nature it is inapplicable.

324.4 FIELD TRAINING

All part-time and reserve deputies are required to complete field training.

324.4.1 TRAINING OFFICERS

Deputies of this office, who demonstrate a desire and ability to train part-time or reserve deputies, may train part-time or reserve deputies during Phase II, subject to Duty Sergeant approval.

324.4.2 PRIMARY TRAINING OFFICER

In completion of the required minimum training and licensing, part-time or reserve deputies may be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee.

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Part-Time Deputies

324.4.3 FIELD TRAINING MANUAL

Each new part-time and reserve deputy 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/or skills necessary to properly function as a deputy with the Olmsted County Sheriff's Office. The part-time or reserve deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

324.4.4 COMPLETION OF THE FORMAL TRAINING PROCESS

Under the Direction of the Training Sergeant:

The Training Officer or Training Sergeant schedules classroom training. Regular monthly meetings as well as special classes may be scheduled or offered to reserve deputies.

The Training Sergeant will schedule firearms training. Platoons may be requested to train additional hours with the regular deputies. Every member will be required to meet minimum pistol and shotgun qualifications as set by the Firearms Instructors at least four times yearly. Minimum standards will be set by the Firearms Instructors and part-time and reserve deputies will be expected to meet the same standards as regular deputies.

Mandatory classes may be implemented to meet the standard requirements of a licensed peace officer. On-the-job training is the learning experience of working with regular deputies while on duty.

Additional training may be offered as it is available to the part-time and reserve deputies whenever special classes are offered and room is available at no additional expense to the office. Part-time and reserve deputies may attend POST classes at his or her own expense.

All part-time and reserve deputies must maintain required training to meet Minnesota Police Officer Standards and Training Board's requirements for licensing.

324.5 SUPERVISION

Part-time and reserve deputies perform some of the duties of a peace officer and shall be under the immediate supervision of a licensed peace officer and may not be employed as a full-time deputy (Minn. Stat. § 626.8465).

324.5.1 IDENTIFICATION OF DEPUTIES

All part-time and reserve deputies will be issued a uniform badge and a Office identification card. The uniform badge shall be silver in color. The identification card will be the standard identification card.

324.5.2 UNIFORM

Part-time and reserve deputies shall conform to all uniform regulation and appearance standards of this office.

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324.5.3 INVESTIGATIONS AND COMPLAINTS

If a part-time or reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Training Sergeant or Patrol Captain, in compliance with the Personnel Complaint and Misconduct Policy.

Part-time and reserve deputies are considered at-will employees. Any disciplinary action that may have to be administrated to a part-time or reserve deputy shall be accomplished as outlined in the Policy Manual with the exception that the right to hearing is limited to the opportunity to clear his/her name.

324.6 TRAINING REQUIREMENTS

Part-time and reserve deputies are required to meet the training requirements applicable to full-time licensed deputies as outlined in the Training Policy.

324.7 FIREARMS

Part-time and reserve deputies shall successfully complete Office-authorized training in the use of firearms and have their appointment approved by the County prior to carrying an Office approved firearm or otherwise act as a deputy on behalf of the Olmsted County Sheriff's Office (Minn. Stat. § 626.8452 Subd. 2).

Any part-time or reserve deputy who is permitted to carry an Office approved firearm may do so only in compliance with the Duty Firearms Policy.

324.8 CONCEALED FIREARMS

Part-time or reserve deputies shall possess a valid Minnesota firearms permit in order to carry a firearm when off-duty (Minn. Stat. § 624.714), otherwise carrying a concealed firearm is prohibited. Part-time peace officers who are off duty, whether in or out of their jurisdiction, have no arrest power other than that of a private citizen. Off duty part-time peace officers, either in or out of their jurisdiction, do not have part-time peace officer authority and they may not carry a firearm or exercise duties reserved for part-time officers. An instance may arise where a part-time or reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the part-time or reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Mutual Aid and Outside Agency Assistance

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

325.2 POLICY

It is the policy of the Olmsted County to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this office.

325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Duty Sergeant's office for approval. Any such response to assist an outside agency may be considered for authorization regardless of whether an agreement for reciprocal aid under Minn. Stat. § 626.76, Subd. 1 exists. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this office, the Duty Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this office.

Deputies may respond to a request for emergency assistance; however, they shall notify an on-duty supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this office until arrangements for transportation are made by the outside agency. Only in exceptional circumstances, and subject to supervisor approval, will this office provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

325.3.1 AGREEMENTS

The Office may, at the discretion of the Sheriff, establish an agreement with another law enforcement agency to (Minn. Stat. § 626.76, Subd.1):

- (a) Assist other peace officers in the line of their duty and within the course of their employment.
- (b) Exchange licensed officers with licensed officers of another agency on a temporary basis.

325.3.2 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Olmsted County shall notify

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his/her supervisor or the Duty Sergeant and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

325.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

325.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Duty Sergeant.

Registered Predatory Offender

326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Olmsted County will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered offenders.

326.2 POLICY

It is the policy of the Olmsted County to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

326.3 REGISTRATION

The Investigations Division supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minn. Stat. § 243.166 within three days of the registration. Registration and updated information from a person who lacks a primary residence shall be forwarded within two business days. Updated primary address information from any registered predatory offender shall also be forwarded within two business days (Minn. Stat. § 243.166).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

326.3.1 REGISTRATION PROCESS

When an offender arrives to register with this office, the assigned investigator should:

- (a) Determine in what state the offense was committed.
- (b) Confirm the individual is required to register by reviewing the list of Minnesota offenses on the BCA's Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual that is available on the BCA's secure website.
- (c) If a person is required to register, search the BCA's secure website to verify whether the offender is already registered and a DNA sample has been submitted.
- (d) If the offender is already registered, complete a Change of Information Form (available on the BCA's secure website).
- (e) If the offender is not registered, complete a POR Form (available at BCA's secure website).

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- (f) If the offender is from another state, contact the state (information for each state is listed on the BCA's website) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.
 - 1. Documents obtained should be submitted to the BCA with a registration form.
 - 2. The BCA will determine if registration is required and inform the office and the offender.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit by phone or through the BCA secure website.

326.3.2 GUIDELINES AND FORMS

The registration process shall be in accordance with Minn. Stat. § 243.166 and follow the guidelines implemented by the BCA. Forms used in the registration process are available from the secure website operated by the BCA.

326.3.3 NOTIFICATION TO REGISTRANTS

The registration process established by the Investigations Division supervisor should include procedures for determining whether an individual requires notification of his/her requirement to register because the individual was not otherwise notified of the requirement by the sentencing court or assigned a corrections agent (Minn. Stat. § 243.166).

326.4 MONITORING OF REGISTERED OFFENDERS

The Investigations Division Supervisor or their designee should establish a system to periodically, and at least once annually, verify that a registrant living within the jurisdiction of the Sheriff's Office remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) In person contact with the offender at their registered primary address, residency should be established by a driver's license or mail addressed to the offender at the address, updated photos of offenders should be taken annually or as required by law, these photos shall be uploaded to the BCA's Predatory Offender Information website.
- (b) Review of information on the BCA's Predatory Offender Information website.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be investigated for possible violations of the predatory offender registration laws. If after investigation, a violation is found, the BCA should be notified and a prosecution packet requested.

The Investigations Division Supervisor or their designee should also establish a procedure to disseminate information regarding new, relocated or out of compliance offenders to Sheriff's Office personnel as necessary.

The Adult Detention Center shall establish a system as required to check the predatory offender registration status of all incoming inmates.

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The Investigations Division Supervisor or their designee shall establish a procedure with the ADC to process information on any registered predatory offenders booked into the ADC and forward this information to the BCA as required.

326.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not make a public notification advising the community of a particular registrant's presence in the community without permission from the Sheriff. Members who believe notification is appropriate should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff based on statutory requirements, with the assistance of legal counsel as necessary, whether such a public alert should be made.

The Records Supervisor shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 243.166, Subd. 7; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

326.5.1 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.
- (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.

326.5.2 MANDATORY DISSEMINATION

The Office shall provide and release predatory offender data, or updated data, obtained from the DOC based upon the offender's status of a Level 1, 2, or 3.

The Office 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, home care provider, or hospice provider of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving care shall be made by this office (Minn. Stat. § 244.052, Subd. 4c).

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The Office shall provide an offender's change of status to the entities and individuals who were initially notified if the Office becomes aware that the area where notification was made is no longer where the offender resides, is employed, or is regularly found (Minn. Stat. § 244.052, Subd. 4).

326.5.3 LEVEL 1 DISCLOSURE

Data maintained by law enforcement may be subject to limited disclosure (Minn. Stat. § 244.052, Sub.4) (refer to the DOC 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

326.5.4 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 DOC document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota - Risk Level 2" or other DOC guidance):

- (a) In addition to Level 1 disclosure, the Office may disclose data to:
 - 1. Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.
 - 2. Individuals likely to be victimized by the offender.
- (b) Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by the DOC or the Minnesota Department of Human Services (DHS).

326.5.5 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 DOC document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota" or other DOC guidance):

- (a) The Office shall disclose information to the persons and entities provided for Level 1 and 2 disclosures.
- (b) The Office 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.

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- (c) A good faith effort must be made to complete the disclosure within 14 days of receiving a confirmed address from the DOC.
- (d) The process of notification is determined by this office. The DOC has recommended that the community be invited to a public meeting and disclose the necessary data. Assistance is available from the DOC Risk Assessment/Community Notification (RA/CN) Unit.

Data disclosed to the public of a Level 3 predatory offender shall be forwarded to the DOC within two days of the office's determination to disclose (Minn. Stat. § 244.052, Subd. 4(g)).

326.5.6 HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender is planning to be in this jurisdiction or has been admitted to a health care facility, home care provider, or hospice provider in this jurisdiction, this office shall provide a fact sheet to the facility administrator with the following data (Minn. Stat. § 243.166, Subd. 4b) (refer to the DOC documents, “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender Not For Distribution to Facility Residents” and “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender For Distribution to Facility Residents” or other DOC guidance):

- (a) Name and physical description of the offender
- (b) Offender’s conviction history, including the dates of conviction
- (c) Risk level assigned to the offender, if any
- (d) Profile of likely victims

326.5.7 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 office learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Office must contact DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this office 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 office may be made consistent with that authorized for risk Level 2.
- (c) If this office believes that a risk level assessment is needed, the Office may request an end-of-confinement review. The Office shall provide to DOC the necessary documents required to assess a person for a risk level.

326.5.8 VICTIM NOTIFICATION

If a predatory offender resides, expects to reside, is employed or is regularly found in this jurisdiction, the Office shall provide victims who have requested notification with data that is

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relevant and necessary to protect the victim. Information disclosed should be obtained from the risk assessment report provided by DOC (Minn. § Stat. 244.052, Subd. 3).

The DOC will provide victim contact data to this office when there is a victim who has requested notification (refer to the DOC document “Victim Data Confidential for Law Enforcement Agency Use Only”).

It may be appropriate for members of the Office to directly contact the victim. Community victim advocacy or prosecutor resources may also be available to assist with locating and notifying a victim. Assistance is also available from the DOC victim services staff.

Members of the Office may contact other victims, witnesses and other individuals who are likely to be victimized by the offender.

326.5.9 HOMELESS NOTIFICATION PROCESS

If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should be as specific as possible. These offenders are required to check in weekly with local law enforcement, unless an alternative reporting procedure is approved by the Investigations Division supervisor (Minn. Stat. § 243.166, Subd. 3a).

326.5.10 LIMITATIONS OF RELEASE OF DATA

Disclosures permitted or required for Level 2 or 3 offenders shall not be made if the offender is placed or resides in a DOC-licensed residential facility. Upon notification that the offender is released to a permanent address, the disclosures permitted or required by law shall be made (Minn. Stat. § 244.052, Subd. 4). Data regarding the victim or witnesses shall not be disclosed (Minn. Stat. § 244.052, Subd. 4(e)).

The broadest disclosures authorized under Minn. Stat. § 244.052, Subd. 4 may still be made for certain offenders (sexually dangerous persons or persons with a sexual psychopathic personality) even though still residing in a residential facility (Minn. Stat. § 253D.32, Subd. 1).

326.6 DISCLOSURE TO LOCAL WELFARE AGENCY

Upon request, members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Chapter 260E (Minn. Stat. § 243.166).

Major Incident Notification

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this office in determining when, how and to whom notification of major incidents should be made.

327.2 POLICY

The Olmsted County recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

327.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media shows a strong interest are also of interest to the Sheriff, Chief Deputy and the affected Captain. 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, major injuries or numerous injuries
- Officer-involved shooting, whether on- or off-duty (See Officer-Involved Shooting Policy for special notifications).
- Significant injury or death to an employee, whether on- or off-duty (Includes immediate Family Members).
- Death of a prominent Olmsted County official.
- Arrest of Office employee or prominent Olmsted County official.
- Aircraft crash.
- In-custody deaths or major injury.
- Any other incident, which has or is likely to attract significant media attention.

327.4 DUTY SERGEANT RESPONSIBILITIES

The Duty Sergeant or Corporal is responsible for making the appropriate notifications. The Duty Sergeant or Corporal shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Duty Sergeant or Corporal shall attempt to make the notifications as soon as practicable. Notification should be made by using the chain of command protocol.

327.4.1 CHAIN OF COMMAND NOTIFICATION PROTOCOL

In the event an incident occurs as identified in the Minimum Criteria for Notification, the chain of command notification protocol will be followed as listed below:

The Duty Sergeant or Corporal will notify the Patrol Division Captain who will then notify the Chief Deputy. The Chief Deputy will notify the Sheriff.

Olmsted County Safety Screening Policy

328.1 PURPOSE

In order to ensure a safe environment for Olmsted County's employees, and members of the public visiting the Government Center, Olmsted County has authorized the following Safety Screening Policy for the Government Center. The safety of our employees and our citizens is foremost in the creation of this policy. Security of the Government Center will be enhanced through the use of safety screening systems and employee identification procedures.

328.2 IMPLEMENTATION

Prior to the commencement of the Safety Screening Policy, Olmsted County will conduct a public information campaign in addition to training for all staff that work or visit the Government Center. The aforementioned training will include all current staff, regular visiting staff, and new employees in orientation. Signage will be readily visible for those conducting business within the Government Center.

328.3 LOCATION OF SAFETY SCREENING STATION

The Safety Screening Station is located on the 2nd floor of the Government Center near the elevator lobby and the 1st floor of the Annex Building. The Safety Screening Station will be open from 07:30 AM to 5:00 PM Monday through Friday; it will be closed on official County holidays when the Government Center is closed to the public.

328.4 HOURS OF OPERATION FOR SAFETY SCREENING STATION

The Safety Screening Station will be operational during the above listed timeframe. During peak times, the station will be manned by all necessary Government Center Security Staff. During non-peak hours, the number of security staff at the Station may be reduced and re-allocated as necessary. The Olmsted County Sheriff's Office retains the right to determine the number of security staff present at any given time which will be dependent upon the current court calendar and/or unanticipated security needs within the Government Center.

328.5 SAFETY SCREENING STATION OPERATING PROCEDURES

The following procedures will be strictly enforced by members of the Olmsted County Sheriff's Office at all times when the Safety Screening Station is in operation:

Persons that wish to conduct business on Floors 3 through 6 of the Government Center must pass through the Safety Screening Station.

County, District Court, and Rochester Police Department Staff are strongly encouraged to use the secure staff elevator.

Persons wishing to conduct business on Floors 3 through 6 of the Government Center are subject to the following:

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Safety screening via electronic means including x-ray examination of all personally carried bags or containers, walking through screening equipment, and/or manual screening if deemed necessary by members of the Olmsted County Sheriff's Office.

A person passing through the screening equipment and triggering an alarm will be asked to empty their pockets, remove, or identify any and all objects that may be on their person. They will then be allowed to pass through the screening equipment a second time. If the person being screened does not trigger a second alarm, they will be allowed to collect their belongings and proceed to their destination.

If the person triggers a second alarm, they will be given another opportunity to empty their pockets, remove, or identify any objects that may be on their person. They will then be allowed to pass through the screening equipment a third time. If the person does not trigger a subsequent alarm, they will be allowed to collect their belongings and proceed to their destination.

If a person triggers a third alarm and they still wish to continue to their destination, the person will be taken aside and subject to search via a handheld instrument or a pat down search; the option which is chosen will be determined by the security staff. If the person is not found to possess dangerous weapons and/or unauthorized items or can clearly articulate a reason for the alarm activation which does not involve bringing these items into the Government Center, they will be allowed to collect their belongings and proceed to their destination. If the person is found to possess dangerous weapons and/or unauthorized items or cannot clearly articulate the reason for the alarm activation, which does not involve bringing these prohibited items into the Government Center they will be denied access to Floors 3 through 6 of the Government Center.

All personally carried bags or containers are subject to search via the x-ray scanner. If any objects that appear suspicious in nature are discovered, the Olmsted County Sheriff's Office will conduct a search of the bag or container to identify or remove the suspicious object. Those that fail to consent to a search of their bag or container have the option of returning the bag to their vehicle or not proceeding to their destination.

At any time a person may refuse to consent to a search of their person, bag, or container. Those that refuse to consent to a search of their person, bag, or container will be expected to exit the Safety Screening area. They will then have the option of either returning the bag or container to their vehicle before completing safety screening again or only accessing the portions of the Government Center which do not include Floors 3 through 6.

If any objects found during the search or scan appear to be illegal in nature or are prohibited from being within the Government Center are discovered, the person in possession of the object(s) will be denied access to Floors 3 through 6 of the Government Center. The object(s) in question are subject to seizure by the Olmsted County Sheriff's Office and will not be returned. The person may also be subject to criminal prosecution at the discretion of the prosecuting authority.

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328.6 LOCKERS FOR PERSONAL ITEMS

Lockers will be provided for those that wish to place screened bags or outer clothing for the duration of their visit to Floors 3 through 6 of the Government Center. The Olmsted County Sheriff's Office reserves the right to search the locker without prior notice. Items left in the lockers at the close of the business day will be placed in the Property/Evidence Room of the Law Enforcement Center or stored in a secure location of the Law Enforcement Center, or left in the locked locker.

328.7 LAW ENFORCEMENT SCREENING

Uniformed law enforcement officers will not be required to pass through the Safety Screening Station, but they may be asked to verify their employment status by producing a valid, law enforcement photo identification card. Members of the Olmsted County Sheriff's Office and Rochester Police Department are strongly encouraged to use the secure staff elevator for access to Floors 3 through 6.

328.8 NON-UNIFORMED LAW ENFORCEMENT OFFICERS

Non-uniformed law enforcement officers, who are armed, will be required to produce a valid, law enforcement photo identification card when/if asked to do so by security staff. Non-uniformed members of the Olmsted County Sheriff's Office and the Rochester Police Department are strongly encouraged to use the secure staff elevator for access to floors 3 through 6.

328.9 OFFICERS ATTENDING COURT HEARINGS NOT RELATED TO THEIR LAW ENFORCEMENT EMPLOYMENT

Law Enforcement officers that are attending court hearings not associated with their employment as an officer or have other personal business to complete on Floor 3-6 of the Government Center shall not carry a dangerous weapon or unauthorized item(s). Officers will be asked to secure the dangerous weapon or unauthorized item prior to the Safety Screening Station.

328.10 DANGEROUS OR UNAUTHORIZED ITEMS

The following is a partial list of dangerous weapons and/or unauthorized items that are prohibited from the Olmsted County Government Center:

- Firearms, including pellet and BB guns
- Ammunition
- Explosives
- Tasers/Stun Guns
- Martial Arts Weapons
- Knives (any type)
- Batons
- Brass Knuckles
- Mace or personal defense sprays

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- Flammable liquids

This list is not all inclusive. Government Center Security Staff are authorized to use their discretion in not allowing items onto Floors 3 through 6 of the Government Center if staff perceives an item may pose a safety risk.

All items deemed dangerous weapons and/ or unauthorized are subject to seizure by the Olmsted County Sheriff's Office. Criminal court proceedings may be initiated if deemed necessary by the Olmsted County Sheriff's Office for those found in possession of dangerous weapons or unauthorized items.

328.11 DANGEROUS/UNAUTHORIZED ITEMS DROP BOX

A Dangerous/Unauthorized Items drop box will be placed outside the Government Center to allow for persons to deposit dangerous weapons and/or unauthorized items prior to entering the Government Center. All items deposited within the Dangerous/Unauthorized Items box immediately become the property of the Olmsted County Sheriff's Office and will not be returned to their original owners. All items will be removed from the Dangerous/Unauthorized Items box at the conclusion of the business day and turned over to the Law Enforcement Property/Evidence Room for disposal.

328.12 PERSONS WITH DISABILITIES AND/OR CHILD CARRIERS

Persons with disabilities will be thoroughly screened while being sensitive to each person's unique condition. If a person with disabilities is unable to walk through the metal detector, they will be subject to a search via a handheld device and/or a pat down search at the discretion of the Safety Screening Staff. Persons with children in child carriers will be subject to these same procedures.

328.13 ASSEMBLED AND JURY POOL CANDIDATES

Persons who are either candidates to serve on a jury or have actually been sworn in and are serving on a jury must go through the Safety Screening Station prior to being allowed admittance to Floors 3 through 6 of the Government Center.

328.14 SEQUESTERED JURIES

Sequestered juries are the responsibility of the Olmsted County Sheriff's Office and Olmsted County District Court bailiffs. Sequestered juries will be allowed to by-pass the weapon screening station and are strongly encouraged to use the secure staff elevator. At no time will members of the Olmsted County Sheriff's Office, with the exception of those members escorting the jury, be allowed contact with members of a sequestered jury except to assist with health or safety issues related to jury service.

328.15 UNCOOPERATIVE PERSONS

Uncooperative persons that fail to comply with directives of the Government Center Security Staff and/or these above listed procedures will be denied access to Floors 3 through 6 of the Government Center. Those same persons may be subject to criminal prosecution at the discretion of the prosecuting authority.

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328.16 REVIEW

This Safety Screening Policy is subject to review on an as needed basis. Changes to this policy may be forthcoming and occur with little notice.

Death Investigation

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations and the use of appropriate resources and evidence gathering techniques is critical.

329.2 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 Medical Examiners or deputy medical examiners. A supervisor shall be notified in all death investigations.

329.2.1 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.
- (m) Deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program.

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- (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.

329.2.2 SEARCHING DEAD BODIES

The Medical Examiner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle or search a dead body (Minn. Stat. § 390.221).

A deputy shall make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for information identifying the individual as an organ donor or as an individual who made a refusal. If a donor document is located, the Medical Examiner shall be promptly notified (Minn. Stat. § 525A.12).

Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating deputy 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 deputy, 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.

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329.2.3 DEATH NOTIFICATION

Should a human death result from a fire, this office shall immediately notify the state fire marshal (Minn. Stat. § 299F.04 Subd. 5 (b)).

When practicable, and if not handled by the Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the supervisor or his designee. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction should 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 office shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained (Minn. Stat. § 390.25 Subd. 2 (b)).

329.2.4 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Office, 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 OCSO 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)).

329.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented in a narrative report..

329.2.6 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene and the Investigations Division 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 Patrol Captain or Investigations Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator of a homicide or suspicious-circumstances death may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests and provide a report with the costs borne by the Office (Minn. Stat. § 390.251).

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329.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, should ensure that the nearest office of the Minnesota Department of Labor and Industry is notified with all pertinent information.

Identity Theft

330.1 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.

330.2 REPORTING

- (a) A report shall be taken any time a person living within the jurisdiction of the Olmsted County 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 office or has not been determined.
 - 2. Providing the victim with office information, as set forth in the Victim and Witness Assistance Policy. Deputies 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 office jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Olmsted to facilitate the crime).
- (c) Deputies 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) Deputies 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 Office processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

330.3 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.

330.4 VICTIM DATA

The victim may be provided the Consent to Create an FBI Identity Theft File Form and a Notice About Providing Your Social Security Number. These completed forms should be submitted to the Records Division 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.

330.5 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

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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.

Private Persons Arrests

331.1 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).

331.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

All deputies 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, deputies 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, deputies 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).

331.3 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).

331.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

- (a) Should any deputy determine that there is no probable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

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Private Persons Arrests

1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever a deputy determines that there is probable cause to believe that a private person's arrest is lawful, the deputy 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.

331.5 REPORTING REQUIREMENTS

Deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

Limited English Proficiency Services

332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

332.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Office 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 Olmsted County, designated by the Office, 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).

332.2 POLICY

It is the policy of the Olmsted County 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 Office 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.

332.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Office 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

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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 office members, or who may benefit from programs or services within the jurisdiction of the Office or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with office 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.

332.5 TYPES OF LEP ASSISTANCE AVAILABLE

Olmsted County 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 Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office 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 office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

332.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

332.7 AUDIO RECORDINGS

The Office 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.

332.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established office 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

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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 office is not available, personnel from other County departments, who have been identified by the Office as having the requisite skills and competence, may be requested.

332.9 AUTHORIZED INTERPRETERS

Any person designated by the Office 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 office case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this office 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.

332.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this office or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this office, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to office guidelines.

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332.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Office 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, office 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.

332.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this office 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 office is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services shall be noted in the related report. Members shall document the type of interpretation services utilized and whether the individual elected to use services provided by the Office or some other identified source.

332.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Olmsted County 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.

332.11.1 EMERGENCY CALLS TO 9-1-1

Office members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

332.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

332.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized office 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.

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332.14 CUSTODIAL INTERVIEWS

Miscommunication during custodial interviews 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 interviews. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

332.14.1 OTHER TIMING AND NOTIFICATION MANDATES

The investigating or arresting deputy 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

332.14.2 OATH

Every authorized interpreter shall be administered and take the following oath prior to assisting in taking a statement related to a criminal matter from an in-custody LEP person (Min. Stat. § 611.33):

“I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place.”

332.16 COMPLAINTS

The Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Office may provide an authorized interpreter or translated forms, as appropriate,

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 office.

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.

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332.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office 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 LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.

The Training Division shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive updates as needed.. The Training Division 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.

332.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Division shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

333.1 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.

333.1.1 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.

333.2 POLICY

It is the policy of the Olmsted County 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 Office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

333.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107) whom is provided by Olmsted County Human Resources.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the County ADA coordinator regarding the Olmsted County's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to office services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Duty Sergeant and Dispatch Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
 - 3. Type of services provided
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs and activities.

333.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this office 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.

333.5 INITIAL AND IMMEDIATE CONSIDERATIONS

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.

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If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Olmsted County, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

333.6 TYPES OF ASSISTANCE AVAILABLE

Olmsted County members shall never refuse to assist an individual with disabilities who is requesting assistance. The Office 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 Office 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 office-provided auxiliary aids or services or they may choose to provide their own.

Office-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

333.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Office 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.

333.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available by some means, even remotely, within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

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Members should use office-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).

333.9 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 Office will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

333.10 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 Office 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 office 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.

333.11 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.

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333.12 REPORTING

Whenever any member of this office is required to complete a report or other documentation and communication assistance has been provided, such services shall be noted in the related report. Members shall document the type of communication services utilized and whether the individual elected to use services provided by the Office 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.

333.13 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 office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, as with all custodial interviews, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

333.13.1 OTHER TIMING AND NOTIFICATION MANDATES

The investigating or arresting deputy 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

333.13.2 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

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statements, in the English language, of said person to the officials before whom the proceeding is taking place.”

333.14 ARRESTS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use office-approved procedures to provide a qualified interpreter at the place of arrest as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

333.15 COMPLAINTS

The Office shall ensure that individuals with disabilities who wish to file a complaint regarding members of this office are able to do so. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Olmsted County Human Resources 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 Office.

333.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

Body Worn Camera (BWC) Policy

334.1 PURPOSE

The primary purpose of using a Body Worn Camera (BWC) is to capture evidence arising from peace officer-citizen encounters. This policy reflects a balance between the desire to establish exacting and detailed requirements and the reality that deputies must attend to their primary duties and the safety of all concerned, often in circumstances that are tense, uncertain, and rapidly evolving. This policy also sets forth rules governing access to and retention of BWC data.

334.2 POLICY

It is the policy of the Olmsted County Sheriff's Office (Office) to authorize and require the use of Office-issued BWC's as set forth below, and to administer access to BWC data as provided by law.

334.3 SCOPE

This policy governs the use of BWC's in the course of official duties. It does not apply to the use of squad-based recording systems (MSS 13.825 Sub. 1(b)). The Sheriff or the Sheriff's designee may supersede or modify this policy by providing specific instructions for the use of BWC's to individual deputies assigned to certain events or classes of events, including but not limited to political rallies and demonstrations, and to deputies assigned to specialized details.

The Sheriff or the Sheriff's designee may provide specific instructions for BWC use to deputies that are Brady-Giglio impaired. The Sheriff or the Sheriff's designee also may provide specific instructions for BWC use to deputies assigned to conduct daily courthouse functions such as providing security during court proceedings.

334.4 DEFINITIONS

Body Worn Camera (BWC) means a device worn by a deputy that is capable of both video and audio recording of the deputy's activities and interactions with others or collecting digital multimedia evidence as part of an investigation.

BWC Administrator means designated Office personnel certified or trained in the operational use of BWC's, data storage and retrieval methods, and procedures that assign, track, and maintain BWC equipment. BWC Administrator(s) may also oversee needed repairs or replacement through the BWC vendor, control rights and access, and act as a liaison with the vendor. BWC Administrator(s) may also be responsible for the training of deputies on the BWC operation.

MGDPA or Data Practices Act refers to the Minnesota Government Data Practices Act, MSS 13.01 et seq.

Records Retention Schedule refers to the General Records Retention Schedule provided in Minnesota Statutes and Records Division Policy.

Law Enforcement Related Information means information captured or available for capture by use of a BWC that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.

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Evidentiary Value means that the information may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer. A “related civil or administrative proceeding” can and may include an Implied Consent hearing or forfeiture actions arising from an arrest or prosecution.

General Citizen Contact means an informal encounter with a citizen that is not and does not become law enforcement–related or adversarial, and a recording of the event did not yield information relevant to an ongoing investigation. Examples include, but are not limited to, assisting a motorist with directions, summoning a tow truck, or receiving generalized concerns from a citizen about crime trends in the community.

Adversarial means a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward another, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.

Unintentionally Recorded Footage is a BWC recording that results from a deputy’s inadvertence or neglect in operating the deputy’s BWC provided that no portion of the resulting recording has evidentiary or administrative value. Examples of unintentionally recorded footage include, but are not limited to, recordings made in locker rooms, restrooms, and recordings made while deputies were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded.

Official Duties, for purposes of this policy, means that the deputy is on duty and performing authorized law enforcement services on behalf of the Olmsted County Sheriff’s Office.

334.5 USE AND DOCUMENTATION

Deputies may use only agency issued BWC’s in the performance of their official duties for the agency or when otherwise performing authorized law enforcement services as an employee of the Olmsted County Sheriff’s Office (MSS #13.825 Sub. 6)).

Deputies who have been issued BWC’s shall operate and use them consistent with this policy and the manufacturer’s instructions. Deputies shall check their issued BWC’s at the beginning of each shift to make sure the devices are functioning properly. The system check can be completed via the Media Controller “Status Check” (at the 3:00 position of the controller); there is no need to make a video system recording. Deputies noting a malfunction during the testing or at any other time shall report the malfunction to the deputy’s supervisor and shall document the report in writing (MSS # 626.8473, Sub. 3 (b)(3)). “In Writing” can and may include an email to the BWC Administrator, a note to the BWC Administrator, or other writing that the agency maintains to show compliance with the above listed statute.

Deputies should wear their issued BWC’s at the location on their body and in the manner specified in training.

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Licensed deputies that are not assigned to the Patrol Division and their daily work clothing is non-uniformed, need not have the BWC on their person during their normal working shift. The BWC must be readily accessible to the member in case the need arises to take immediate enforcement action. Additionally, the member is still required under this policy to use the BWC for the purposes of capturing law enforcement related information, information that contains evidentiary value, and/or when engaged in an adversarial encounter.

Deputies whose normal work assignment requires them to be uniformed will have the BWC in the “on-duty” function while conducting their work assignment unless private, personal affairs such as using the restroom, discussing your work performance with a supervisor, or taking a break at the deputy’s residence.

Licensed deputies will be issued at least one, but possibly two, holster sensors for use on duty and for Office related functions. When in use, the holster sensor initiates the auto-activation of the deputy’s BWC.

The holster sensor shall be adhered to the deputy’s primary duty holster with the second holster sensor adhered to the deputy’s non-primary holster. A “non-primary holster is a holster that is not used for regular duty functions, but worn in Office sanctioned events such as ERU training/operations, K9 training/operations, training, and squad maintenance.

Deputies must document BWC use and non-use as follows:

Whenever a deputy makes a recording, the existence of the recording shall be documented in the deputy’s written narrative report or incident notes in the Aegis Mobile software.

Whenever a deputy fails to record an activity that is required to be recorded under this policy or captures only part of the activity, the deputy must document the circumstances and reasons for not recording in a written narrative report or incident notes in the Aegis Mobile software. Deputies shall inform their immediate supervisor of the failure to record. Supervisors shall inform the BWC Administrators of the failure to record and review the narrative report or incident notes. Supervisors shall initiate any corrective action deemed necessary as soon as practicable. Corrective action may be initiated and imposed consistently with the current collective bargaining agreement and the Minnesota Peace Officer Discipline Procedure Act (MSS #626.89)

The Olmsted County Sheriff’s Office will maintain the following records and documents relating to BWC use, which are classified as public data (MSS #13.825 Sub. 5):

The total number of BWC’s owned by the Sheriff’s Office.

A daily record of the total number of BWC’s actually deployed and used by deputies in their assigned patrol areas.

The total amount of recorded BWC data collected and maintained.

This policy, together with the Records Retention Schedule.

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334.6 LIVE STREAMING CAPABILITY USE AND RESTRICTIONS

Office issued BWC's have the capability to live stream data only when the BWC is actively recording (meaning in operation by the deputy wearing the BWC and/or an "auto-activation"). An "auto-activation" is when the BWC begins to automatically record and disseminate GPS location data based upon a deputy safety trigger which are the following: a foot pursuit, officer struggle, officer prone, or gunshot detection.

"Live Streaming" permissions will be set at the Sergeant level and above to include all active Patrol Division Corporals.

Under no circumstance, shall any member of the Office, no matter the rank, use the "live stream" capability to monitor deputy work performance, behavior, or private conversations amongst members of this office.

Supervisors that use the "Live Streaming" capability shall, at the first reasonable and safe opportunity, notify the deputy or deputies that had their "Live Streaming" capability activated. The notification may be made orally or in writing. "In writing" can include an email, instant message, or text message to the deputy.

334.7 GENERAL GUIDELINES FOR RECORDING

Deputies shall activate their BWC when anticipating that they will be involved in, become involved in, or witness other deputies of this agency involved in a pursuit, Terry stop of a motorist or pedestrian, search, seizure, arrest, use of force, adversarial contact, and during other activities likely to yield information having evidentiary value. However, deputies need not activate their BWC when it would be unsafe, impossible, or impractical to do so. Such instances of not recording when otherwise required must be documented as specified above in the section entitled, "Use and Documentation". (MSS #626.8473 Sub. 3(b)(4)).

Deputies have the discretion to record or not to record general citizen contacts. (MSS #626.8473 Sub. 3(b)(4)).

Deputies have no affirmative duty to inform people that a BWC is being operated or that the individuals are being recorded (MSS #626.8473 Sub. 3(b)(4)).

Nothing in this policy or guidelines prevents a deputy from informing an individual that the encounter is being recorded. Deputies may find it useful to inform an individual that the encounter is being recorded in order to have a civilizing effect during an incident.

Once activated, the BWC should continue recording until the conclusion of the incident or encounter, or until it becomes apparent that additional recording is unlikely to capture information having evidentiary value. The deputy having charge of a scene shall likewise direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. Deputies shall state the reasons for ceasing the recording on camera before deactivating their BWC's. If circumstances change, deputies shall reactivate their BWC's as required by this policy to capture information having evidentiary value. (MSS #626.8473 Sub. 3(b)(6)).

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As an example, a deputy may state a phrase similar to the following to announce they will no longer be recording: "Everything has settled down and the action appears to be over."

Deputies shall not intentionally block the BWC audio or visual recording functionality to defeat the purpose of this policy. (MSS #626.8473 Sub. (3)(b)(6)).

Intentional interference with the recording functionality of the BWC without sufficient justification to do so may constitute grounds for corrective action.

This policy does allow for momentary blocking of the BWC in the following circumstances: undressed bystander within a private residence, images of a mobile computer screen displaying private or confidential data, audio of deputies conferring about an arrest decision or tactical situation.

Notwithstanding any other provision in this policy, deputies shall not use their BWC's to record other agency personnel during non-law enforcement related activities, such as during pre-and post-shift briefings, during meal breaks, or during other private conversations, unless recording is authorized as part of an administrative or criminal investigation. (MSS #626.8473 Sub. 3(b)(4)).

334.8 SPECIAL GUIDELINES FOR RECORDING

Deputies may, in the exercise of sound discretion, determine (MSS #626.8473 Sub. 3(b)(4)):

To use their BWC's to record any police-citizen encounter if there is a reason to believe the recording would potentially yield information having evidentiary value, unless such recording is otherwise expressly prohibited.

To use their BWC's to take recorded statements from persons believed to be victims of and witnesses to a crime, and persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness, or suspect.

In addition,

Deputies need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value.

Deputies shall activate their BWC's when dealing with individuals believed to be experiencing a mental health crisis or event. BWC's shall be activated as necessary to document any use of force and the basis for that use of force and any other information having evidentiary value.

Deputies that have made an arrest of a person based upon their active criminal investigation shall use their BWC and squad-based audio-visual recording systems to record the transport and physical transfer of the person in their custody. Deputies shall turn off the BWC, after narrating why they are stopping the recording, when the person is no longer in their custody and/or the active criminal investigation had concluded.

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Deputies transporting detainees to another facility where they are not actively investigating an incident involving the person in custody, shall activate their BWC when placing the person into handcuffs, leg irons, or other detainee control devices. Once the person is secured in the deputy's squad-car, the deputy may turn off the BWC and record the transport of the person via their squad based audio-visual recording systems. Another facility can include, but is not limited to, hospitals, detoxification, mental health, treatment, juvenile detention, and adult detention facilities. If the final destination of the transport does not have visible cameras at the physical transfer point, deputies shall use their BWC to record the physical transfer of the person.

Deputies assigned to the guarding of a detainee or other person, in a facility listed above, need not activate their BWC unless the deputy anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use of force incident.

Deputies assigned to the Transport Division of the Olmsted County Sheriff's Office, shall activate their BWC when placing the person into handcuffs, leg irons, or other detainee control devices. Deputies assigned to the Transport Division need not continue the recording of the transport unless the deputy anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use of force incident.

Deputies assigned to the Transport Division of the Olmsted County Sheriff's Office shall be mindful of discovery issues when transporting detainees who are currently involved in criminal proceedings. Transport Deputies shall advise the detainees that the detainees are not to discuss their current or pending criminal proceedings while in transport. Transport Deputies are not required to activate their BWC's unless they foresee an adversarial encounter, use of force incident, or witness criminal activity during the transport.

In circumstances where the donning of (ANSI) Class II high-visibility vests, to increase the visibility of office 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, the deputy shall don the high-visibility vests knowing that their BWC video will be diminished or not at all present.

In circumstances where the donning of Personal Protective Equipment (PPE), such as responding to a call for service where a communicable disease is likely present, the deputy shall don the PPE knowing that their BWC video will be diminished or not at all present.

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If possible, the deputy should articulate to the BWC and audience, that the donning of the PPE or high-visibility vest will cover or interfere with BWC video. As an example, a deputy could state, 'The high-visibility vest or PPE will be covering the BWC'. Deputies shall document in a written narrative report (if a report is deemed necessary) and/or in the notes of the incident in the CAD software that their issued high-visibility vest or PPE covered or diminished the BWC video.

334.9 DOWNLOADING AND LABELING DATA

Each deputy using a BWC is responsible for transferring or assuring the proper transfer of the data from his or her BWC to AvailWebby the end of his or her shift. However, if the deputy is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of the deputy's BWC and assume responsibility for transferring the data from it. Deputies shall not go on scheduled days off without transferring the BWC data.

The Olmsted County Sheriff's Office has invested in Computer Aided Dispatch-Records Management System (CAD-RMS) Integration in order to greatly reduce the time investment of labeling each BWC video (data) that is uploaded to AvailWeb. Each deputy is responsible for ensuring that all BWC videos (data) is correctly labeled after being uploaded. If changes to BWC video (data) labeling is required, the deputy shall make the needed changes. If a deputy wishes to retain a BWC video (data) longer than its scheduled retention period, that deputy should contact their respective supervisor or a BWC Administrator.

334.10 ADMINISTERING ACCESS TO BWC DATA

Data Subjects. Under Minnesota law, the following are considered data subjects for the purposes of administering access to BWC data:

Any person or entity whose image or voice is documented in the data (MSS #13.825 Sub. 4(a)).

The deputy who collected the data. (MSS #13.825 Sub. 4(a)).

Any other deputy or peace officer whose voice or image is documented in the data, regardless of whether that deputy or peace officer is or can be identified in the recording. (MSS #13.825 Sub. 4(a)).

BWC data is presumptively private. BWC recordings are classified as private data about the data subjects unless there is a specific law that provides differently. As a result:

BWC data pertaining to people is presumed private, as is BWC data pertaining to businesses or other entities. (MSS #13.825 Sub. 2(a)).

However,

Some BWC data is classified as confidential (see below) and;

Some BWC data is classified as public (see below).

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334.11 CONFIDENTIAL DATA

BWC data that is collected or created as part of an active criminal investigation is confidential while the investigation remains active. (MSS #13.82 Sub. 7) This classification takes precedence over the “private” classification listed above and the “public” data classification listed below (MSS #13.82 Sub. (2)(a)(3)).

334.12 PUBLIC DATA

The following BWC data is public:

Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous. (MSS #13.825 Sub. 2(a)(1)).

Data that documents the use of force by a peace officer that results in substantial bodily harm. (MSS #13.825 Sub. 2(a)(1). “Substantial bodily harm” means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes the fracture of any bodily member. (MSS #609.02 Sub. 7).

Data that a data subject requests to be made accessible to the public, is subject to redaction. Data on any data subject (other than a peace officer) who has not consented to the public release must be redacted. In addition, any data on undercover deputies or other undercover peace officers must also be redacted. (MSS 13.825 Sub. 2(a)(2); MSS #13.82 Sub. 17(a))

Data that documents the final disposition of a disciplinary action against a public employee. (MSS #13.825 Sub. 2(a)(4); MSS #13.43 Sub. 2(5))

However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. (MSS #13.825 Sub. 2(a)(5) For instance, data that reveals protected identities under MSS #13.82 Sub. 17 should not be released even if it would otherwise fit into one of the public categories listed above.

334.13 ACCESS TO BWC DATA BY NON-EMPLOYEES

Deputies shall refer members of the media or public seeking access to BWC data to the Records Division, who shall process the request in accordance with the MGDPA and other governing laws. In particular:

An individual shall be allowed to review recorded BWC data about that person and other data subjects in the recording. (MSS #13.825 Sub. 4(b)),

Except when,

The data was collected or created, and is being maintained as part of an ongoing, active criminal investigation, (MSS #13.82 Sub. 7)

And,

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Access shall not be granted to portions of the data that the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as the identities of informants, certain witnesses, juvenile offenders, and victims of criminal sexual conduct or sex trafficking. (MSS #13.82 Sub. 17)

An individual data subject shall be provided with a copy of the recording upon request but subject to the following guidelines on redaction before the copy is provided: (MSS #13.825 Sub. 4(b))

Data on other individuals in the recording that do not consent to the release must be redacted.

Data that would identify undercover deputies or other undercover peace officers must be redacted.

Data on other deputies or other peace officers who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.

334.14 ACCESS BY PEACE OFFICERS AND LAW ENFORCEMENT EMPLOYEES

No employee may have access to the agency's BWC data except for legitimate law enforcement or data administration purposes. (MSS #13.825 Sub. 7(b)).

Therefore, all members of the OCSO and administrative personnel that show a legitimate, business need to access data, that is not public, is hereby granted by the Sheriff and/or their designee. This includes the use of data for report writing, investigative purposes, administrative needs, redaction for release, etc. It should be noted this list is not all inclusive.

In addition,

Deputies may access and view stored BWC data only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. Deputies may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident.

Agency personnel shall document their reasons for accessing stored BWC data at the time of each access according to the manufacturer's instructions. Agency personnel are prohibited from accessing BWC data for non-business reasons. Agency personnel also are prohibited from sharing the data for non-law enforcement related purposes, including but not limited to uploading BWC data recorded or maintained by this agency to public and social media websites.

Agency personnel seeking access to BWC data for non-business reasons may make a request for it in the same manner as any member of the public.

Deputies involved in an incident under investigation by an outside law enforcement agency may review BWC data at the discretion of the investigating agency.

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334.15 OTHER AUTHORIZED DISCLOSERS OF DATA

Deputies may display portions of BWC footage to witnesses as necessary for purposes of investigation as allowed by MN Statute #13.82 Sub. 15, as may be amended from time to time. Deputies should generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying the video.

In addition,

BWC data may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of disclosure. (MSS #13.825 Sub. 8 (a))

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

BWC data that are classified as confidential or protected nonpublic pursuant to MSS #13.82 Sub. 7 or as private or nonpublic under MSS #13.825 may be accessible to any person, agency, or the public if the agency determines that the access will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest. (MSS #13.82 Sub. 15)

334.16 DATA SAFETY SAFEGUARDS

Personally owned devices, including but not limited to, computers and mobile devices, shall not be programmed or used to access or view BWC data.

Access to BWC data from county owned or personally owned and approved devices shall be managed according to established Sheriff's Office and Olmsted County ITS policies.

Deputies shall not intentionally edit, alter, or delete any BWC recording unless otherwise expressly authorized by the Sheriff and the Sheriff's designee.

As required by MN Statute #13.825 Sub. 9, as may be amended from time to time, the Olmsted County Sheriff's Office shall obtain an independent biennial audit of its BWC program.

334.17 AGENCY USE OF DATA

Supervisors shall ensure that officers follow established procedures for the use and maintenance of BWC equipment and the completion of BWC documentation. This includes periodic review of BWC recordings to ensure proper procedures are being followed. (MSS #626.8473 Sub. 3(b)(8))

Supervisors and other assigned personnel may access BWC data for the purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about deputy misconduct or performance.

Nothing in this policy limits or prohibits the use of the BWC data as evidence of misconduct or as a basis for discipline.

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In incidents that the BWC capture(s) showing the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous or incidents that document the use of force by a peace officer that results in substantial bodily harm, the BWC, itself, should be taken by the first responding supervisor and treated as any other item of evidence.

Deputies should contact their respective supervisor to discuss retaining and using BWC footage for training purposes. Deputy objections to preserving or using certain footage for training will be considered on a case-by-case basis. Field Training Deputies may utilize BWC data with trainees for the purpose of providing coaching, mentoring, and feedback on the trainee's performance.

334.18 DATA RETENTION (MSS #626.8473 SUB. 3(B)(1))

All BWC data shall be retained for a minimum period of 90 days. (MSS #13.825 Sub. 3)

Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous, must be maintained for a minimum period of one year. (MSS #13.825 Sub. 3(b)(1)(i))

Certain kinds of BWC data must be retained for a minimum period of 7 years:

Data that documents the use of deadly force by a peace officer, or force of a sufficient type or degree to require a narrative report or supervisory review. (MSS #13.825 Sub. 3 (b)(1)(ii))

Data documenting circumstances that have given rise to a formal complaint against a deputy. (MSS #13.825 Sub. 3 (b)(2))

Other data having evidentiary value shall be retained for the period specified in the Records Retention Schedule or Records Division Policy. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable retention period.

Subject to below, all other BWC footage that is classified as non-evidentiary becomes classified as non-evidentiary, or is not maintained for training, shall be destroyed after 90 days. (MSS #13.825 Sub. 3 (a))

The subject of the data may request an extension of the record retention as allowed by statute. (MSS #13.825 Sub. 3 (a))

The Olmsted County Sheriff's Office shall maintain an inventory of BWC data having evidentiary value. The inventory shall be maintained in accordance with the manufacturer's instructions or at the direction of the BWC Administrator.

334.19 COMPLIANCE

Supervisors and the BWC Administrator shall monitor for compliance with this policy. The unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to MSS #13.09, MSS #626.8473 Sub. (b)(8).

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MN Statute #13.09 reads as follows:

- (a) Any person who willfully violates the provisions of this chapter or any rules adopted under this chapter or whose conduct constitutes the knowing unauthorized acquisition of not public data, as defined in section #13.05 Sub. 1, is guilty of a misdemeanor
- (b) Willful violation of this chapter, including any action subject to a criminal penalty under paragraph (A), by any public employee constitutes just cause for suspension without pay or dismissal of the public employee.

Pupil Arrest Reporting

335.1 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.

335.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting deputy shall include the necessary information in the report to ensure that the Records Division notifies the chief administrative officer of the school, or an appropriate designee, of the pupil's arrest.

If there is probable cause to believe an incident involved alcohol or a controlled substance, the arresting deputy shall complete the appropriate form and submit the form with the report to the Records Division. The Records Division shall ensure the form is distributed to the chemical abuse pre-assessment team of the school within two weeks of the occurrence (Minn. Stat. § 121A.28).

335.2.1 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.

335.2.2 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 deputy or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

335.2.3 PARENTAL NOTIFICATION

Upon arrest, the parents of the arrested pupil shall be properly notified. Notifications should be documented and include the charges against the pupil and where the pupil will be taken.

Chaplain Program

336.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Olmsted County Sheriff's Office chaplains to provide counseling and/or emotional support to members of the Sheriff's Office, their families, and members of the public.

336.2 POLICY

The Olmsted County Sheriff's Office shall ensure that Sheriff's Office chaplains are properly appointed, trained, and supervised to carry out their responsibilities.

336.3 ELIGIBILITY

Requirements for participation as a chaplain for the Sheriff's Office may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families, and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver's license.

The Olmsted County Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

336.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Olmsted County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this office.

All applicants shall be required to meet and pass the same pre-employment procedures as Sheriff's Office personnel before appointment.

336.4.1 RECRUITMENT

Chaplains should be recruited on an as-needed basis. A primary qualification for participation in the application process should be an interest in and an ability to assist the Sheriff's Office in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with Sheriff's Office members before and during the selection process.

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.

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- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Sheriff and/or the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Chaplains are not employees of Olmsted County and serve at the discretion of the Sheriff.

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 Sheriff or the authorized designee.

336.5 IDENTIFICATION

As representatives of the Sheriff's Office, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" and not reflect any religious affiliation.

Chaplains will be issued Olmsted County Sheriff's Office identification cards, which must be visible at all times while on-duty. The identification cards will be the standard Olmsted County Sheriff's Office identification cards, with the exception that "Chaplain" will be indicated on the cards.

336.6 CHAPLAIN COORDINATOR

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration or the authorized designee. The chaplain coordinator shall serve as the liaison between the chaplains and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Sheriff's Office, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee chaplains shall report to the chaplain coordinator.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities. The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting, and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain and will provide necessary certification and training documentation to the Sheriff's Office upon request or minimally on an annual basis.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.

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- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator and Sheriff's designee.

336.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Sheriff's Office, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Sheriff's Office as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Sheriff's Office.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee. Chaplains may not proselytize or attempt to recruit members of the Sheriff's Office or the public into a religious affiliation while representing themselves as chaplains with this office. 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 or follow-up contacts that were provided while functioning as a chaplain for the Olmsted County Sheriff's Office.

336.7.1 COMPLIANCE

Chaplains are not employees of the Sheriff's Office, and except as otherwise specified within this policy, are required to comply with Sheriff's Office policies.

336.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains, with guidance from the program coordinator, will largely be responsible for their own schedules ensuring for the regular, weekly care of deputies and staff, while maintaining margin for emergencies.
- (b) Generally, each chaplain will serve with Olmsted County Sheriff's Office personnel a minimum of eight hours per month.
- (c) Chaplains shall be permitted to ride with or shadow deputies during any shift and observe Olmsted County Sheriff's Office operations, provided the supervisor has been notified and has approved the activity.
- (d) Chaplains shall not be evaluators of members of the Sheriff's Office nor provide feedback to supervisors on their "performance" – their capacity is support.
- (e) In responding to incidents, a chaplain shall never function as a deputy.
- (f) 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.

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- (g) Chaplains shall serve only within the jurisdiction of the Olmsted County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.
- (h) Each chaplain shall have access to current Sheriff's Office staff contact information through supervisors as needed. 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 SHERIFF'S OFFICE MEMBERS

The responsibilities of a chaplain related to Sheriff's Office 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.
- (g) Assisting deputies with grieving citizens.
- (h) Support the Sheriff's Office during a critical incident or a crisis response.
- (i) Offer emotional and spiritual support to deputies and civilians as requested by staff, family members, and citizens.

336.7.4 ASSISTING THE SHERIFF'S OFFICE

The responsibilities of a chaplain related to the Sheriff's Office include, but are not limited to:

- (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 Sergeant or supervisor aids in accomplishing the mission of the Sheriff's Office.
- (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 Sheriff's Office members.
- (e) Attending Sheriff's Office and academy graduations, ceremonies and social events, and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes as needed.
- (g) Willingness to train others to enhance the effectiveness of the Sheriff's Office.

Chaplain Program

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 Sheriff's Office.
- (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 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Sheriff's Office may work or volunteer for the Olmsted County Sheriff's Office in any capacity other than that of chaplain.

Sheriff's Office chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases the chaplain should consider referring the member to a non-Sheriff's Office counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Olmsted County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain without approval from a Captain or above and the Chaplain coordinator.

336.9 TRAINING

The Sheriff's Office or their designee will establish a minimum number of training hours and standards for Sheriff's Office chaplains. The training as approved by the Sheriff's Office may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics

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Chaplain Program

- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

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 office.

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 office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Olmsted County will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

337.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies 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, deputies 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. Deputies 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, deputies 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, deputies 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 deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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Child and Dependent Adult Safety

337.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies 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. Deputies 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), deputies 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 deputy 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 Duty 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 deputy 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 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, 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.

Child and Dependent Adult Safety

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 deputy should contact the appropriate welfare service or other office-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 office 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.

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 Olmsted County 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 Olmsted County to provide services and access to persons with service animals in the same manner as those without service animals. Office 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. Office members are expected to treat individuals with service animals with the same courtesy and respect that the Olmsted County 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, a deputy may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this office are expected to provide all services as are reasonably available to an individual with the disability.

Service Animals

338.3.2 INQUIRY

If it is apparent or if a deputy 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 deputy 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. Office 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 office 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, deputies 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.
- Providing physical support and assisting with stability and balance.

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- 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.
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338.5 MINNESOTA STATE STATUTES

[604A.302 Assistance Animal Access to Real Property](#)

[609.833 Misrepresentation of Service Animal](#)

Volunteer Program

339.1 PURPOSE AND SCOPE

It is the policy of this office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed deputies 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 office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

339.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid deputies, 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 an Olmsted County Sheriff's Office volunteer include:

- (a) At least 18 years of age for all positions other than Explorer.
- (b) At least 14 years of age for Explorer.
- (c) A valid driver's license if the position requires vehicle operation.
- (d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.
- (e) 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.
- (f) No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.
- (g) The applicant must not have any mental illness or chemical dependency condition that may adversely affects the person's ability to serve in the position.
- (h) Physical requirements reasonably appropriate to the assignment.
- (i) A personal background history and character suitable for a person representing the Office, as validated by a background investigation.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

339.2 VOLUNTEER MANAGEMENT

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339.2.1 SCREENING

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check
- (b) Employment
- (c) References

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals, shall require submission of prints and clearance through the Bureau of Criminal Apprehension (BCA).

339.2.2 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 Office. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and paperwork.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

339.2.3 EMPLOYEES WORKING AS DEPUTIES

The Office must not utilize the services of a or volunteer in such a way that it would violate employment laws or labor agreements (Example: a detention deputy working as a deputy for reduced or no pay). Therefore, the Training Division should consult the Department of Human Resources prior to an employee serving in a or volunteer capacity (29 CFR 553.30).

339.2.4 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 office regarding drug and alcohol use.

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339.2.5 DRESS CODE

As representatives of the Office, 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 deputies. 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 office property at the termination of service.

339.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Office 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.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

339.4 DATA PRACTICES

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or office 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 office 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 Office. 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

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information concerning the activities of the Office, or maintain that they represent the Office in such matters without permission from the proper office personnel.

339.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

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.

All volunteers should receive safety briefing updates and license and insurance verification at least once a year.

When operating a Office 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 transport prisoners or equipment; or is being used to provide supplementary assistance under the direction of an on-duty licensed deputy (Minn. Stat. 169.98 Subd. 1 b. Volunteers are not authorized to operate a Office vehicle under emergency conditions (lights and siren).

339.5.2 RADIO AND MCT 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. Radio and database access training should be provided for volunteers whenever necessary.

339.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or his designee. Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with this office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

Volunteer Program

339.7 EMERGENCY CALLOUT FOR VOLUNTEER PERSONNEL

The Training Sergeant should develop a plan outlining an emergency callout procedure for volunteer personnel.

Native American Graves Protection and Repatriation

340.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

340.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

340.2 POLICY

It is the policy of the Olmsted County that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects,

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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, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - State archaeologist (Minn. Stat. § 307.08, Subd. 7)
- Tribal land - Responsible Indian tribal official

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 10.7).

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 office 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).

Drug Collection/Disposal Program

341.1 PURPOSE AND SCOPE

This policy is designed to establish guidelines for the proper collection, handling, and disposal of unused medications through the drug collection and disposal system. The drug collection and disposal program provides a safe disposal location for citizens to properly dispose of unused prescription medications.

341.2 OPERATING PROCEDURES

This program provides an environmentally safe alternative to disposing of medications in a landfill or sewer system, which may later negatively affect the environment. This program encourages citizens to remove their unneeded medications from their homes. This reduces access to addictive medications from accidental or intentional misuse by children in the home.

The Olmsted County Sheriff's Office will provide a steel mailbox style collection box in which citizens may deposit these medications.

- The collection box shall have a cautionary statement on the front of the box.
- Collection boxes shall be locked and securely mounted in the Adult Detention Center vestibule to prohibit removal of the box or retrieval of medications from within the box without a key.
- Citizens may place their unused medications/drugs into the collection box anonymously.
- Syringes/sharps will not be accepted.

341.3 EMPLOYEE HANDLING PROCEDURES

- The Olmsted County Sheriff's Office Captain/SEMV CET Commander will be the sole possessor of the keys to the collection box.
- The Captain/SEMV CET Commander and other designee will routinely empty the box.
- It is highly recommended that the person emptying the box wear protective gloves.
- Administrative staff may monitor the collection of the drop box contents with the Captain/SEMV CET Commander and other designee. This allows administration the ability to survey the kinds of drugs and medications that are being disposed of. This information can be used for evaluation and decisions regarding the program.
- The Captain/SEMV CET Commander and other designee will weigh items deposited and place that weight on a log/spreadsheet each time they empty the box. This allows for tracking of data to monitor the program benefits and future needs.
- The Captain/SEMV CET Commander and other designee will place the deposited drugs in Evidence.

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Drug Collection/Disposal Program

- Olmsted County Sheriff's Deputies will transport and witness the disposal of the collected medications at an approved incinerator site in accordance with MN Pollution Control Agency regulations.

Off-Duty Law Enforcement Actions

342.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Olmsted County with respect taking law enforcement action while off-duty.

342.2 POLICY

Deputies generally should not initiate law enforcement action while off-duty. Deputies 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, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

Deputies are not expected to place themselves in unreasonable peril. However, any licensed member of this office who becomes aware of an incident or circumstance that the member reasonably believes would justify the use of deadly force or result in significant property damage may take reasonable action to minimize or eliminate the threat. See the Use of Force Policy for additional guidance.

342.3 FIREARMS

Deputies of this office may carry firearms while off-duty in accordance with federal regulations, state law and office policy. All firearms and ammunition must meet guidelines as described in the Firearms and Qualification Policy. When carrying firearms while off-duty, deputies shall also carry their office-issued badge and identification.

Deputies 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 deputy who has consumed any amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

342.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, Oleoresin Capsicum (OC) spray or a baton.

Off-Duty Law Enforcement Actions

- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

342.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy 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 deputy is on-scene and should be provided a description of the deputy if reasonably possible.

Whenever reasonably practicable, the deputy should loudly and repeatedly identify him/herself as an Olmsted County deputy until acknowledged. Official identification should also be displayed.

342.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, deputies should call the responsible agency to handle the matter.

342.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and reasonably practicable.

342.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

342.5 REPORTING

If a Deputy takes any off-duty law enforcement action, they shall notify an Olmsted County Sheriff's Office supervisor (or other applicable enforcement authority if acting outside the jurisdiction of the Olmsted County Sheriff's Office). The Duty Sergeant shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Office Use of Social Media

343.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Office is consistent with the office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by office members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this office (see the Investigation and Prosecution Policy).

343.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the office website or social networking services.

343.2 POLICY

The Olmsted County may use social media as a method of effectively informing the public about office services, issues, investigations and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

343.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only office-approved equipment during the normal course of duties to post and monitor office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over office social media by members who are not authorized to post should be made through the member's chain of command.

343.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the office mission and conforms to all office policies regarding the release of information may be posted.

Examples of appropriate content include:

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Office Use of Social Media

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the office mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

343.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

343.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Olmsted County or its members.
- (e) Any information that could compromise the safety and security of office operations, members of the Office, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this Office's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

343.5.1 PUBLIC POSTING PROHIBITED

Office social media sites shall be designed and maintained to prevent posting of content by the public.

The Office may provide a method for members of the public to contact office members directly.

Office Use of Social Media

343.6 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on office sites.

Naloxone Program

344.1 PURPOSE AND SCOPE

The Olmsted County Sheriff's Office recognizes the value of providing an intermediate medical response to a recognized opioid overdose by administering intranasal naloxone in emergency situations for patients 12 weeks of age and older. This policy establishes guidelines for the storage and administration of intranasal naloxone by all trained members of the Olmsted County Sheriff's Office.

344.2 DEFINITIONS

Opioid: Substances occurring naturally in the body, derived from the poppy plant (opium), or synthesized to have similar effects, that work on the nervous system and are used to treat pain. These include but are not limited to the following: Morphine, heroin, hydromorphone (e.g. Dilaudid®), hydrocodone, oxycodone, oxymorphone, and fentanyl.

Naloxone (Narcan®): Drug synthesized to be an opioid antagonist.

344.3 POLICY

The policy of this office in dealing with an opioid overdose situation shall be:

- (a) To obtain and safely maintain control of the incident until more highly qualified medical personnel arrive on scene.
- (b) When safe to do so, assess the patient and determine signs of opioid toxicity by observing:
 1. slow (less than 10 breaths per minute) or shallow breathing
 2. central Nervous System depression
 3. pinpoint pupils
 4. respiratory arrest and/or cardiac arrest
- (c) If opioid overdose is suspected and the patient is not in cardiac arrest, administer Naloxone by:
 1. Making sure the patient's nose is relatively clear
 2. Open package, load 2mg dose in syringe and attach atomizer
 3. Place atomizer firmly in the first nostril and briskly compress syringe to administer 1 mg
 4. Switch to the other nostril and administer the other 1 mg
 5. Continue rescue breaths using the bag valve mask
 6. If no response within 2-3 minutes, repeat dose and consider other medical causes

Naloxone Program

- (d) If patient is in cardiac arrest, begin AED actions: if NO SHOCK advised, then follow (c) above
- (e) To provide assistance to and security for medical staff that arrive on scene.
- (f) Naloxone will be stored inside each AED and members carrying a medical kit shall leave their squads running to ensure a controlled temperature (between 50 and 90 degrees) during their shift. Members shall promptly return the medical kits containing Naloxone to the medical kit storage room at the LEC
- (g) A report shall be completed if Naloxone is administered, regardless of effect.
- (h) The on-line MDH administration form shall be completed

CAUTION: Naloxone may elicit opioid withdrawal leading to nausea, vomiting, agitation and/or tachycardia. Reversal of opioid toxicity, including sedating effect, may unveil the effects of other non-sedating drugs.

Transportation of Persons in Custody of the Sheriff's Office

345.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance when transporting persons in the custody of the Olmsted County Sheriff's Office. This policy is directed to deputies assigned to the Transport Division; however, this policy may apply to all deputies of the Olmsted County Sheriff's Office.

345.2 POLICY

It is the policy of the Olmsted County Sheriff's Office to provide safe, secure, timely, and humane transportation to all persons whom are in the custody of the Olmsted County Sheriff's Office. The members of the Sheriff's Office, particularly those assigned to the Transport Division, shall transfer all in-custody persons to and from a designated facility in accordance with all laws, policies, and procedures.

345.3 DEFINITIONS

In- Custody: all persons that are under arrest, under the jurisdiction of a Court via court order or detention sentence, or are under a doctor's care where they are unable to provide care for themselves.

Transport Coordinator: an employee of the Olmsted County Sheriff's Office that is responsible for the daily transport assignments, tracking of transport data, and billing of transport services with the assistance of the Olmsted County Finance Department.

Secure Facility(ies): A twenty-four-hour residential care facility of any size, designed and operated to ensure that all entrances and exits are under the exclusive control of the staff, whether or not the person being detained has freedom of movement within the facility perimeters.

345.4 TRANSPORTS THAT MUST BE COMPLETED BY THE OCSO, PRESUMABLY THE TRANSPORT DIVISION

The following transports of persons must be completed by the OCSO, presumably the Transport Division under a court order, state statute, or otherwise agreed upon contract:

Juveniles being held for arraignment or scheduled court.

Juveniles for placement at secure facilities outside Olmsted County with a valid, signed court order.

Persons under a civil, mental health commitment that are being released from a secure facility for a court proceeding.

Persons under a civil, mental health commitment to a secure facility that is located outside Olmsted County with a valid, signed court order and approval, either written or verbal, from the Transport Coordinator or their designee.

Persons that are under a probation or parole revocation to a secure facility.

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Persons that have been arrested on active Olmsted County arrest warrants where the person is in custody of a detention facility outside of Olmsted County but within the State of Minnesota.

Persons that are in the custody of a detention facility outside of Olmsted County when a valid, court order is presented. This would include those persons in the custody of the Minnesota Department of Corrections and their release for a court proceeding is order under a Writ of Habeas Corpus by the Olmsted County Attorney's Office.

Persons that have been remanded to the Minnesota Department of Corrections from an Olmsted County District Court.

Detainees from the Olmsted County Adult Detention Center that have pre-arranged medical or dental appointments with 24 hours' notice to the Transport Coordinator.

The "list" of required transports is subject to change with little to short notice. The members of the Transport Division should be flexible to unanticipated changes in required transports.

345.5 REQUIRED DUTIES OF THE TRANSPORT DIVISION

The following shall be completed by the members of the OCSO, presumably the Transport Division, including the Transport Coordinator:

Deputies shall not restrain a woman known to be pregnant while the woman is being transported, if the restraint is through the use of waist chains or other devices that cross or otherwise touch the woman's abdomen or handcuffs or other devices that cross or otherwise touch the woman's wrist when affixed behind the back. If used, wrist restraints should be applied in such a way that the pregnant woman may be able to protect herself and her fetus in the event of a forward fall. (MSS #241.88 Sub. 1(b)).

Deputies shall not use restraints on persons deemed patients under a civil, mental health commitment unless the head of the treatment center where the patient is housed, a member of the medical staff that provides care to the patient, or a licensed peace officer who has custody of the patient determines that restraints are necessary for the safety of the patient or others (MSS #253B.03 Sub. 1).

Deputies shall thoroughly search the transport vehicle for contraband, unsafe equipment, or conditions that are not suitable for a person to be transported under. This shall be completed prior to the transport.

Deputies shall confirm the identity of the person to be transported by a picture identification card or verbally by name and date of birth of the person being transported.

Deputies shall obtain all the necessary paperwork for the person being transported.

Deputies shall ensure that all person being transported are thoroughly searched and secured, if applicable, prior to the transport.

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Transportation of Persons in Custody of the Sheriff's Office

Deputies shall transport person(s) in their custody to and from the required destination only. If deviation from the required transport location is needed, the deputy shall obtain supervisory approval first.

Deputies that transport persons for distances greater than 100 miles shall have an escort of the same sex as the person being transported. In rare circumstances, this provision may be waived with approval of the Transport Sergeant or Captain. (MSS #631.412)

Deputies shall complete a daily transport log which shall be turned into the Transport Coordinator no later than 24 working hours after the completion of transport.

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, and/or 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 Office authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

Extreme Risk Protection Orders

346.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protection orders and accounting for firearms obtained pursuant to those orders.

346.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 624.7171):

Extreme risk protection order (ERPO) - An order prohibiting a named person from possessing or purchasing prohibited items.

Prohibited items - Firearms that are prohibited by an ERPO.

346.2 POLICY

It is the policy of the Olmsted County to petition for and serve ERPOs in compliance with state law, and to properly account for prohibited items obtained by the Office pursuant to such orders.

346.3 EXTREME RISK PROTECTION ORDER COORDINATOR

The Sheriff should designate an ERPO coordinator (Internal Services Captain). The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an ERPO or a renewal of an ERPO by office members.
- (b) Identifying factors to consider when assessing whether to seek an ERPO, including:
 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 2. Whether the potential victim is within close proximity.
 3. Whether the person has expressed suicidal tendencies.
 4. Whether the person has access to firearms.
 5. Whether the person has committed an act of violence toward themselves or another person.
 6. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 7. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
 8. Any known upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 9. Whether the person has any history of drug or alcohol abuse.

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Extreme Risk Protection Orders

- (c) Developing and maintaining procedures for the receipt and service of ERPOs consistent with the requirements of Minn. Stat. § 624.7172; Minn. Stat. § 624.7175.
- (d) Coordinating with the Internal Services Captain, or their designee, to provide deputies who may be involved in petitioning for or serving ERPOs with training on such orders. Training should include determining when a petition is appropriate, the process for seeking ERPOs, and the service of such orders.
- (e) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an ERPO is being served by the Office (Minn. Stat. § 624.7175).

346.4 EXTREME RISK PROTECTION ORDERS

A deputy who reasonably believes that an ERPO is appropriate should obtain approval from an appropriate supervisor and the extreme risk protection order coordinator or the authorized designee prior to seeking an order.

346.4.1 STANDARDS

Extreme risk protection orders may be appropriate if a person poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm (Minn. Stat. § 624.7171, Subd. 4).

If a person poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm, and presents an immediate and present danger of either bodily harm to others or of taking their life, an ERPO may be appropriate (Minn. Stat. § 624.7174).

346.4.2 REQUIREMENTS OF PETITION

An application for an ERPO should be prepared, filed, and served consistent with state law and the procedures developed by the extreme risk protection order coordinator (Minn. Stat. § 624.7171).

346.5 SERVICE OF ORDERS

Deputies should serve a copy of an ERPO, along with any accompanying notice of hearing and petition, affidavit, as applicable, on the person named in the order as soon as reasonably practicable (Minn. Stat. § 624.7172).

Service of ERPOs should take precedence over the service of other orders, except for orders of a similar emergency nature.

346.5.1 SAFETY CONSIDERATIONS

Upon receipt of an ERPO, the Internal Services Captain or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

At least two deputies should be present when an ERPO is being served.

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Extreme Risk Protection Orders

346.5.2 SURRENDER OF PROHIBITED ITEMS

Deputies serving an ERPO should request that the named person immediately surrender all prohibited items as required by the order and take custody of any items surrendered pursuant to the order (Minn. Stat. § 624.7172; Minn. Stat. § 624.7175).

The deputy serving the ERPO should prepare a receipt identifying all surrendered items and a copy of the receipt should be given to the person. The deputies should ensure the original receipt is included in the original case report and forwarded to the Records Supervisor as soon as practicable.

All items collected should be handled and booked in accordance with the Property and Evidence Policy.

346.5.3 SEARCH WARRANTS

Deputies should consider whether a search warrant may be reasonably necessary prior to attempting service of an ERPO.

Deputies should also consider whether to seek a search warrant if the named person refuses to surrender any prohibited items or if a deputy serving an ERPO reasonably believes there are prohibited items within the persons custody, control, or possession that have not been surrendered.

346.6 RELEASE OF PROHIBITED ITEMS

Any person requesting the release of any prohibited items in office custody pursuant to an ERPO should be referred to the Property and Evidence.

346.7 EXTENSION OF EXTREME RISK PROTECTION ORDER

The Internal Services Captain or designee is responsible for the review of any ERPO obtained by the Office to determine if renewal or extension of the order should be requested within the time prescribed by law (Minn. Stat. § 624.7172; Minn. Stat. § 624.7173).

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division of the Office to ensure intra-organization cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Olmsted County, respond to calls for assistance, act as a deterrent to crime, enforce state, local and, when authorized or empowered by agreement or statute, federal laws and respond to emergencies 24 hours per day, seven days per week.

Patrol will generally provide the following services within the limits of available resources, but not limited to, the following:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (c) Calls for service, both routine and emergency.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other division within the Office, as well as other government agencies.
- (h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Olmsted County to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies 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 and FIs are forwarded to the Investigations Division Supervisor in a timely fashion.

Patrol Function

400.2 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies 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.

Deputies 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. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Olmsted County 's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

This also 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 Olmsted County 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 office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group (Minn. Stat. § 626.8471, Subd. 3).

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

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

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Bias-Based Policing

401.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, call notes), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.4.2 INFORMATION TO BE PROVIDED

Deputies 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 deputy 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, provide their name and badge number and identify this office during routine stops.
- (e) When requested, deputies should inform a member of the public of the process to file a misconduct complaint for bias-based policing against a member of the Office, and that bias-based policing complaints may be made by calling the Attorney General's office (Minn. Stat. § 626.9514).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors shall discuss any issues with the involved deputy in a timely manner.
 - (a) Supervisors shall document these discussions in accordance with progressive discipline.
- (b) Supervisors should periodically review Mobile Audio Video (MAV) recordings, body-worn camera (BWC) media, Mobile Computer Terminal (MCT) data, and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.
 - (a) Supervisors shall document these periodic reviews.
 - (b) Recordings or data that capture a potential instance of bias-based policing shall be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

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Bias-Based Policing

- (d) Supervisors shall take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

401.6 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training and Crime Prevention.

The Sheriff 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).

Training should also include in-service training on recognizing and valuing community diversity and cultural differences, including implicit bias, as required by Minn. Stat. § 626.8469, Subd. 1.

401.6.1 ADDITIONAL TRAINING REQUIREMENTS

The Training Sergeant should ensure that Board of Peace Officer Standards and Training (POST) approved in-service training is provided to deputies on recognizing and valuing community diversity and cultural differences, including implicit bias, as required by Minn. Stat. § 626.8469, Subd. 1.

The Sheriff and supervisors should receive and review training materials prepared by POST on how to detect and respond to racial profiling (Minn. Stat. § 626.8471, Subd. 7).

Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the Olmsted County to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

402.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured

Crime and Disaster Scene Integrity

persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

402.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

402.6 EXECUTION OF HEALTH ORDERS

Any licensed member of this office may assist in the enforcement of all directives of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Minn. Stat. § 144.4195, Subd. 2(c)).

Emergency Response Unit

403.1 PURPOSE AND SCOPE

The Emergency Response Unit (ERU) is comprised of two specialized teams: the Crisis Negotiation Team and the Special Weapons and Tactics Team. 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. Olmsted County Sheriff's Office/Rochester Police Department refers to their Special Weapons and Tactics Team as the Emergency Response Unit (ERU).

403.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

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 office personnel, allowing for appropriate on-scene decision-making as required.

The Rochester Police Department designates the Joint ERU Commander; the Olmsted County Sheriff's Office Patrol Captain is designated as the command staff in charge of County Emergency Response Unit staff; the supervisor of County Emergency Response Unit staff will be a sergeant designated by the Patrol Captain.

403.1.2 SWAT TEAM DEFINED

Specialized Weapons and Tactics 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 office 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.

403.2 LEVELS OF CAPABILITY/TRAINING

Capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level deputies. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. This does not include ad hoc teams of deputies that are formed around a specific mission, detail or incident (e.g. active shooter response).

403.3 POLICY

It is the policy of this office to maintain a Specialized Weapons and Tactics Team and to provide the equipment, manpower and training necessary to maintain a Specialized Weapons and Tactics Team. The Specialized Weapons and Tactics Team should develop sufficient resources to perform three basic operational functions:

- (a) Command and control

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- (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 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 human life is paramount.

403.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of ERU missions and operations appropriate to this office. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the commander or sergeant.

403.3.2 ORGANIZATIONAL PROCEDURES

This office should 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.

403.3.3 OPERATIONAL PROCEDURES

This office should 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 ERU 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.

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3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.
 1. When reasonably possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action, as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether a warrant should be regarded as high risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post-incident scene management including:
 1. Documentation of the incident.
 2. Transition to investigations and/or other units.
 3. Debriefing after every deployment of the SWAT team.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs and reinforces sound risk management practices.
 - (b) Such debriefing should not be conducted until involved deputies 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.

403.4 TRAINING NEEDS ASSESSMENT

The ERU commander or their designees shall conduct an annual training needs assessment to ensure that training is conducted within team capabilities and office policy.

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403.4.1 INITIAL TRAINING

Team members and supervisors/team leaders should not be deployed until successful completion of an approved basic training 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 Office.

403.4.2 SWAT ONGOING TRAINING

Training shall be coordinated by the ERU commander or his designee. The ERU commander or his designee may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each member shall perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member.
- (b) Any team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Annually each team member shall perform the mandatory handgun qualification course. The qualification course shall consist of the Basic Drill for the handgun. Failure to qualify will require the deputy to seek remedial training from a Training Sergeant approved by the ERU commander. Team members who fail to qualify will not be used in 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.
- (e) Annually each entry team member shall perform a mandatory qualification course for any specialty weapon issued to or used by the deputy during operations with the exception of snipers which shall qualify quarterly. Failure to qualify will require the deputy to seek remedial training from a Training Sergeant approved by the ERU commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on 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.

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403.4.3 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

403.4.4 SCENARIO-BASED TRAINING

ERU 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.

403.4.5 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Division. Such documentation shall be maintained in each member's individual training file.

403.5 UNIFORMS, EQUIPMENT AND FIREARMS

403.5.1 UNIFORMS

Teams 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.

403.5.2 EQUIPMENT

Teams should be adequately equipped to meet the specific mission(s) identified by the Office.

403.5.3 FIREARMS

Weapons and equipment used by team members, the specialized units and the supporting resources should be Office-issued or approved, including any modifications, additions or attachments.

403.5.4 OPERATIONAL READINESS INSPECTION

The commander of the ERU shall appoint a ERU Supervisor to perform an operational readiness inspection of all unit equipment at least annually. The results of the inspection will be forwarded to the ERU 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 vehicle.

403.6 MANAGEMENT/SUPERVISION OF EMERGENCY RESPONSE UNIT

The Rochester Police Department designates the Joint ERU Commander; the Olmsted County Sheriff's Office Patrol Captain is designated as the command staff in charge of County Emergency Response Unit staff; the supervisor of County Emergency Response Unit staff will be a sergeant designated by the Patrol Captain.

403.6.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, through the Patrol Captain, the Emergency Response Unit shall be managed by a Sergeant.

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403.6.2 TEAM SUPERVISORS

The Crisis Negotiation Unit and each Specialized Weapons and Tactics team will be supervised by a sergeant or a designated deputy.

The team supervisors shall be selected by the Sheriff and Sheriff will notify ERU Commander.

The following represent the supervisor responsibilities for the Emergency Response Unit.

- (a) The Crisis Negotiation Unit 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 ERU Commander.
- (b) The Specialized Weapons and Tactics 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 ERU Commander.

403.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Unit 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 Crisis Negotiation Unit can/may respond to an incident independently without the corresponding Emergency Response Unit.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Unit.

403.7.1 SELECTION OF PERSONNEL

Interested Sheriff's Office personnel, who are off probation, shall submit a request to their appropriate Sergeant. A copy will be forwarded to the Patrol Captain and ERU Commander. Qualified applicants will then be invited to an oral interview. The 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.
- (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.

403.7.2 TRAINING OF NEGOTIATORS

Those deputies selected as members of the Crisis Negotiation Unit should attend an office-approved course prior to deployment in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

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A minimum of one training day per quarter 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 Unit who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

403.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Specialized Weapons and Tactics 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 team.

403.8.1 SELECTION OF PERSONNEL

Interested licensed personnel who are off probation shall submit a request and resume to their appropriate Sergeant, a copy of which will be forwarded to the Patrol Captain and ERU Commander. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the ERU Commander. The testing process will consist of an oral board, physical agility test, and a basic handgun and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the ERU Commander. Applicants will be evaluated by the following criteria:
 - 1. Recognized competence and ability as evidenced by performance.
 - 2. Demonstrated good judgment and understanding of the critical role of a team member.
 - 3. Special skills, training or appropriate education as it pertains to this assignment.
 - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of related duties. The test and scoring procedure will be established by the ERU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) Qualification shoot: A 50 round course at varying distances that incorporates strong- and weak-hand shooting and a score of 100%.
- (d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

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- (e) A list of successful applicants shall be submitted to the Patrol Captain and ERU Commander for final selection.

403.8.2 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 ERU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all team members. Any member of the team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

403.9 OPERATIONAL GUIDELINES FOR EMERGENCY RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Emergency Response Unit. Generally, the Specialized Weapons and Tactics 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 ERU Commander.

403.9.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Emergency Response Unit should respond. Upon final determination by the Duty Sergeant, he/she will notify the ERU Commander.

403.9.2 APPROPRIATE SITUATIONS FOR USE OF EMERGENCY RESPONSE UNIT

The following are examples of incidents that may result in the activation of the Emergency Response 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 ERU response could enhance the ability to preserve life, maintain social order and ensure the protection of property.

403.9.3 OUTSIDE AGENCY REQUESTS

Deployment of the Response Unit in response to requests by other agencies must be authorized by the ERU Commander.

403.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The 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.

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- (a) If it is anticipated that multi-jurisdictional operations will regularly be conducted, multi-agency and multidisciplinary joint training exercises are encouraged.
- (b) Members of the team shall operate under the policies, procedures and command of the Olmsted County Sheriff's Office when working in a multi-agency situation.

403.9.5 MOBILIZATION OF EMERGENCY RESPONSE UNIT

The on-scene supervisor shall make a request to the Duty Sergeant for the Emergency Response Unit to respond. The Duty Sergeant shall then notify the ERU Commander. If unavailable, a team supervisor shall be notified. The Duty Sergeant will then notify the Patrol Captain as soon as practicable.

The Duty Sergeant should advise the ERU Commander with as much of the following information as is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location and safe approach to the command post.
- (g) The extent of any perimeter and the number of deputies involved.
- (h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.

The ERU Commander or supervisor shall then call selected deputies to respond.

403.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Emergency Response 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 ERU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

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- (f) Be prepared to brief the ERU Commander on the situation.
- (g) Plan for and stage anticipated resources.

403.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Emergency Response Unit, the Incident Commander shall brief the ERU Commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the ERU Commander, whether to deploy the Emergency Response Unit. Once the Incident Commander authorizes deployment, the ERU 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 Emergency Response Unit. The Incident Commander and the ERU Commander or designee shall maintain communications at all times.

403.9.8 COMMUNICATION WITH EMERGENCY RESPONSE UNIT PERSONNEL

All of those persons who are non-Emergency Response 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 ERU personnel directly. All non-emergency communications shall be channeled through the Crisis Negotiation Team sergeant or designee.

Ride-Along Policy

404.1 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.

404.1.1 ELIGIBILITY

It shall be the policy of the Olmsted County Sheriff's Office to only permit regularly employed full time deputies to participate in the ride along program.

The Olmsted County Sheriff's Office Ride-Along Program is offered to residents, students and those employed within the County. Every reasonable attempt will be made to accommodate interested persons including the following:

- (a) **STUDENTS** - Students of college law enforcement classes.
- (b) **GOVERNMENT EMPLOYEES** - Police officers from other cities or counties; county officials such as county commissioners will be permitted to ride along with the approval of the duty sergeant.
- (c) **SPECIAL REQUESTS** - Sheriff's Office supervisors may give permission for a ride-along on special request. Supervisors will decide when, and who may be approved, on a one-to-one situation as requests are received.

Any applicant may be disqualified with or without cause from participating in the program. The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Office.
- Denial by any supervisor.

404.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week. The ride-along times for those 16 to under 18 years of age are from 10:00 a.m. to midnight. Exceptions to this schedule may be made as approved by the Sheriff, Captain or Duty Sergeant.

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Captain. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number.

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The Patrol Captain 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 Duty 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 Office will contact the applicant and advise him/her of the denial.

404.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: cadets, Explorers, RSVP, chaplains, Reserves, police applicants and all others with approval of the Duty Sergeant.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

404.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The Duty Sergeant or field supervisor may refuse a ride-along to anyone not properly dressed.

404.2.3 EMPLOYEE/PEACE OFFICER RIDE-ALONGS

Off-duty members of this office will not be permitted to ride-along with on-duty deputies without the express consent of the Patrol Captain. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require. Peace Officers from other agencies shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

404.2.4 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 Olmsted County).

404.3 DEPUTY'S RESPONSIBILITIES

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times.

Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lit place of safety. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

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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 Duty Sergeant.

The Patrol Captain 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 Captain with any comments that may be offered by the deputy.

404.4 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 deputy.
- (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 deputy may return the observer to his/her home or to the station if the ride-along interferes with the performance of the deputy's duties.
- (d) The deputy 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 deputy'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) Deputies 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 a deputy without the expressed consent of the resident or other authorized person.

Hazardous Material Response

405.1 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 office.

405.1.1 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.

405.2 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.

Deputies should not perform tasks or use equipment absent proper training. A deputy 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) Deputies should remain uphill and upwind of the hazard until a zone of entry and a decontamination area are established.

Hazardous Material Response

405.3 REPORTING EXPOSURE(S)

Members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to document the exposure.

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 an Event Report.

405.3.1 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.

Hostages and Barricaded Incidents

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies 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 deputies 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.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

406.2 POLICY

It is the policy of the Olmsted County 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.

406.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies 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, office-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.

406.3.1 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).

Hostages and Barricaded Incidents

406.4 FIRST RESPONDER CONSIDERATION

First responding deputies 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 deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy 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.

406.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies 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) Establish a command post.
- (f) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (g) 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.
- (h) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (i) 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.

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- (j) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer.
- (k) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.4.2 HOSTAGE SITUATION

Deputies 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 deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Establish a command post.
- (f) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (g) Provide responding emergency personnel with a safe arrival route to the location.
- (h) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (i) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (j) 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.
- (k) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (l) 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.

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- (m) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer.
- (n) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 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 ERU response if appropriate and apprising the ERU 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 County 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 office 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.

406.6 EMERGENCY RESPONSE UNIT

It will be the Incident Commander's decision, with input from the ERU Commander, whether to deploy the ERU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the ERU 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 ERU.

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Hostages and Barricaded Incidents

The Incident Commander and the ERU Commander or the authorized designee shall maintain communications at all times.

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

407.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist deputies in their initial response to incidents involving explosives, explosive devices, suspected explosive devices, suspicious packages or explosion/bombing 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 shall always be the primary consideration.

407.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When a deputy 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 the Duty Sergeant 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) Deputies 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) Deputies 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.
- (i) Explosive or military ordnance of any type should be handled only by bomb squad technicians.

Response to Bomb Calls

- (j) When in doubt, call for assistance from the bomb squad.

407.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multiple considerations that may confront a deputy. 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 deputy:

- Injury to victims
- First aid
- Evacuation of victims

407.3.1 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 deputies
- (d) Duty Sergeant
- (e) Investigators
- (f) Captain
- (g) Chief Deputy
- (h) Sheriff
- (i) Bureau of Criminal Apprehension (BCA)

407.3.2 CROWD CONTROL

Scene access shall be restricted to those with a legitimate public safety purpose.

407.3.3 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.

407.4 BOMB THREATS AT SHERIFF'S FACILITY

This procedure shall be followed should a bomb threat be received at a police facility and a search made for a destructive device.

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Response to Bomb Calls

407.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions shall be asked if a call of a bomb threat is received at a Sheriff's 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 Office evidence procedures.

407.4.2 RESPONSIBILITIES

As soon as a bomb threat has been received, the Investigations Captain will be advised and fully informed of the details. The Investigations Captain will then direct and assign deputies as required for coordinating a general building search or evacuation as deemed appropriate.

407.5 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 Office is informed of the threat.

407.5.1 BOMB THREAT RESPONSE OPTIONS

The options available to the person in charge of the facility are generally:

- (a) No search and no evacuation
- (b) Search without evacuation
- (c) Evacuation without search

Response to Bomb Calls

- (d) Evacuation and search

407.5.2 REQUEST FOR ASSISTANCE

Should the person in charge of the facility request assistance, the Duty Sergeant shall be notified and will make the decision whether the Office 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.

407.5.3 EVACUATION OR SEARCH ASSISTANCE

Should the Duty Sergeant and/or Incident Commander determine that the Office will assist or control a bomb threat incident, the Duty Sergeant 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.

Civil Commitments

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual in protective custody and request a 72-hour hold under the Minnesota Commitment and Treatment Act (Minn. Stat. § 253B.051).

408.2 POLICY

It is the policy of the Olmsted County to protect the public and individuals through legal and appropriate use of the 72-hour hold process.

408.3 AUTHORITY

A deputy, having probable cause to believe that any individual because of mental illness, chemical dependency, or public intoxication is in danger of injuring him/herself or others if not immediately detained, may take, or cause to be taken, the individual to an appropriate treatment facility for a 72-hour evaluation (Minn. Stat. § 253B.051, Subd. 1).

The deputy shall make written application for admission of the individual to an appropriate treatment facility. The application shall contain the deputy'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 deputy shall also provide the office contact information for purposes of receiving notice if the individual is released prior to the 72-hour admission or leaves the facility without consent. The facility shall make a copy of the statement available to the individual taken into custody (Minn. Stat. § 253B.051, Subd. 1).

408.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a 72-hour hold, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to the Minnesota Commitment and Treatment Act.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, deputies 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.

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a 72-hour hold should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

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- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

408.5 TRANSPORTATION

When transporting any individual for a 72-hour hold, the transporting deputy should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Duty Sergeant approval is required before transport commences.

408.5.1 TYPE OF TRANSPORTATION

When transporting any individual on a Minn. Stat. § 253B.051 admission, and if reasonably practicable, deputies should not be in uniform and should not use a vehicle visibly marked as a law enforcement vehicle (Minn. Stat. § 253B.051, Subd. 1(e)).

408.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy 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 deputy 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 deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

408.7 DOCUMENTATION

The deputy 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 deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

408.8 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for purposes of a 72-hour hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

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When an individual who may qualify for a 72-hour hold has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy 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 office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

408.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a 72-hour hold, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies 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).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

408.10 TRAINING

This office will endeavor to provide office-approved training on interaction with persons with a mental disability, 72-hour holds, and crisis intervention.

Cite and Release Policy

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Olmsted County 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.

409.2 POLICY

The Olmsted County 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.

409.3 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 deputy 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.

409.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

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- (a) The offender has committed a driving while impaired (DWI) offense (Minn. Stat. § 169A.40; Minn. Stat. § 169.91).
- (b) The offender is arrested for a violation of state law or an ordinance related to the operation or registration of a vehicle punishable as a misdemeanor or felony and (Minn. Stat. § 169.91):
 - 1. The offender demands an immediate appearance before a judge.
 - 2. The offender is charged with:
 - (a) An offense involving an accident that resulted in injury or death.
 - (b) Criminal vehicular homicide.
 - (c) Failure to stop after being involved in an accident that resulted in death, personal injuries or damage to property.
 - 3. There is reasonable cause to believe that the offender may leave the state.

See the Domestic Abuse Policy for release restrictions related to those investigations.

409.5 FISH AND GAME AND ENVIRONMENT-RELATED OFFENSES

In the case of game and fish laws or other environment-related offenses, as specified in Minn. Stat. § 97A.211, deputies 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).

Arrest or Detention of Foreign Nationals

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Olmsted County extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The Olmsted County 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.

410.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

410.4 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.

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- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations.
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers.

410.5 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.

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

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- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

411.1 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 deputies implement rapid response and deployment to such situations.

411.2 POLICY

The policy of this office 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 office and others.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this office in protecting themselves or others from death or injury.

411.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to immediately eliminate the threat. Deputies 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 deputies 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 deputies whenever reasonably possible.
- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- (c) Whether the deputies have the ability to effectively communicate with others in the field.
- (d) Whether planned tactics can be effectively deployed.
- (e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

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- (f) In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (ERU/CNU).
- (g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the deputy should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

Peer Support Program

412.1 PURPOSE

The Olmsted County Sheriff's Office recognizes the value of providing an in-house resource for its members and its member's immediate family to deal with personal and/or professional problems. Although the following lists are not all inclusive, examples of professional stressful events could be any critical incident, officer involved shooting or SIDS death. Examples of personal stressful events could be divorce, death of a family member or serious illness.

This program is designed to:

Provide emotional support during and after times of personal or professional crisis to other members who express a need for assistance.

Promote trust, allow appropriate anonymity, and preserve confidentiality for members using Peer Support Advisors within the guidelines of the program.

Develop advisors who can identify personal conflicts and provide guidance or referral to professional/alternate resources as required.

Maintain an effective peer support training and response program.

412.2 DEFINITIONS

Critical Incident: Any event that has emotional power to overwhelm an individual's usual ability to cope and which may interfere with the functioning of a person's coping mechanism immediately or in the future.

Critical Incident Stress: An intense but normal reaction to any event that is sufficiently powerful enough to overwhelm usual coping mechanisms. Reactions to traumatic stress can continue for an extended period. These reactions may or may not seriously interfere with the ability to function in one's normal duties.

Peer Support Team: A team comprised of sworn and non-sworn personnel that have specialized and ongoing training in assisting others and their families in dealing with the immediate adverse psychological reactions to critical incidents.

Debriefing: A closed, confidential discussion of a critical incident relating to the feelings and perceptions of those directly involved prior to, during and after a stressful event. The debriefing is intended to provide support, education and an outlet for views and feelings associated with the event. Debriefings are neither counseling nor an operational critique of the incident.

Defusing: A brief, confidential discussion between someone involved in a critical incident and peer support members IMMEDIATELY following an incident. The purpose of a defusing is to restore the person's cognitive functioning and to prepare them for future stress reactions from the incident.

Mental Health Professional: A licensed, PhD Psychologist or Masters level degree Social Worker, approved by the Sheriff, chosen to assist Peer Support advisors when needed.

Peer Support Program

412.3 POLICY

Peer support team advisors are intended to be a resource available to members of the Office in the event of personal or professional critical stress. Peer support advisors will be available to:

Listen to another employee after a critical incident or crisis situation; provide information on other resources available; conduct or assist supervisors with a defusing; conduct debriefings; respond to an employee's request for peer support; respond to be with a member(s) upon a critical incident to allow Union Stewards to focus on their administrative work; provide peer support information to new members.

Peer support advisors shall also be available to assist on any other incident at the discretion of the Sheriff and their designee.

Peer support advisors who may be involved in conducting any criminal or internal investigation of another member shall avoid any conflict of interest which may arise by placing themselves in both a peer support and investigative role on the same incident.

412.4 CONFIDENTIALITY

The acceptance and success of the Peer Support Program will be determined, in part, by the observance of strict confidentiality. It is imperative that each peer support advisor maintain confidentiality of all information learned about an individual within the guidelines of this program. Communication between peer support advisors (while acting in that capacity) and members of this office is considered confidential except for matters involving the following:

1. Information concerning the commission of a mandated reporting offense.
2. The member is a danger to themselves or an immediate danger to others.

Disclosures under these exceptions will be made directly to the Sheriff or Chief Deputy.

A general principle for peer support advisors is to inform the member, prior to any discussion, what the limitations and exceptions are regarding information revealed. In cases where a question regarding confidentiality arises, the peer support advisor shall immediately contact the program coordinator, who shall take the appropriate action.

412.5 INTERNAL INVESTIGATIONS

It may occur that a peer support advisor is assisting a member who is or becomes the subject of a disciplinary investigation. The peer support advisor should be guided by the confidentiality clause of the program. The peer support advisor should not volunteer any information received in confidence. However, advisors may not hamper or impede any actual investigation, nor may they attempt to shelter the member from the office's investigation.

The peer support advisor's role in disciplinary situations is one of support and assistance to the member during the stress they may face during the disciplinary process. If an advisor has any questions regarding these situations, they should consult with the program coordinator for guidance.

All members of this office charged with conducting the internal investigation of another member shall respect the confidential conversations between peer support advisors and the member being investigated.

Peer Support Program

412.6 GUIDING PRINCIPLE (M.S.S. 181.9731 AND 181.9732)

"A person engaged in public safety peer counseling or a public safety peer debriefing shall not, without the permission of the person being debriefed or counseled, be allowed to disclose any information or opinion which the peer group member or peer counselor has acquired during the process. Any information or opinion disclosed in violation of the statute is not admissible as evidence in any personnel or occupational licensing matter involving the person being debriefed or counseled."

"Except as provided in subdivision 4, a peer support counselor or any person who receives public safety peer support counseling shall not be required to disclose information to a third party that was obtained solely through the provision or receipt of public safety peer counseling."

If a peer support advisor is found to have breached confidentiality, they shall be immediately dismissed from the team and be subject to disciplinary action.

M.S.S. [181.9731](#) and [181.9732](#)

412.7 COMPOSITION

The Peer Support Team will be supervised by a coordinator of each rank appointed by the Sheriff. The program coordinators will oversee the operations of the Peer Support Team and complete the same specialized and ongoing training as all peer support advisors. Due to the necessity of confidentiality of the program, the coordinators will report directly to the Sheriff.

Peer Support Team Advisors will receive training in peer support for emergency responders, critical incidents, post-trauma stress and basic critical incident stress management

412.8 RESPONSIBILITIES

Peer support advisors provide support and assistance to members in times of stress and crisis. The responsibilities of an advisor are as follows:

- Convey trust and anonymity, and ensure confidentiality within the guidelines to members who seek assistance from the peer support program.
- Provide emotional support during and after times of personal and/or professional crisis to members who express the need for assistance.
- Support members and their families during tragedies or critical incidents and make proper referrals to professional resources.
- Check on members who are off work due to extended illness or injury and provide support for those who express the need for assistance.
- Be available to members for additional follow-up support.
- Maintain contact with the program coordinator regarding program activities without breaching confidentiality.
- Agree to be contacted and, if necessary, to respond at any hour to assist a member in need.

Peer Support Program

- Attend peer support trainings and quarterly meetings.

412.9 WHEN PEER SUPPORT SHOULD BE CALLED

Members of this office will respond differently to critical incidents or stressful calls depending on life experiences and current situations in their own life. It is imperative that supervisors be aware of the serious incidents that have the potential to impact their staff. The following situations could be potential circumstances a peer support advisor(s) could be contacted to assist:

Shootings where a suspect is killed or wounded; a member witnesses another member's death or serious injury; a member is taken hostage; a member has witnessed a suicide; a member has witnessed a violent death or serious injury; a member is a witness or a participant to an incident involving multiple deaths; an infant or child death; any situation the member is asking for peer support; any situation that is likely to affect the member's ability to interact with the public and carry out their job functions; any situation as deemed appropriate by the member's supervisor

412.10 DEFUSINGS

A defusing follows the critical event as soon as practical and generally lasts no more than one hour. It gives all parties involved in the incident the big picture of what occurred. A defusing may eliminate the need for a formal debriefing or it may enhance the debriefing process. Supervisors should contact the peer support team coordinator to inform them of a critical event and who was involved.

Peer support advisors could be called in to assist with a defusing in which they will offer reminders of psychological stress, steps to overcome them and give support to those that were involved in the incident. Advisors will follow-up with all members involved within 30 days following the incident to ensure any concerns are addressed and to initiate referral, if necessary. Advisors are to consult with the designated Mental Health Professional, when necessary, and are to refrain from giving advice to members which is beyond their formal peer support training.

412.11 DEBRIEFINGS

A debriefing follows a critical event. It should occur within 24-72 hours, or as soon as practical, after the critical incident and is recommended for all members involved. A debriefing generally lasts two (2) to four (4) hours.

The Division Captain is responsible for notifying the peer support coordinator of the incident and the members involved. The coordinator will notify advisors and plan to initiate the debriefing. Advisors will follow-up with all members involved within 30 days following the incident to ensure any concerns are addressed and to initiate referral, if necessary. Advisors are to consult with the designated Mental Health Professional, when necessary, and are to refrain from giving advice to members which is beyond their formal peer support training.

A defusing or debriefing is confidential. It is not meant to be a fact-finding mission for disciplinary action. Only members involved in the critical incident may participate in a defusing or debriefing which will be facilitated by either peer support team members or the designated Mental Health Professional. Supervisors or command staff may only participate in these sessions if they were directly

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involved in the incident. All staff not directly involved, including command staff, shall refrain from injecting themselves in a debriefing or defusing.

412.12 SELECTION PROCESS

Peer support advisors are recruited from office personnel at large. The recruiting process shall consist of identifying those members who meet the following criteria:

Not on probation; agree to maintain confidentiality as provided in this policy; be empathetic and possess above average interpersonal and communication skills; be motivated to assist co-workers and their families; successful review of the member's background and office personnel file; must be willing to attend quarterly meetings; must be willing to be called out after hours to respond to a critical incident; successful completion of peer support training

Members interested in becoming a part of the peer support team must have a letter of interest/ recommendation approved and signed by their supervisor and a co-worker.

Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Olmsted County relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the Olmsted County 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 office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status. The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, USC, dealing with illegal entry.

413.3 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 not in any way that would violate the United States or Minnesota constitutions.

413.4 DETENTIONS

A deputy should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

A deputy who has a reasonable suspicion that an individual already lawfully detained for a criminal offense may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the deputy may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

A deputy 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.

A deputy should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

Immigration Violations

413.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a civil misdemeanor (8 USC § 1325(a)). Generally, an undocumented person 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.

413.5 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this office should be directed to a supervisor. The Office may provide available support services, such as traffic control or peacekeeping efforts.

413.6 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 may be conducted by Investigations in conjunction with the County Attorney's Office 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 may be conducted by Investigations in conjunction with the County Attorney's Office for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the 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.

Office-Issued Rifles

414.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Olmsted County will issue rifles to licensed deputies assigned to the Law Enforcement Center as an additional and more immediate tactical resource.

414.2 SPECIFICATIONS

Only rifles and ammunition that meet agency authorized specifications, approved by the Sheriff and issued by the Office. Rifles will be authorized department firearms. County issued rifles will be either an M-14.308 cal (7.62 mm) or M-16/AR-15.223 cal (5.56 mm). The M-14 rifle is a specialized weapon and will be assigned per Training Division. The M-16/AR-15 is a tactical rifle. County issued rifles and suppressors will be assigned to each deputy individually. Each deputy is required to properly maintain the assigned rifle (clean, oiled and in proper working condition). Failure to maintain the weapon may result in progressive disciplinary action.

Deputies carrying the office-issued rifle, must do so with their suppressor properly attached to the rifle.

414.3 OFFICE-ISSUED RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of rifles shall fall on the Training Division.
- (b) Firearms will be cleaned and inspected according to the schedule developed by the department firearms instructor.
- (c) Each deputy carrying a rifle shall be required to field strip and clean an assigned rifle as needed.
- (d) Each deputy shall be responsible for promptly reporting any damage or malfunction of an assigned rifle to a supervisor and the Training Division.
- (e) Any rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.
- (f) Each rifle shall be subject to inspection by a supervisor and the Training Division or armorer at any time.
- (g) No modification shall be made to any rifle without prior authorization from the Training Division.

414.4 TRAINING

Deputies shall not carry or utilize the rifle unless they have successfully completed Office training. This training shall consist of an initial eight-hour rifle user's course and qualification score with a certified rifle instructor. Deputies shall thereafter be required to successfully complete yearly firearms proficiency qualification conducted by a certified rifle instructor.

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Any deputy who fails to qualify or who fails to successfully complete two or more Office-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the rifle without successfully retaking the initial deputies user's course and qualification.

414.5 DEPLOYMENT OF THE OFFICE-ISSUED RIFLE

Deputies may deploy the rifle in any circumstance that they believe would meet the needs of the situation.

414.6 DISCHARGE OF THE OFFICE-ISSUED RIFLE

The discharge of the rifle shall be governed by the Use of Force Policy and the Shooting Policy.

414.7 PATROL READY

Any qualified deputy carrying a 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 deputy, the fire selector switch is in the safe position, the chamber is empty, bolt is forward and a fully loaded magazine is inserted into the magazine well.

414.8 OFFICE-ISSUED RIFLE STORAGE

Deputies who have on or off duty weapons in the home need to be aware of the hazard this can provide. Proper storage of weapons and ammo are the deputy's responsibility. If deputy's squad is not stored in a locked garage, rifles should be stored in the trunk or secured in their home. Rifles may be stored in SUVs and pickups with manufactured locking storage units.

This is especially important in a home where there are small children.

Aircraft Crashes

415.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft crashes including responsibilities of personnel, making proper notification and documentation.

415.2 RESPONSIBILITIES

In the event of an aircraft crash, the employee responsibilities are as follows:

415.2.1 DEPUTY RESPONSIBILITY

Deputies 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 deputy (or other directed personnel) 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 fire department personnel and/or other emergency personnel.
- (d) Establish Incident Command.
- (e) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (f) Provide crowd control and other assistance until directed otherwise by a supervisor.
- (g) Ensure the appropriate Medical Examiner's Office is notified if a death occurs.

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, sheriff's 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.

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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.

415.2.2 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.

415.2.3 DISPATCH RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft crash has been reported. The notifications will vary depending on the type of crash, extent of injuries or damage and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft crash has occurred.

- (a) Fire department.
- (b) The affected airport tower.
- (c) Closest military base if a military aircraft is involved.
- (d) Ambulances or other assistance as required.

When an aircraft crash is reported to the Sheriff's Office by the airport tower personnel, the dispatcher receiving such information should verify that the tower personnel will contact the Minnesota Department of Transportation Aeronautics and Aviation Section, the Federal Aviation Administration (FAA) Flight Standards District Office and NTSB. If airport tower personnel are not involved, the Dispatch should, instead, make these contacts.

415.2.4 RECORDS SUPERVISOR RESPONSIBILITIES

The Records 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 and the Federal Aviation Administration.
- (b) Forward a copy of the report to Investigations.

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415.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Sheriff's Office 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 Office 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 Office Public Information Officer or in accordance with existing policy.

415.3 DOCUMENTATION

Any aircraft crash within the County, regardless of whether injuries or deaths occur, shall be documented.

Field Training Officer Program

416.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Olmsted County.

It is the policy of this office to assign all new deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

416.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in evaluating and documenting entry-level and lateral deputies in the application of their previous and newly acquired knowledge and skills.

416.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Have completed their probationary period.
- (c) Demonstrated ability as a positive role model.
- (d) Evaluation by supervisors and current FTOs.
- (e) Should possess an FTO certificate of completion from an approved course.

416.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Training Sergeant will serve as the Field Training Officer Program Supervisor.

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.
- (f) Monitor overall FTO Program.
- (g) Develop ongoing training for FTOs.

416.4 TRAINEE DEFINED

Trainee - Any entry level or lateral deputy newly appointed to the Olmsted County who possesses a Minnesota POST license or is eligible to be licensed.

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Field Training Officer Program

416.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

416.5.1 FIELD TRAINING MANUAL

Each new deputy 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 a deputy with the Olmsted County. The deputy 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 Olmsted County.

416.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

416.6.1 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 supervisor on a daily basis.
- (b) Reviewing the Daily Observation Reports with the trainee each day.
- (c) Completing a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.
- (d) Signing off all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

416.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Observation Reports and forward them to the Training Division.

The immediate supervisor shall complete Monthly Evaluations and forward them to the Training Division.

416.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily Observation Reports (DORs).
- (b) Bi-weekly and monthly evaluations.
- (c) Field Training Manual sign off.

Obtaining Air Support

417.1 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.

417.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or deputy 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.

417.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Duty Sergeant or designee will call the closest agency having air support available. The Duty Sergeant will apprise that agency of the specific details of the incident prompting the request.

417.2.2 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 Duty Sergeant 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 deputies on the ground.

Contacts and Temporary Detentions

418.1 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 deputy, the decision to FI or photograph a field detainee shall be left to the discretion of the involved deputy based on the totality of the circumstances available to his/her at the time of the detention.

418.2 DEFINITIONS

Detention - Occurs when a deputy 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 a deputy actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when a deputy 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 deputy 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 deputy'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 and/or Body Worn Camera (BWC) 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 deputies 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 deputy, the detainee or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

418.3 FIELD INTERVIEWS

Deputies may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the deputy 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.

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- (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 deputy has knowledge of the suspect's prior criminal record or involvement in criminal activity.

418.3.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, a deputy 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 deputy's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals is encouraged by the Olmsted County to strengthen our community involvement, community awareness and problem identification.

418.3.2 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 deputy'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.

418.3.3 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, deputies 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, deputies should attempt to identify the witness prior to his/her departure.

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- (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 office personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a office vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if reasonably available, prior to transport.

418.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever a deputy reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the deputy 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 deputy.
- (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 deputies of the same gender as the suspect.

418.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the deputy shall carefully consider, among other things, the factors listed below.

418.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

418.5.2 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 deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

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If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

418.6 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.

418.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Duty Sergeant with Event and supplemental report 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 Duty 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 Duty Sergeant will forward the photo and documents to the Violent Crime Enforcement Team. The Violent Crime Enforcement Team Captain will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention or that are not evidence in an investigation with an assigned case number should be forwarded to the Records Division. 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 Records Division.

418.7.1 PURGING THE FIELD PHOTO FILE

The Records Supervisor will be responsible for ensuring that photographs maintained by the Records Division 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 Office 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.

Contacts and Temporary Detentions

418.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this office 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 Sheriff, who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below.

418.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Sheriff or designee will permit the individual to appear in person. Any minor should be accompanied by a parent or legal guardian for a review of the status of the photograph/FI unless the minor has made a request that the photograph/FI not be reviewed by the parent or guardian pursuant to Minn. R. 1205.0500.

Such a meeting will be scheduled during regular business hours no longer than 10 days of the receipt of the request.

A meeting for the review of the status of any non-arrest photograph/FI is simply an informal opportunity for the individual to meet to review the data.

Criminal Organizations

419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Olmsted County appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

419.1.1 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.

419.2 POLICY

The Olmsted County 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 office to collect and share relevant information while respecting the privacy and legal rights of the public.

419.3 CRIMINAL INTELLIGENCE SYSTEMS

No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office 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.

419.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Division. Any supporting documentation for an entry shall be retained by the Records Division in accordance with the

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established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Division are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

419.3.2 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 Office documents the following:

- (a) The Office 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.

419.4 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 office-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.

419.4.1 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 office supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Division or Property and Evidence, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, 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.

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- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

419.4.2 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.

419.5 INFORMATION RECOGNITION

Office 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.

Office supervisors who utilize an authorized criminal intelligence system should work with the SEMNVCET Commander to train members to identify information that may be particularly relevant for inclusion.

419.6 RELEASE OF INFORMATION

Office 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 office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

419.7 CRIMINAL STREET GANGS

The SEMNVCET Commander should ensure that there are an appropriate number of office members who can:

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- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.
- (b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

Duty Sergeants

420.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Office policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each Shift. In the event the power shift sergeant is unavailable, the shift (Platoons A, B, C & D) sergeant or corporal will assume supervision of the power shift.

420.2 DESIGNATION AS CORPORAL

When a Sergeant is unavailable for duty as Duty Sergeant, each shift (Platoons A, B, C & D) will have a designated deputy as Corporal and will be compensated per the labor agreement.

Mobile Video Recorders

421.1 PURPOSE AND SCOPE

The Olmsted County has equipped marked patrol cars with Mobile Video Recording (MVR) systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

421.1.1 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 Office 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.

421.2 POLICY

It is the goal of the Olmsted County to use mobile video recorder (MVR) technology to more effectively fulfill the office's mission and to ensure these systems are used securely and efficiently.

421.3 DEPUTY RESPONSIBILITIES

At the start of each shift, deputies should test the MVR system to ensure it's operational. System documentation is accomplished by the deputy recording his/her name, serial number, badge or PIN number and the current date and time at the start of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

421.4 ACTIVATION OF THE MVR

The MVR system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded the video will also record.

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Operators are encouraged to narrate events using the audio recording so as to provide the best documentation for pretrial and courtroom presentation.

421.4.1 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. A deputy may activate the system any time the deputy 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. Consensual encounters
 - 13. Crimes in progress
 - 14. Responding to an in-progress call
 - 15. Medical incidents attended to by members of the Office
- (b) All self-initiated activity in which a deputy 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

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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 deputy believes that a recording of an incident would be appropriate

421.4.2 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 a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

421.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MVR system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this office may surreptitiously use County equipment to record a conversation of any other member of this office except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

421.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made including Patrol Captain and Fleet Maintenance.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, office-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MVR technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media. Copies may be distributed to investigators as appropriate to the investigation.

Supervisors may activate the MVR system remotely to monitor a developing situation such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event.

421.5 REVIEW OF MVR RECORDINGS

All recording media, recorded images and audio recordings are the property of the OCSO and subject to the provisions of the MGDPA. Dissemination outside of the Office is strictly prohibited except to the extent permitted or required under the MGDPA, Peace Officer Disciplinary Procedures Act or release to another law enforcement agency for a lawful purpose.

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To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the office MVR technician. When reasonably possible a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations.

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct
- (c) By a supervisor to assess deputy performance
- (d) To assess proper functioning of MVR systems
- (e) By office 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 office personnel who request to review recordings
- (g) By a deputy 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 Sheriff 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 deputy objects to showing a recording, his/her objection will be submitted to their Captain to determine if the training value outweighs the deputy's objection

Employees desiring to view any previously uploaded or archived MVR recording should submit a request in writing to the Patrol Captain. Approved requests should be forwarded to the MVR technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

421.6 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 deputy's report. If a citation is issued, the deputy shall make a notation on the records copy of the citation indicating that the incident was recorded.

421.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage all recording media will be labeled and stored in a designated secure area. All recording media that is not booked in as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

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421.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event an original recording is released to a court a copy shall be made and placed in storage until the original is returned.

421.7.2 MVR RECORDINGS AS EVIDENCE

Deputies who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the Olmsted County should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

421.8 SYSTEM OPERATIONAL STANDARDS

- (a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MVR system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MVR system may not be configured to record audio data occurring prior to activation.
- (d) 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, MVR technician or other approved designee may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.
- (g) To prevent damage original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician.

421.9 MVR TECHNICIAN RESPONSIBILITIES

The MVR technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected the MVR technician:
 - 1. Ensures it is stored in a secured location with authorized controlled access.
 - 2. Makes appropriate entries in the chain of custody log.

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- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field.
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the office evidence storage protocols and the records retention schedule.

421.10 TRAINING

Users of the MVR systems and supervisors shall successfully complete an approved course of instruction prior to being deployed with MVR systems in operational settings.

Mobile Computer Terminal Use

422.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Computer Terminal (MCT) system in order to ensure proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between office members and Dispatch. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

422.2 MCT USE

The MCT shall be used for official sheriff's communications only. Messages that are of a sexual, racist or offensive nature or are otherwise critical of any member of the Office are strictly forbidden. MCT use is also subject to the Office 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.

422.2.1 USE WHILE DRIVING

Use of the MCT 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.

422.2.2 DOCUMENTATION OF ACTIVITY

MCT's and voice transmissions are used to record the deputy'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 or as soon as reasonable given the situation.
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the deputy shall record it on the MCT.

422.2.3 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 MCT system.

Deputies responding to in-progress calls shall advise changes in status verbally over the radio to assist other deputies responding to the same incident.

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Other changes in status may be entered by depressing the appropriate keys on the MCT.

422.3 MCT CONSIDERATIONS

422.3.1 NON-FUNCTIONING MCT

Whenever reasonably possible, deputies will not use units with malfunctioning MCTs. Whenever deputies must drive a unit in which the MCT is not working, they shall notify Dispatch. It shall be responsibility of Dispatch to record all information that will then be transmitted verbally over the police radio.

CJDN Security Policy

423.1 POLICY

This document shall be considered the official CJDN Security Policy for the Olmsted County Sheriff's Office regarding the physical and personnel security of the CJDN system. All staff must follow the policies contained herein. This will assure proper usage of the system and adherence to all local, state, and federal regulations that govern the use of the MNJIS computer system. The Terminal Agency Coordinator (TAC) for the Olmsted County Sheriff's Office is the Communications Unit Manager. The TAC manages the operation of the CJDN terminal on a local agency level and is responsible for ensuring that all state and local policies are enforced regarding the use of the CJDN terminal.

423.2 ACCESS TO CJDN SYSTEM

Access to the CJDN shall be limited to employees who have been certified by the BCA to operate the terminal. Currently, at the Olmsted County Sheriff's Office this is limited to all staff members who have been properly trained and certified. All other personnel of the Olmsted County Sheriff's Office must make their Criminal Justice inquiries through their authorized CJDN operators.

Staff having access to the CJDN system must meet the follow requirements:

- (a) Be an employee of the Olmsted County Sheriff's Office.
- (b) Successfully pass a State and National fingerprint background check.
- (c) Shall be trained and certified within six months of hire or assignment.
- (d) Complete Basic Security Awareness Training annually.

New employees of the Olmsted County Sheriff's Office shall be fingerprinted within 30 days of employment or assignment and the fingerprint cards shall be sent to the BCA for a background check.

A potential new employee of the Olmsted County Sheriff's Office shall have a background check completed before they are hired. When running the criminal history on that person, the Purpose Code of "J" shall be used.

Fingerprint cards on CJDN operators are to be kept in their personnel files.

The TAC will issue a unique username and password to authorized users with access to the CJDN and Portal 100. Authorized users will be given a unique password to have access to criminal histories. That Criminal History Password will be changed by the TAC at least every 2 years. A list of these assigned passwords shall be kept by the TAC in a locked cabinet

423.3 TRAINING OF SWORN OFFICERS:

NCIC requires that all sworn personnel must receive basic, formal MNJIS/NCIC training within the first 12 months of hire, and annual refreshers thereafter. All training of sworn officers must be

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documented. A sworn officer includes any licensed peace officer, whether employed at the city, county, state or federal level.

Olmsted County Sheriff's Office will meet this requirement by having all deputies watch the BCA's recorded training for MDT/MDC officers. The training is fifteen minutes long and will be viewed bi-annually by sworn personnel. The Sheriff will provide the TAC with the required documentation for their records.

423.4 SECURITY OF TERMINAL:

The CJDN terminals and Criminal Justice Information for the Rochester Police Department and the Olmsted County Sheriff's Office are maintained in secure areas. Only authorized personnel who have passed a State and National fingerprint background check are allowed unescorted access to the secure areas.

All personnel who have direct responsibility to configure and maintain computer systems and networks with direct access to FBI CJIS systems must successfully pass a fingerprint based background check.

Criminal History responses, as well as all other CJDN printouts will be destroyed when no longer needed. These documents will be shredded at the Olmsted County Sheriff's Office.

423.5 HIT CONFIRMATION POLICY

DEFINITION OF A CJIS/NCIC HIT: A Hit is a positive response from MNJIS and/or NCIC in which the person or property inquired about appears to match the person or property contained in the response. Queried subject appears to match the record subject.

NCIC HIT CONFIRMATION POLICY: Agencies that enter records into MNJIS/NCIC must be available for Hit confirmation 24 hours a day, every day of the year. Non-24-hour agencies must place either the ORI or the telephone number (including area code) of the 24-hour agency responsible for responding to a hit confirmation in the MIS/ field of the hot file record.

THE HIT CONFIRMATION PROCESS: NCIC policy requires an agency receiving a hit on another agency's MNJIS/NCIC record to contact the entering agency to confirm that the record is accurate and up to date.

(a) **HIT CONFIRMATION POLICY:**

1. If you have performed an inquiry and received a "Hit", use the following procedures:
 - (a) Print a hard copy of the Hit.
 - (b) Immediately confirm with the arresting officer: Examine the Hit message and evaluate all information in the record and compare with the officer's description of the subject being stopped or property being recovered to insure that person or property matches the person or property described in the Hit.

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- (c) Confirm the Hit with the originating agency. An inquiring agency that receives a hit must use the YQ message to request confirmation of a Hit. Use the appropriate pre-formatted screen.
 - 1. RNO - Request Number. Enter 1, 2, or 3 to indicate whether the Hit confirmation request is the 1st, 2nd, or 3rd request sent. When an agency requests a hit confirmation and fails to receive a response within the specified time (10 minutes or 1 hour), then it must send a second request for Hit confirmation, entering a 2 in the RNO field. The second request will be sent to the originating agency along with a copy that is automatically sent to the CTA in the state where the originating agency is located. If a second request is not responded to, then a third request must be sent with a 3 in the RNO field. This will cause the Hit confirmation request to be sent to the originating agency along with copies that are automatically sent to the CTA in the state where the originating agency is located, as well as to NCIC.
 - 2. PRI - Priority. The agency requesting confirmation of a Hit must determine if an URGENT (10 minute) or ROUTINE (1 hour) response is appropriate.
 - 3. Fill in any other appropriate fields before transmitting the request.
 - (d) If the originating agency indicated that the Hit is not active, notify the requesting person. Do not arrest the subject or recover the property.
 - (e) If the originating agency confirms that the Hit is still active and the subject is arrested, or property recovered, enter a Locate, and print a hard copy of the confirmation to be attached to the report.
- (b) HIT CONFIRMATION RESPONSE:
- 1. If you receive a Hit confirmation, use the following procedures to respond.
 - (a) Print a hard copy of the confirmation request.
 - (b) Note the amount of time that you have to respond and make sure to respond within that time period.
 - (c) Attempt to confirm the Hit by checking the original warrant or report file to determine if the person is still wanted or property is still missing.
 - (d) If you are unable to confirm the Hit, send a response with an explanation for not being able to confirm.
 - (e) Use the appropriate YR message to respond. (Pre-formatted screen.)
 - 1. CON - Confirmation Status. Enter one of the following codes:
 - 2. Y - Yes, to positively confirm a Hit.

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3. N - No, to provide a negative response to the Hit confirmation
4. P - In Process, to indicate that you are in the process of confirming the Hit.
5. E - Extradition, to indicate that the Hit is positive or valid but the agency is awaiting a decision on extradition.

(c) **DOCUMENTATION OF THE HIT CONFIRMATION PROCESS**

1. All Hit confirmation teletypes should be retained, and precise notes should be made on the printout concerning how, when, and to whom the information was given. The printout should be kept in the case file. Documentation of the confirmed Hit is essential and may be critical to the success of defending a later claim of misidentification or false arrest.

423.6 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 Sheriff or the TAC becomes aware that an employee of the Sheriff's Office 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 Sheriff or his designee, or the TAC shall promptly address the violation.

The Sheriff or his designee shall conduct an investigation, 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. 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.

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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 Sheriff's approval may at any time terminate a staff person's access to the CJDN system for any rule violation.

423.7 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 Sheriff or the TAC becomes aware that an employee of the Olmsted County Sheriff's Office 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 Sheriff or his designee, or the TAC shall promptly address the violation.

The Sheriff 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 at the Olmsted County Sheriff's Office including verbal reprimand, written reprimand, suspension, or termination. 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

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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 Sheriff's approval may at any time terminate a staff person's access to the CJDN system for any rule violation.

I have read and understand the "Discipline Policy for Misuse of CJDN" for the Olmsted County Sheriff's Office. The sign off sheet will be placed in the employees personnel file.

Signature Date

Printed Name

A copy of this policy signed by the department head is to be kept in the CJDN SOP Manual.

Signature of Sheriff Date

Printed Name of Sheriff

423.8 PROTECTION ORDERS AND DOMESTIC ABUSE NO CONTACT ORDERS

The MN Courts are directed to send copies of all Protection Orders and Domestic Abuse No Contact Orders to the local sheriff's office. These orders are also passed electronically to the BCA hot files. Courts pass only minimal data to the BCA.

It is the responsibility of the Sheriff's Office Civil Division to validate the hot file entry and maintain a file on all active orders (maintained by Communications).

When you receive an order:

- Check the order over for accurate information. If errors are found, the order must be returned to the Courts for correction. Make sure to compare the name and DOB on the record to the name and DOB on the actual order.
- Print out the hot file entry and perform the 2nd party check, then initial and date your check.
- The active Orders will be filed in dispatch until no longer active.
- Update the record when served by your agency.

It is the Court's responsibility to notify law enforcement when these orders are no longer active.

Sheriff's offices have the ability to add additional information to these records, such as aliases, scars/marks/tattoos, additional identifiers, caution indicators, images, etc. Additional identifiers

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may be found by querying the individual's criminal history record. Law enforcement will not be able to alter data that has been entered by the Courts.

For training on how to add supplemental data to a Protection Order record, go to the BCA's Launch Pad. DANCO training can be found in the MNJIS Training section.

These orders are subject to monthly BCA validations. We will follow the validation process explained in the validation section of our agency's policy manual.

423.9 VALIDATION POLICY

Validation obliges the ORI to confirm that the record is complete, accurate, and still outstanding or active.

The entering agency must validate all hot file records, except for Article File records. Validation takes place 60-90 days from the date of entry and yearly thereafter completed by the Records Division.

Validation requires the entering agency to:

- (a) Remove all records that are no longer active from the MNJIS/NCIC Hot Files.
- (b) Compare all records against the current supporting documentation to ensure:
 - 1. That the information in each field is accurate.
 - 2. That the records contain all available information found in the case files.
- (c) Remove all records for which corresponding case file documentation cannot be located OR recreate the case file so our agency meets NCIC requirements.
- (d) Update records as needed when:
 - 1. NCIC Code changes occur.
 - 2. Agency related information, such as extradition limits or hit confirmation, and/or contact information changes.
 - 3. New or additional information becomes available.
- (e) Contacts:
 - 1. Wanted Person - consult the court or prosecutor to verify that the warrant is still active and the extradition limits have not changed for all wanted person records. Operator shall run a new criminal history inquiry (QH - PUR/C) to check for additional available identifiers to add to record. ie; AKA's, DOB's etc. ATN field should contain the name of the person validating the record as well as the reason (VALIDATION). Old CCH record shall be removed from the warrant jacket and shredded and new CCH inquiry shall be placed in the warrant jacket.
 - 2. Missing Person - consult the complainant to verify that the person is still missing for all missing person records.

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3. Orders for Protection - contact the courts to verify that the OFP is still active and all of the information is current and correct.
4. Stolen Property - contact the owner or insurance company for stolen property validations to verify that the property is still missing. On stolen vehicles, run a new registration to see if the vehicle has been re-registered to an insurance company or possibly in another person's name.

Note: All entries in any of the Hot Files must be documented for entry. In addition, upon the entry of any Hot File, a second party check must be completed.

423.10 SUPPORTING DOCUMENTATION FOR PROPERTY HOT FILE RECORDS

(a) VEHICLE FILE

1. Before entering a stolen or felony vehicle record into MNJIS/NCIC you should:
 - (a) Obtain a theft report describing the stolen item including the serial number (SER) or owner applied number (OAN).
 - (b) Do a registration check with the state that the vehicle is registered with and print out a hard copy of the registration to attach to the record.
 - (c) Enter the record into MNJIS/NCIC using the pre-formatted screen. Make sure to pack the record with as much information about the vehicle as is available. Also verify the NCIC codes as they are not always the same as what you see on the copy of the registration.
 - (d) Query MNJIS/NCIC to verify entry and to obtain a copy of the record to be attached to the record.
 - (e) Follow procedures for the second party check.

(b) STOLEN GUNS, ARTICLES, BOATS AND SECURITIES

- (a) Before entering a stolen record into MNJIS/NCIC you should:
 - (a) Obtain a theft report describing the stolen item including the serial number (SER) or owner applied number (OAN).
 - (b) If entering a boat, do a registration check with the state that the boat is registered with and print out a hard copy of the registration to attach to the record.
 - (c) Enter the record in MNJIS/NCIC using the pre-formatted screen. (Boats and securities will only be entered into NCIC.) Make sure to pack the record with as much information about the item as is available.
 - (d) Query MNJIS/NCIC to verify entry and to obtain a copy of the record to be attached to the record.

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- (e) Follow procedures for the second party check.

423.11 IDENTITY THEFT POLICY

Before an entry can be made in the Identity Theft File, an official complaint (electronic or hard copy) must be recorded and on file at our law enforcement agency. Our agency may make an NCIC Identity Theft entry only if we are the agency that takes the identity theft complaint and the following criteria are met:

- (a) Someone is using a means of identification of the victim.
- (b) The identity of the victim is being used without the permission of the victim.
- (c) The victim's identity is being used or intended to be used to commit an unlawful activity.
- (d) The victim must sign a consent waiver, which can be found on the CJDN Secure site, prior to the information being entered into the Identity Theft file.
- (e) Information on deceased persons may be entered into the file if it is deemed by the police officer that the victim's information has been stolen. No consent form is required with the entry of deceased person information.
- (f) If the Identity Theft file is going to contain the Social Security Number of the victim, our agency is required to inform the individual of this fact and they must sign the "Notice about Providing Your Social Security Number" form, which can be found on the CJDN Secure site.

423.12 SUPPORTING DOCUMENTATION FOR WANTED PERSON RECORDS

Once a warrant has been received from the court, a wanted person record will be entered into MNJIS/NCIC. The warrant jacket will be date stamped at the time it is received from the court. All warrants shall be entered immediately into MNJIS/NCIC when the conditions for entry have been met not to exceed three days upon receipt by the entering agency.

When entering a wanted person record into MNJIS/NCIC, the following steps will be followed:

- (a) Check drivers license files, CCH/III criminal history files, and local information to obtain all available descriptors. These printouts will be kept in the warrant jacket as supporting documentation.
- (b) Verify extradition limits:
 1. Felony - Full Extradition
 2. Felony - Limited Extradition - This means you are willing to pick up someone in another state or states or parts of another state or states. Specific information about limitations shall be entered in the MIS field. For example, enter "Will pickup in Wisconsin and Iowa" in the MIS field.
 3. Felony - Surrounding States Only

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4. Felony - No Extradition - In-State Pick Up Only. See MIS Field For Limits. This means you are not willing to leave the state to transport someone that has been located in another state.
 - (a) Gross Misdemeanor and Misdemeanor - Full Extradition
 - (b) Gross Misdemeanor and Misdemeanor - Limited Extradition - This means you are willing to pick up someone in another state or states. Specific information about limitations shall be entered in the MIS field. For example, enter "Will pick up in Wisconsin and Iowa" in the MIS field. Gross Misdemeanor - Limited Extradition will be entered into MNJIS and NCIC; Misdemeanor - Limited Extradition will be entered in to MNJIS only.
 - (c) Gross Misdemeanor and Misdemeanor - Surrounding States Only. Gross Misdemeanor - Limited Extraditions will be entered into MNJIS and NCIC; Misdemeanor - Limited Extradition will be entered into MNJIS only
 - (d) Gross Misdemeanor and Misdemeanor - No Extradition - In-State Pick Up Only. See MIS Field For Limits. This means you are not willing to leave the state to transport someone that has been located in another state.
- (c) Determine if the warrant is Nightcapped. Gross Misdemeanor and Felony warrants are automatically nightcapped. Misdemeanor warrants require an additional signature from the judge.
- (d) Check to see if the record could be cautioned.
- (e) Query the entry to verify the data.
- (f) Follow the procedures for a 2nd party check.

423.13 SECOND PARTY CHECK PROCEDURES

Second party checking means that someone, other than the person making the record entry, checks the record for accuracy and completeness. This procedure is required for ALL Hot File entries and modifications to record entries.

The person conducting a second party check on a hot file should first query the record and print the HIT and proceed with the following steps:

- (a) Ensure that all appropriate sources were checked and queried for complete information. This may include Criminal History records, motor vehicle registrations, driver's license information and any other available sources. Make sure that this source material is kept with the case file or warrant. i.e.; D/L printouts, Registration printouts, CCH/III identification information
- (b) Compare the information from the sources listed above against the record entered into MNJIS/NCIC to verify the accuracy of information in all fields of the hot file record.

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- (c) Verify that all information was coded correctly with appropriate up-to-date NCIC codes.
- (d) Correct any records that are inaccurate or coded incorrectly.
- (e) Verify that the record was "packed" with all available information.
- (f) Initial the hard copy of the entry and place the hard copy in the case file.

423.14 MISSING PERSON POLICY

ENDANGERED MISSING PERSONS:

Endangered missing persons, regardless of age, are to be entered into the system immediately not to exceed two hours, upon receiving the minimum data required for entry into NCIC. The two hour clock shall begin at the time the minimum data required is received. The agency must be able to document the time.

JUVENILES UP TO 17 YOA:

Juveniles are to be entered into the system immediately, not to exceed two hours, upon receiving the minimum data required for entry into NCIC. The two hour clock shall begin at the time the minimum data required is received. The agency must be able to document the time.

ADULTS 18 to 20 YEARS OLD

Any adults under 21 years of age are to be entered into the system immediately, not to exceed two hours, upon receiving the minimum data required for entry into NCIC. The two hour clock shall begin when the minimum data required for entry is received from the complainant. The agency must be able to document the time. A signed report is not required.

ADULTS 21 YEARS AND OLDER:

To ensure maximum System effectiveness, Missing Person records must be entered immediately when the conditions for entry are met, not to exceed 3 days, upon receipt by the entering agency.

Adults age 21 and older are required to have signed documentation supporting the stated conditions under which they are being declared missing before entry into the system, unless they are victims of a catastrophe. The documentation should be from a source such as a parent, legal guardian, next of kin, physician or other authority source including a neighbor or a friend. However when such documentation is not reasonably attainable, a signed report by the investigating officer will suffice. For agencies using Electronic Records Management Systems (ERMS), some forms of signatures that are acceptable are: 1) Digitized signatures 2) Manual signatures scanned into the ERMS 3) The case officer's typed name into the report in the ERMS. When entering records into the NCIC missing person file, the entry person will:

- (a) Run a current DVS and CCH/III inquiry to obtain as many descriptors as possible regarding the subject. This check should include a check of whether medical/dental information is available regarding the subject. Any descriptors used must be documented in the officer's report or saved within the case file. Attempts to obtain medical/dental information must also be documented in the case file.

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- (b) Enter a record into NCIC on the subject. This record should include all descriptors. Additional identifiers such as scars, marks and tattoos, aliases, additional dates of birth, etc., should be added to the record through the use of the Enter Missing Person Supplemental Screen.
- (c) After the record is entered, query the NCIC entry to obtain a hard copy for second party verification purposes.

Agencies are required to verify and update NCIC 2000 missing person record entries with any additional information, including: Blood Type (BLT); Dental Characteristics (DCH); Fingerprint Classification (FPC); Jewelry Type (JWT); and Scars, Marks, Tattoos, and Other Characteristics (SMT) within 60 days of entry. If a record has a date of entry older than 30 days and any of the above fields are blank, a \$.K. Missing Information Notification identifying the blank fields will be transmitted. The \$.K. Missing Information Notification will also include the record.

**A notation shall be made in the case file indicating when this attempt was made and what the outcome was, i.e. child has returned, dental records obtained, etc. This sixty (60) day update is mandatory FBI requirement on all missing persons records under the age of 21 and (Agency Name Here) personnel shall document this attempt in the case file to show that this requirement has been met.

Portable Audio/Video Recorders

424.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties (Minn. Stat. § 626.8473). 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 mobile audio/video recordings, interviews, or interrogations conducted at any Olmsted County facility, undercover operations, wiretaps, or eavesdropping (concealed listening devices).

424.2 POLICY

The Olmsted County 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 Office by accurately capturing contacts between members of the Office and the public.

424.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in an official capacity shall remain the property of the Office regardless of whether those recordings were made with office-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

424.4 MEMBER RESPONSIBILITIES

Prior to going into service, uniformed members will be responsible for making sure that they are equipped with a portable recorder issued by the Office, and that the recorder is in good working order (Minn. Stat. § 13.825). If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner at or above the mid-line of the waist and notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473).

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record their 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.

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Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording (Minn. Stat. § 626.8473). Members should include the reason for deactivation.

424.5 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 may 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.

424.5.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

424.5.2 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

424.5.3 SURREPTITIOUS RECORDINGS

Minnesota law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Minn. Stat. § 626A.02).

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Members of the Office may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

424.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using office-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 office-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Duty Sergeant. Any member who uses a personally owned recorder for office-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.

424.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an under-cover officer or confidential informant.
- (g) The recording or portions of the recording may be protected under the Minnesota Data Practices Act.

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Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

424.7.1 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.

424.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) By a supervisor as part of internal audits and reviews as required by Minn. Stat. § 626.8473.
- (b) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- (c) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (d) By media personnel with permission of the Sheriff or the authorized designee.
- (e) In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, including pursuant to Minn. Stat. § 13.82, Subd. 15, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that are clearly offensive to common sensibilities should not be publicly released unless disclosure is required by law or order of the court (Minn. Stat. § 13.82, Subd. 7; Minn. Stat. § 13.825, Subd. 2).

Foot Pursuit Policy

425.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

425.1.1 POLICY

It is the policy of this office when deciding to initiate or continue a foot pursuit that deputies must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Office personnel, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Office personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Office personnel.

425.2 DECISION TO PURSUE

Deputies may be justified in initiating a foot pursuit of any individual the deputy 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 a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Office personnel and the public at significant risk. Therefore, no deputy 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, a deputy 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
- (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

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immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

425.3 GUIDELINES FOR FOOT PURSUIT

Unless the deputy reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), deputies 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 deputy is acting alone.
- (c) When two or more deputies 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 deputy keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The deputy is unsure of his/her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing deputies do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the deputies renders them incapable of controlling the suspect if apprehended.
- (g) When the deputy loses radio contact with Dispatch or with backup deputies.
- (h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient deputies.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.
- (j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.
- (k) The deputy loses possession of his/her firearm or other essential equipment.
- (l) The deputy 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.
- (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

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immediate threat to Office personnel or the public if the suspect is not immediately apprehended.

- (o) The deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

425.4 RESPONSIBILITIES IN FOOT PURSUITS

425.4.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies 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

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy 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 deputy 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.

425.4.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize nonessential radio traffic to permit the involved deputies maximum access to the radio frequency.

Any deputy who is in a position to intercept a fleeing suspect or who can assist the primary deputy with the apprehension of the suspect, shall act reasonably and in accordance with Office policy, based upon available information and his/her own observations.

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425.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Office guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing deputies 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.

425.5 REPORTING

The initiating deputy 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 deputies 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 deputy need not complete a supplemental report in addition to the data normally created during the event.

Automated License Plate Readers (ALPR)

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology (Minn. Stat. § 626.8472).

426.2 ADMINISTRATION AND ACCESS CONTROL

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Olmsted County to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administrative Captain. The Administrative Captain will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data. Publication of the policy through Lexipol, Olmsted County Sheriff's Office policy manual, constitutes approval of the policy by the Sheriff.

- (a) Access authorizations and approvals: Access to review and query stored data shall be limited to personnel assigned to the Investigations Division and/or Supervisors.
- (b) Access Modifications: No modifications shall be made without the approval of the Administrative Captain.
- (c) Review of User Access Rights: The Administrative Captain will do an annual review of the access list. Any changes will be completed by the Administrative Captain or designee.
- (d) A terminated employee who has access to the ALPR system will be removed or disabled within 24 hours of the termination date.
- (e) Password Requirements: An authorized user of the ALPR system will initially sign into their computer using Two Factor Authentication. Upon completion of initial sign on, they will then use their ALPR sign on and password to access the ALPR system.

426.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Office members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.

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- (c) 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.
- (d) No member of this office shall operate ALPR equipment or access ALPR data without first completing office-approved training.
- (e) No ALPR operator may access confidential office, state or federal data unless authorized to do so.
- (f) If practicable, the deputy 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.

426.3.1 RESTRICTIONS, NOTIFICATIONS AND AUDITS

The Olmsted County will observe the following guidelines regarding ALPR use (Minn. Stat. § 13.824):

- (a) Data collected by an ALPR will be limited to:
 - 1. License plate numbers.
 - 2. Date, time and location of data captured.
 - 3. Pictures of license plates, vehicles and areas surrounding the vehicle captured.
- (b) ALPR data may only be matched with the Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.
- (c) ALPRs shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.
- (d) The Bureau of Criminal Apprehension shall be notified within 10 days of any installation or use and of any fixed location of an ALPR.
- (e) Participation in a central state repository of ALPR data is prohibited unless the repository is explicitly authorized by law. The Olmsted County Sheriff's Office does not utilize any central repository of ALPR data.

426.4 DATA COLLECTION AND RETENTION

The Administrative Captain is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with office procedures

All data collected by an ALPR are private or nonpublic data unless the data are public under section 13.82, sub. 2, 3, or 6, or are active criminal investigative data under (Minn. Stat. § 13.82, sub. 7).

ALPR data received from another agency shall be maintained securely and released in the same manner as ALPR data collected by this office (Minn. Stat. § 13.824).

ALPR data not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection with the following exceptions (Minn. Stat. § 13.824):

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- (a) Exculpatory evidence - Data must be retained until a criminal matter is resolved if a written request is made from a person who is the subject of a criminal investigation asserting that ALPR data may be used as exculpatory evidence.
- (b) Address Confidentiality Program - Data related to a participant of the Address Confidentiality Program must be destroyed upon the written request of the participant. ALPR data already collected at the time of the request shall be destroyed and future related ALPR data must be destroyed at the time of collection. Destruction can be deferred if it relates to an active criminal investigation.

All other ALPR data should be retained or destroyed in accordance with the established records retention schedule.

Data which is destroyed, shall be destroyed in a manner which prevents their contents from being determined under (Minn. Stat. 138.17).

426.4.1 LOG OF USE

A public log of ALPR use will be maintained that includes (Minn. Stat. § 13.824):

- (a) Specific times of day that the ALPR collected data.
- (b) The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal public databases with which the data were compared.
- (c) For each period of active use, the number of vehicles or license plates related to:
 - 1. A vehicle or license plate that has been stolen.
 - 2. A warrant for the arrest of the owner of the vehicle.
 - 3. An owner with a suspended or revoked driver's license or similar category.
 - 4. Active investigative data.
- (d) For an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.

A publicly accessible list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance devices with ALPR capability shall be maintained. The list may be kept from the public if the data is security information as provided in Minn. Stat. § 13.37, Subd. 2.

426.5 ACCOUNTABILITY

All saved data will be closely safeguarded and protected by both procedural and technological means. The Olmsted County will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. Stat. § 13.05):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

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- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or office-related civil or administrative action.
- (c) Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.
- (d) Breaches of personal data will be handled in accordance with Protected Information Policy (Minn. Stat. § 13.055).
- (e) All queries and responses, and all actions, in which data are entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.
- (f) Any member who violates Minn. Stat. § 13.09 through the unauthorized acquisition or use of ALPR data will face discipline and possible criminal prosecution (Minn. Stat. § 626.8472).

426.6 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures (Minn. Stat. § 13.824):

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
 - 4. A record of the factual basis for the access and any associated case number, complaint or incident that is the basis for the access.
 - 5. A statement that the request is authorized by the head of the requesting law enforcement agency or his/her designee.
- (b) The request is reviewed by the Administration Captain or the authorized designee and approved before the request is fulfilled.
 - 1. A release must be based on a reasonable suspicion that the data is pertinent to an active criminal investigation.
- (c) The approved request is retained on file.
- (d) Any data request submitted under Chapter 5B is classified as private data on individuals.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

Homeless Persons

427.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Olmsted County recognizes that members of the homeless community are often in need of special protection and services. The Olmsted County will address these needs in balance with the overall missions of this office. Therefore, deputies will consider the following policy when serving the homeless community.

427.1.1 POLICY

It is the policy of the Olmsted County 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 office will not use homelessness solely as a basis for detention or law enforcement action.

427.2 FIELD CONTACTS

Deputies 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 a deputy 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, deputies 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. Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

427.2.1 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. Deputies 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.

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- (e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

427.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies 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, deputies 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 deputy, 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.

Deputies 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.

Deputies 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 but take the necessary action if it appears to involve a trespass, blight to the community or is the subject of a complaint.

427.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a 72-hour emergency medical hold unless facts and circumstances warrant such a detention.

427.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Criminal Conduct on School Buses

428.1 PURPOSE AND SCOPE

Criminal conduct on school buses has been identified by the legislature as a critical component for the safety and security of the community. The primary purpose of this policy is to provide deputies guidance in responding to reports of alleged criminal conduct on school buses. This office, in cooperation with any other law enforcement agency that may have concurrent jurisdiction over the alleged offense, is responsible for responding to all reports of criminal misconduct on school buses in this jurisdiction.

This policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses (Minn. Stat. § 169.4581).

428.2 COMMUNITY COOPERATION

The Olmsted County shall work with and consult with school officials, transportation personnel, parents and students to respond to these incidents to protect student safety and deal appropriately with those who violate the law.

428.3 PROCEDURE

This office shall respond to all criminal misconduct on school buses within the jurisdiction of this office regardless of the source of the report. Deputies 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.

Public Recording of Law Enforcement Activity

429.1 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 office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

429.2 POLICY

The Olmsted County recognizes the right of persons to lawfully record members of this office who are performing their official duties. Members of this office 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.

Deputies 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.

429.3 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 deputies.
 - 4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, him/herself or others.

429.4 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy 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, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

429.5 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 deputy 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 office members, such as how and where to file a complaint.

429.6 SEIZING RECORDINGS AS EVIDENCE

Deputies 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 office-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Crisis Intervention Incidents

430.1 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 a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

430.1.1 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.

430.2 POLICY

The Olmsted County 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 Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

430.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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430.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate a CIT Coordinator to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

430.4.1 OBTAINING MENTAL HEALTH INFORMATION

The Sheriff should designate a member of the Office to develop access procedures, retention guidelines, data security safeguards, notification procedures, and any other applicable standards for obtained mental health information (Minn. Stat. § 626.8477).

Deputies may seek information from a mental health professional during a crisis situation pursuant to office procedures. When information is requested, deputies should provide an explanation why disclosure of mental health information is necessary to protect the health or safety of the individual in crisis or of another person (Minn. Stat. § 13.46; Minn. Stat. § 144.294).

Information obtained from mental health professionals in crisis incidents should generally be limited to that necessary to safely respond. Deputies obtaining mental health information to address crisis incidents should document the following in the associated reports (Minn. Stat. § 13.46; Minn. Stat. § 144.294):

- (a) The name of the deputy who requested the information
- (b) The name of the health professional who provided the information
- (c) The name of the individual experiencing the crisis

Mental health information obtained in these circumstances should not be used for any purpose beyond addressing the crisis. The subject of the information should be advised of the information obtained (Minn. Stat. § 13.46; Minn. Stat. § 144.294).

430.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies 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.

A deputy 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 deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

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- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

430.6 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

Dive Team Policy

431.1 PURPOSE AND SCOPE

The purpose of this policy is to provide written guidelines for the Dive Team and the specialized operations that fall under the scope of the Dive Team/Public Safety Divers, to include technical diving (ice, deep, etc), search and recovery (evidence, body, article, etc), swift water/flood response/rescue and training. These operations are inherently dangerous and risk factors to health are high. Often these types of dive operations are performed in less than ideal conditions. The Dive Team also may be called upon to provide mutual aid to other governmental agencies.

431.2 DEFINITIONS

PUBLIC SAFETY DIVER: An individual using breathing apparatus that supplies compressed breathing air at ambient pressure and is conducting dives outside the parameters of recreational diving for the specific purpose of underwater rescue or recovery operations and the direction of and authorization of a government entity.

DIVER ACTIVE STATUS: A diver who is currently meeting all training requirements as defined in this policy.

DIVER INACTIVE STATUS: Inactive Status - A diver who has not met the training requirements as defined in this policy. An inactive diver is not allowed to function at the technician level (diver) during incidents but can assist at the operations level (non-diver). In the event a diver does not meet this requirement he/she will be removed from the team.

431.3 POLICY

The Olmsted County Sheriff's Office Dive Team is comprised of Peace Officer licensed and civilian staff that are certified and trained as a Public Safety Diver. OCSO's Dive Team provides properly trained and equipped personnel for underwater search and recovery services. These services include but are not limited to underwater evidence preservation, recovery and documentation, removal of water-borne hazards and helping bring closure to water related incidents.

431.4 APPOINTMENT PROCESS

An interested OCSO Deputy or civilian member shall:

- (a) Be in good physical condition as verified by their own personal qualified medical professional.
- (b) Be certified as an open water SCUBA diver or be able to successfully pass certification for SCUBA in a nationally recognized course.
- (c) Participate in both in-service training(s) within OCSO and specialized schools outside the department that are made available to the member. Required courses to complete within the member's probationary year are Advanced Open Water dive and Rescue Diver.
- (d) Be able, after sufficient training, to demonstrate competency in all areas of SCUBA and team operations.

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(e) New Dive Team members appointed to the team will be in a probationary status for one full year from the date of appointment.

431.5 TRAINING REQUIREMENTS

Before assignment in the field, dive team members shall be trained and certified to operate in the field according to standards adopted by Olmsted County Sheriff's Office.

431.6 CONTINUED TRAINING

Divers must be tested annually to Olmsted County Sheriff's Office standards to maintain certification to act in the capacity of a Public Safety Diver. Divers shall successfully pass the Public Safety Divers Swim Test annually to stay active as a Dive Team member.

All Dive Team members (full-time and volunteer) must attend all mandatory training sessions, unless prior permission to be absent is approved by the Dive Team supervisor. Any Dive Team member that misses mandatory training and is unexcused will be placed on a "inactive status" until they meet with the Dive Team supervisor and has made up the missed mandatory training.

For non-mandatory trainings, Dive Team members shall attend 70% or more to maintain an active status on the Dive Team.

No personnel are permitted to operate at a level of certification above which they have been certified at any incident or training dive.

All full-time members of the Dive Team shall take and pass an annual medical physical for divers. All volunteer divers shall submit to the Dive Team supervisor a medical note from their primary care physician that they are medically fit to continue as a SCUBA diver annually.

All Dive Team training or activity that utilizes Dive Team equipment must be organized and approved by the Dive Team Supervisor. In any circumstance that involves a dive operation, no less than four Dive Team members shall be present. In any circumstance that involves a surface-only activity, no less than three Dive Team members shall be present.

431.7 TRAINING RECORDS

The individual team member is responsible for ensuring that a copy of all training certificates, certification cards or other necessary documentation is sent to the Dive Team Supervisor. Any internal training or internal courses attended by Dive Team members will be recorded in individual members' training file by the Dive Team Supervisor.

431.8 PUBLIC SAFETY DIVER SWIM TEST

Public safety diving is a very strenuous discipline. Prolonged bottom times, dives requiring heavy physical exertion, entanglement risks, long surface swims, currents, zero visibility and adverse conditions can take a toll on a diver. Physical well-being and fitness will increase a diver's safety. Dive members must successfully complete the watermanship yearly swim evaluation to maintain active status. The Dive Team Supervisor will designate which public safety diver national SCUBA watermanship evaluation will be used to evaluate team divers.

Dive Team Policy

431.9 DIVING EQUIPMENT

All OCSO licensed staff Dive Team members will be supplied with the appropriate equipment by the Office. Volunteers on the Dive Team will supply their own equipment that is the same or similar with the equipment issued to full-time members. It is highly recommended that volunteer Dive Team members have their equipment approved by the Dive Team supervisor before purchasing and, in every case, equipment shall be approved by the Dive Team Supervisor before use in any official capacity. Each diver will be responsible to verify his/her assigned equipment has been inspected as explained in this policy.

- (a) Only dive equipment supplied by the Office shall be used with appropriate training. The Dive Team Supervisor can authorize a diver to use equipment not supplied by the Office when a situation dictates and warrants the use.
- (b) All divers participating in underwater operations must be equipped with the minimum required diving equipment.
- (c) All dive equipment shall be subject to inspection before and after all dives.
- (d) All dive equipment shall be tested and certified on an annual basis as defined by the equipment manufacturer.
- (e) All inspections, tests and maintenance must be accomplished by certified personnel or a facility approved by the Office. All equipment maintenance shall be recorded and logged by the Office Equipment Dive Team Leader.
- (f) All SCUBA cylinders shall be in current VIP and hydrostatic testing requirements as mandated by regulatory agencies and manufacturer requirements. All inspections and tests must be accomplished by certified personnel or a facility approved by the Office.

Scuba cylinder shall be:

- 1. Hydrostatically tested per Department of Transportation standards.
- 2. Visually inspected at least every 12 months.

431.10 MEDICAL STANDARDS

All divers shall pass a physical administered by a physician. A diver shall be required to obtain a medical release from a physician before resuming diving activities after any diving accident resulting in injury to the diver. A diver shall be required to provide a written medical release from a physician before resuming diving activities due to any injury, illness, or surgery that resulted in the diver being off duty or being placed on light-duty.

431.11 ORGANIZATION AND RESPONSIBILITIES

The Dive Team organizational structure and responsibilities are as follows:

Training Division Captain

Dive Team/Training Sergeant

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Dive Team Leaders

Dive Team Divers

Dive Team Surface Support

(a) Operations Team Leader

1. Have a minimum of three years of experience as a diver with the Olmsted County Sheriff's Dive Team.
2. Possesses thorough knowledge of current techniques and procedures for water rescue and recovery operations.
3. Annually appointed by the Training Division Captain or their designee.
4. Possesses ability to plan and implement dive rescue and recovery of operations.

(b) Equipment Team Leader

1. Assists the Operations Team Leader in the organization, control and coordination of the Dive Team.
2. Is an active diver on the Dive Team.
3. Annually appointed by the Training Division Captain or their designee.
4. Possesses thorough knowledge of current techniques and procedures for water rescue and recovery operations.
5. Possesses thorough knowledge of current dive equipment and techniques.
6. Coordinates the distribution and maintenance of equipment for water rescue personnel.

(c) Training Team Leader

1. Is an active diver on the Dive Team.
2. Annually appointed by the Training Division Captain or their designee.
3. Possesses thorough knowledge of current techniques and procedures for water rescue and recovery operations.
4. Organizes and documents area-level training.
5. Maintains training records for Office divers.

(d) Divers

1. Possesses a Public Safety Diving certification from a public safety dive-specific training agency that is approved by the Olmsted County Sheriff's Office

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2. Shall fulfill all training requirements as set forth in this policy.
3. Is authorized to participate by the Dive Team supervisor.

(e) Surface Support Members

1. Surface support staff may be full-time or volunteer divers or other members that have taken and passed an internal Dive Tender course as approved by the Olmsted County Sheriff's Office administered by the Dive Team Leader.
2. Surface Support members that are not divers shall not dive but may tend divers and operate Dive Team equipment.
3. Any surface support team member that is operating Dive Team equipment (boat, rig, dive equipment, etc.) must complete an operators efficiency course and be approved by the Dive Team Supervisor annually.

431.12 PERSONNEL RECORDS AND DIVE LOGS

The Training Division Captain, or their designee shall maintain the following relating to the Dive Team: training records for each diver; file for each diver that contains all pertinent documentation. permanent records for all SCUBA equipment, including inspection and testing records, maintenance and damage reports; all diving injuries requiring recompression, or that result in serious injury or death. The Dive Team supervisor shall designate a dive team member to maintain a dive log for each dive training or operation. Each diver shall maintain a dive logbook.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventative patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This office 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 DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Olmsted County. Information provided by the Minnesota Office of Traffic Safety (OTS) is a valuable resource for traffic collision occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies 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 deputies will take directed enforcement action on request, and random enforcement action when appropriate, against violators as a matter of routine. All deputies 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 office does not establish ticket quotas and the number of citations issued by any deputy shall not be used when evaluating deputy performance (Minn. Stat. § 169.985; Minn. Stat. § 299D.08). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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500.3.1 TRAFFIC CITATIONS

Traffic citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (d) The court contact information.

500.3.2 LIMITATION AND DISCLOSURE OF REASON FOR TRAFFIC STOP

Deputies conducting a traffic stop for violations of Minnesota Statute Chapters 168 or 169 shall not ask the motorist if they can identify the reason for the traffic stop. Deputies shall state a reason for the stop unless it would be unreasonable to do so under the totality of the circumstances (Minn. Stat. § 169.905).

500.4 HIGH-VISIBILITY VESTS

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of office 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, deputies 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 deputy might benefit from being readily identified as a deputy.

500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in each squad.

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 Olmsted County to respond to traffic collisions and render or summon aid to injured victims as needed. The Office will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of collisions by attempting to identify the cause of the collision and through enforcing applicable laws. Unless restricted by law, traffic collision reports will be made available to the public upon request.

501.3 RESPONSE

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 office and there is:
 - 1. A life-threatening injury.
 - 2. A fatality.
 - 3. A County vehicle involved.
 - 4. A County official or employee involved.
 - 5. Involvement of an on- or off-duty member of this office.
- (b) Is within another jurisdiction and there is:
 - 1. A County of Olmsted vehicle involved.
 - 2. A County of Olmsted official involved.
 - 3. Involvement of an on-duty member of this office.

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).

Traffic Collisions

- (f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic collision involves a life-threatening injury or fatality, the responding deputy shall notify a supervisor, or if unavailable, the Duty Sergeant. The Duty Sergeant or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Duty Sergeant will ensure notification is made to the Patrol Captain, office command staff and County Board in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, office chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic collision should not be released until notification is made to the victim's immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

A collision report shall be taken when:

- (a) A fatality, any injury (including complaint of pain), impaired driving or hit and run is involved.
- (b) An on-duty member of the County of Olmsted is involved.
- (c) The collision results in any damage to any County-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 may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

501.5.2 COUNTY VEHICLE INVOLVED

A traffic collision report shall be taken when a County vehicle is involved in a traffic collision that results in property damage or injury.

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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 County vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Captain. 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

Office 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 Captain or on-duty Duty 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 Olmsted County and involves:

- (a) An on- or off-duty member of the Office.
 - 1. The involved member shall complete the office 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 County of Olmsted.

Office members shall promptly notify a supervisor when any office vehicle is involved in a traffic collision. The collision investigation and report shall be completed by the agency having jurisdiction.

501.6.2 COMMERCIAL VEHICLE COLLISIONS

Commercial vehicle collisions additionally require notification to the Minnesota State Patrol if the collision results in (Minn. Stat. § 169.783):

- (a) A fatality.

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- (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

Office 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 Captain for approval and filing.

501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

501.8.2 PATROL CAPTAIN RESPONSIBILITIES

The responsibilities of the Patrol Captain include but are not limited to:

- (a) Ensuring the monthly and quarterly reports on traffic collision information and statistics are forwarded to the Patrol Captain or other persons as required.
- (b) Forwarding the traffic collision report to the Department of Public Safety within 10 days of the collision investigation (Minn. Stat. § 169.09, Subd. 8).
- (c) Ensuring the Department of Public Safety is notified within two business days of a collision that results in a fatality (Minn. Stat. § 169.09, Subd. 8).

Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Olmsted County 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

Office members requesting towing of a vehicle shall complete a Vehicle Impound and Inventory Report, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Records Division as soon as practicable after the vehicle is stored.

The Records Division shall promptly enter pertinent data from the completed Vehicle Impound and Inventory Report into the Minnesota Justice Information Services (MNJIS).

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 Records Division 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 deputy shall have Dispatch contact the next tow company on the rotation unless the driver/owner of the vehicle specifically requests a particular tow company.

502.2.3 DRIVING A NON-COUNTY VEHICLE

Vehicles should not be driven by Sheriff's 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.

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502.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

502.2.5 RECORDS UNIT RESPONSIBILITIES

Records Division 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 office has been recovered, the Records Division shall make a reasonable and good faith effort to notify the victim of the recovery. The notice must specify when the recovering law enforcement agency expects to release the vehicle to the owner and where the owner may pick up the vehicle. Upon recovery of a vehicle reported stolen to another agency, the Records Division 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 joint City of Rochester/Olmsted County Communications Center maintains a list of tow companies in good standing. 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.

They shall be placed on a rotation list. Nothing in this policy shall require the Office 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 office 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.

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Vehicle Towing

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the occupant was arrested nor may be subject to forfeiture proceedings.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall note in the report that the owner was informed that the Office 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 Impound Inventory 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 sheriff's custody, to provide for the safety of deputies and the public, and to protect the Office against fraudulent claims of lost, stolen or damaged property.

502.6 PRESERVATION OF EVIDENCE

A deputy 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, deputies 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, deputy 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.

Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving while impaired (DWI).

503.2 POLICY

The Olmsted County is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Minnesota's impaired driving laws. All deputies are expected to enforce these laws with due diligence.

503.3 CHEMICAL TESTS

A person implies consent under Minnesota law to a chemical test or tests, and to providing the associated chemical sample (Minn. Stat. § 169A.51, Subd. 1).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

503.3.1 BREATH SAMPLES

The Patrol Captain or their 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.

503.3.2 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 deputy.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

503.3.3 URINE SAMPLES

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity to the extent reasonably possible while still ensuring the accuracy of the specimen.

The collection kit shall be marked with the person's name, offense, Olmsted County case number and the name of the witnessing deputy. The collection kit should be refrigerated pending transportation for testing.

503.4 REFUSALS

When an arrestee refuses to provide a chemical sample deputies should:

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- (a) Advise the arrestee of the requirement to provide a sample (Minn. Stat. § 169A.51; Minn. Stat. § 171.177, Subd. 1).
- (b) Record with their Body Worn Camera (BWC) the admonishment and the response when it is legal and practicable.
- (c) Document the refusal in the appropriate report.

503.4.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of intention to revoke upon the person and invalidate the person's license (Minn. Stat. § 169A.52, Subd. 7).

503.4.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who does not consent to a chemical test when any of the following conditions exist (Minn. Stat. § 169A.51, Subd. 3):

- (a) A search warrant has been obtained.
- (b) The deputy can articulate that exigent circumstances exist and the deputy has probable cause to believe that the person has committed DWI, including vehicular homicide or injury (Minn. Stat. § 169A.52, Subd. 1; Minn. Stat. § 171.177, Subd. 13). Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to a collision investigation or medical treatment of the person.

503.4.3 FORCED BLOOD SAMPLE

A forced sample may not be taken except in DWI cases involving vehicular homicide or injury (Minn. Stat. § 171.177, Subd. 13). In those cases, if a person indicates by word or action that he/she will physically resist a blood draw, the deputy 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 deputy), and attempt to persuade the person to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video when reasonably practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.

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- (e) Ensure that the forced blood draw is recorded on audio and/or video when reasonably practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

503.4.4 WARRANTS FOR CONTROLLED SUBSTANCES OR INCAPACITATION

A blood or urine test may be required pursuant to a warrant if the deputy has probable cause to believe that (Minn. Stat. § 169A.51, Subd. 4):

- (a) The person's impairment is due to a controlled substance, an intoxicating substance, or cannabis or hemp-related product that is not subject to testing by a breath test.
- (b) A controlled substance listed in Schedule I or II or its metabolite (other than a cannabis or hemp-related product or tetrahydrocannabinols), is present in the person's body.
- (c) The person is unconscious or incapacitated to the point that the deputy providing the breath test advisory, administering the breath test, or serving the search warrant has a good faith belief that the person is mentally or physically unable to comprehend the advisory or otherwise voluntarily submit to the chemical tests.

If a person objects to the blood or urine test as directed by the warrant or deputy, the deputy should offer the other type of test if the person is conscious. Action may be taken against a person refusing to submit to a blood or urine test only if an alternate test of blood or urine, as applicable, was offered (Minn. Stat. § 169A.51, Subd. 4; Minn. Stat. § 171.177, Subd. 2).

503.4.5 STATUTORY NOTIFICATIONS UPON REFUSAL WITH A SEARCH WARRANT

Upon refusal to submit to a chemical test pursuant to a search warrant, deputies shall personally serve the notice of intention to revoke upon the person and invalidate the person's license in such a way that no identifying information is destroyed and immediately return the license to the person (Minn. Stat. § 171.177, Subd. 8).

503.5 RECORDS UNIT RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

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503.6 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Driver and Vehicle Services Division (DVS) of the DPS.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and the DVS file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

503.7 TRAINING

The Training Sergeant should ensure that deputies 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.

Phlebotomy Program

504.1 PURPOSE AND SCOPE

This policy establishes guidelines for the performance of deputies selected and trained in phlebotomy.

504.2 DEFINITIONS

A phlebotomist is a deputy who is qualified through Minnesota's State Phlebotomy Program and meets the definition of a "qualified person" under Minnesota State Statute 169A.51 Sub. 7(a): "Only a physician, medical technician, emergency medical technician-paramedic, registered nurse, medical technologist, medical laboratory technician, phlebotomist, laboratory assistant, or other qualified person acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol, a controlled substance or its metabolite, or a hazardous substance. This limitation does not apply to the taking of a breath or urine sample."

504.3 POLICY

The primary purpose of a law enforcement phlebotomist is to draw blood in DWI related investigations. However, from time to time, it may be necessary to draw blood for other law enforcement related investigations.

Only deputies trained in phlebotomy and who have been approved by the Sheriff's Office are allowed to perform blood draws.

504.4 ACTIVATION

The following phlebotomist activation procedure should be used when a blood draw is determined to be needed:

1. On-duty OCSO phlebotomists. If no OCSO phlebotomists are on duty, the on-duty RPD supervisor should be contacted to use on-duty RPD phlebotomists.
2. If no phlebotomists are on duty for either agency, OCSO phlebotomists should be paged out via the Communications Unit after approval from the OCSO on-duty supervisor.
3. If no OCSO phlebotomists respond to the page after 15 minutes, RPD phlebotomists can be paged via the Communications Unit after approval from the RPD on-duty supervisor.
4. If neither agency's phlebotomists respond after 15 minutes, the on-call Gold Cross phlebotomists should be paged via the Communications Unit.

504.5 DEPUTY RESPONSE

Blood draws will be conducted in the booking area of the Adult Detention Center (ADC), a medical facility, an ambulatory service, or other controlled environment as determined by the phlebotomist and approved by a supervisor.

Deputies performing phlebotomy shall complete a supplemental report, under the arresting agency's ICR, for each subject blood draw. If assisting an agency other than the OCSO or RPD, an

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Event Report should be created for the blood draw (Assist Other Agency). A copy of the report shall be forwarded to the Minnesota Phlebotomy Coordinator and the OCSO Phlebotomy Supervisor. The phlebotomist shall complete the Law Enforcement Phlebotomist Log of Blood Draws (log) and submit the log annually to the Minnesota Phlebotomy Coordinator and the OCSO's Phlebotomy Supervisor.

The arresting deputy/officer must witness the blood draw. A phlebotomist may draw blood on a suspect he/she has personally arrested for DWI or they may choose to contact another on-duty phlebotomist after approval is received from the OCSO on-duty and RPD on-duty supervisor.

A deputy performing phlebotomy shall not exceed two attempts to make a successful blood draw and an alternative test should be offered after two unsuccessful blood draws attempts. An attempt is defined as a needle insertion that pierces the outer skin for the purposes of locating a vein and withdrawing the blood sample.

A deputy performing phlebotomy shall complete all documentation contained in the State of Minnesota's blood collection kit. Additionally, the phlebotomist shall ensure that the arresting deputy/officer has witnessed the blood draw and turned over the blood collection kit to the arresting deputy/officer or place the kit into evidence themselves.

The needle, hub, and other venipuncture supplies should be disposed of according to OSHA's recommended guidelines.

Lab coats and/or a deputy's uniform should be worn when collecting blood specimens, whenever possible. Lab coats are preferred. Protective exam gloves and protective eyewear shall be worn by anyone performing blood draws or handling blood samples for the blood collection kit.

OCSO picture identification cards shall be displayed, by the phlebotomist, when the phlebotomist is not in uniform. This is required when the blood collection occurs in a medical facility or other location than the ADC.

504.6 SUPERVISOR RESPONSIBILITIES

The OCSO will assign a Phlebotomy Supervisor (Training Sergeant) who is responsible for overseeing the phlebotomy program for the OCSO. The Supervisor will coordinate the training of phlebotomists and is also responsible for maintaining supplies and records. The Supervisor will be designated by the OCSO Command Staff and will report to the OCSO Patrol Captain. The Supervisor will also work closely with RPD to ensure that training, record keeping, and supplies are maintained in a consistent fashion with RPD.

504.7 ASSISTING OTHER AGENCIES

There may be occasions where other law enforcement agencies request the services of an OCSO phlebotomist. Those requests will be honored when reasonably feasible and approved by a Patrol Supervisor. However, the deputy will be considered on-duty for the OCSO when acting at the request of another law enforcement agency. The deputy must complete the blood draw in accordance with this policy.

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Phlebotomy Program

When assisting a law enforcement agency other than RPD, the legal authority must be established by the agency requesting assistance. The agency requesting assistance must have an officer/ deputy present to witness the blood draw.

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

The State of Minnesota shall be responsible for the development and design of all Interim Directive traffic citations in compliance with state law (Minn. Stat. § 169.99 and Minn. Stat. § 169.999 Subd. 3).

The Patrol Captain shall be responsible for the supply of traffic citation paper of this office.

505.2.1 DATA COLLECTION

The Records Division should maintain information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

- (a) The race or ethnicity of the individual detained.
- (b) Whether a search was conducted and, if so, whether the person detained consented to the search.

The Records Division should submit an annual report to the Sheriff of the information collected to assist in the implementation and administration of the Office's Bias-Based Policing Policy required by state law (Minn. Stat. § 626.8471 Subd. 4).

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Patrol Captain. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Captain may request the County Attorney to dismiss the traffic citation. All recipients of traffic citations whose request for dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the deputy may request the prosecutor to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Captain for review.

Members of the Office 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).

Traffic Citations

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.

505.5 DISPOSITION OF TRAFFIC CITATIONS

Whenever possible, traffic citations should be issued by e-citation. In circumstances in which hand-written traffic citations need to be issued, supervisors shall review the citations and submit to Records Division.

505.6 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Minnesota state law and local regulations (Minn. Stat. § 169.04 (a) (1)).

505.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

- (a) When any juvenile is issued a citation for a drug or alcohol violation, or a juvenile 16 years of age or older is issued a citation for an adult court traffic offense, the deputy 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 deputy 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).

Rapid Identification Device Use (IBIS)

506.1 PURPOSE AND SCOPE

To set guidelines for the use of the 2-finger rapid identification devices used for capture of fingerprints to access the State's 2-finger rapid identification system.

506.2 DEFINITIONS

Automatic Finger Identification System (AFIS) - The Minnesota Bureau of Criminal Apprehension's fingerprint system for identification of individuals in the criminal justice system.

Computerized Criminal History Data - all data maintained in criminal history records compiled by the Bureau of Criminal Apprehension and disseminated through the criminal justice information system, including but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data.

Criminal Justice Agency (MN Stat. § 299C.46) - an agency of the state or an agency of a political subdivision charged with detection, enforcement, prosecution, adjudication or incarceration in respect to the criminal or traffic laws of this state. This definition also includes all sites identified and licensed as a detention facility by the Commissioner of corrections under section 241.021, Rapid Identification System, a subsystem of the Automatic Fingerprint Identification System (AFIS) that is capable of searching submitted index finger fingerprints and returning identification and/or criminal history data in a short time, typically less than three minutes.

506.3 POLICY

The Rapid Identification equipment is designed to aid law enforcement personnel in the identification of persons through the evaluation of fingerprints. Only personnel trained in Rapid Identification equipment use, through approved courses, shall be authorized to operate this equipment and have access to Rapid Identification data.

2-Finger based Rapid Identification data is only an aid to the identification of a person. Information received from the Rapid Identification system shall not be used as the sole grounds for establishing probable cause for arrest. Law Enforcement Officers and others operating Rapid Identification equipment or accessing Rapid Identification data shall ensure that 4th amendment rights of the party being tested are not violated and that all local policies and procedures are followed.

Law Enforcement Officers shall document the use of Rapid Identification equipment on an Initial Complaint Report (ICR).

Individuals who use the Rapid Identification System in a manner inconsistent with this policy, other policies, or data practices statutes will be subject to discipline procedures.

Disabled Vehicles

507.1 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.

507.2 DEPUTY RESPONSIBILITIES

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practicable.

507.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Office personnel will be contingent on the time of day, the location, the availability of Office resources and the vulnerability of the disabled motorist.

507.3.1 MECHANICAL REPAIRS

Office 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.

507.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

Abandoned Vehicle Violations

508.1 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.

508.1.1 DEFINITION

Pursuant to Minnesota statutes, a vehicle is abandoned if:

- (a) The motor vehicle has remained illegally for more than 48 hours on any government-owned or -controlled property, or for more than four hours on that property when properly posted (Minn. Stat. § 168B.011 Subd. 2 (1)).
- (b) The motor vehicle has been properly tagged by a deputy and abandoned for four hours on any highway (Minn. Stat. § 168B.04, Subd. 2 (b) (1)).
- (c) The motor vehicle has been abandoned and located so as to constitute a collision or traffic hazard (Minn. Stat. § 168B.04 Subd. 2 (b) (1)).
- (d) The motor vehicle is unattended on private residential property, that is a single-family or duplex, without permission of the property caretaker (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).
- (e) The motor vehicle can be immediately removed if on private non-residential property if properly posted or after 24 hours if not posted (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).
- (f) The motor vehicle remains at a service, repair or maintenance establishment of motor vehicles five days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

508.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Minnesota abandoned vehicle laws shall be documented via the computer aided dispatch (CAD) system. No case number is required at this time.

A visible chalk, crayon or paint mark should be placed on the rear window or left rear tire tread at the fender level unless the vehicle is missing tires or other vehicle conditions or weather prevent marking. Any deviation in markings shall be noted.

If a marked vehicle has been moved or the markings have been removed during a four or 24-hour investigation period, the vehicle shall be marked again for either the four or 24-hour abandonment violation and a CAD update completed.

508.2.1 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and an inventory form shall be completed by the deputy authorizing the storage of the vehicle.

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The form shall be submitted to the Records Division immediately following the storage of the vehicle. It shall be the responsibility of the Records Division to immediately notify the Minnesota Criminal Justice Information Services (MNJIS). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Division to immediately notify MNJIS. Notification may also be made to the NLETS.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Olmsted County to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation should complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 1. An initial statement from any witnesses or complainants.
 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the deputy should:
 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Duty Sergeant.
 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 5. Collect any evidence.
 6. Take any appropriate law enforcement action.
 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4 CUSTODIAL INTERVIEW REQUIREMENTS

Suspects who are in custody and subjected to an interview shall be given the *Miranda* warning, unless an exception applies. Interview of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

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600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interview 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 interview occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a non-custodial interview, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interview should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Division supervisor. Copies of recorded interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 CONCLUSION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (c) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (d) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (e) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Abuse, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that

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computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this office.

600.8 ELECTRONIC BENEFIT TRANSFER (EBT) CARDS

Deputies shall make a report any time they arrest a person who possesses more than one welfare Electronic Benefit Transfer (EBT) card. The investigating deputies shall forward this report to the Minnesota Department of Human Services within 30 days of the arrest. The report shall include all of the following (Minn. Stat. § 626.5533):

- (a) The name, address and driver's license or state identification card number of the suspect
- (b) The number on each EBT card and name, if any
- (c) The date and location of any alleged offense
- (d) Any other information the Minnesota Department of Human Services may require on related state forms

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Captain or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The Olmsted County adopts the Investigations of Sexual Assault model policy established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8442).

[See attachment: Model Sexual Assault Investigation Policy 03-03-21.pdf](#)

601.2 COPY OF SUMMARY

The Investigations Division supervisor shall ensure that the victim of a sexual assault who reports an incident to this office is provided with a copy of the written summary of the allegation. If the incident occurred outside the jurisdiction of the Olmsted County, a copy of the written summary shall also be provided to the law enforcement agency where the incident occurred. If the Olmsted County learns that both the victim and the accused are members of the Minnesota National Guard, the Office shall provide a copy of the summary to the Bureau of Criminal Apprehension (Minn. Stat. § 609.3459).

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses and controlled substance offenses (Minn. Stat. § 609.531 to Minn. Stat. § 609.5318).

602.2 POLICY

The Olmsted County 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 Olmsted County that all employees of the agency, all employees assigned to another law enforcement agency's task force and all employees assigned to a task force from an outside law enforcement agency, in which this agency serves as the Fiscal Agent, follow all state and federal laws pertaining to forfeiture.

602.3 DEFINITIONS

Definitions related to this policy include:

Cash - Money in the form of bills or coins, traveler's checks, money orders, checks, or other forms of electronic money or stored value cards, including but not limited to gift cards, debit cards, gift cards/certificates, or other negotiable financial instruments.

Conveyance device - A device used for transportation. It includes but is not limited to a motor vehicle, trailer, snowmobile, airplane, and vessel, and any equipment attached to it. The term "conveyance device" does not include property which has been stolen or taken in violation of the law.

Firearms/ammunition/firearm accessories - A device that projects either single or multiple projectiles at high velocity. Ammunition is a term meaning the assembly of a projectile and its propellant. Accessories include but are not limited to holsters, gun cases, firearm optics, suppression devices, and cleaning supplies.

Fiscal Agent - The person designated by the Olmsted County to be responsible for securing and maintaining seized assets and distributing any proceeds as a result of any forfeiture proceedings. This includes anytime the Olmsted County seizes property for forfeiture or when the Olmsted County is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture Reviewer - The Olmsted County employee assigned by the Olmsted County responsible for reviewing all forfeiture cases and for acting as the liaison between the Office and the prosecutor's office.

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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 subject to administrative forfeiture under Minnesota Law (Minn. Stat. § 609.5314):

- (a) All cash totaling \$1500 or more, precious metals, and precious stones that there is probable cause to believe represent the proceeds of a controlled substance offense, and all cash found in proximity to controlled substances when there is probable cause to believe that the cash was exchanged for the purchase of a controlled substance.
- (b) All conveyance devices containing controlled substances with a retail value of \$100 or more if there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale.
- (c) All firearms, ammunition, and firearm accessories found:
 - 1. In a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance.
 - 2. On or in proximity to a person from whom a felony amount of controlled substance is seized.
 - 3. On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152.

Seizure - The act of law enforcement officials taking property, including cash and conveyance devices that have been used in connection with or acquired by illegal activities.

602.4 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.4.1 PROPERTY SUBJECT TO SEIZURE

The following property is subject to seizure.

- (a) The following property may be seized upon review and approval of a supervisor and in coordination with the Forfeiture Reviewer:
 - 1. Controlled substances and associated property as described in Minn. Stat. § 609.5311.
 - 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.

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- (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.
- (b) Cash totaling less than \$1,500, unless prerecorded buy funds are included in the cash seized.

602.4.3 SEIZURE OF PROPERTY TO BE FORFEITED

A deputy may seize property subject to forfeiture based on a court order. A deputy 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 deputy 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 deputy 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 deputy shall indicate on the seizure form that the person refused. The seizure form is not used when the value of the seized property exceeds \$50,000.
- (b) Prepare and provide a receipt for the items seized to the person from whom the property is being seized.
 - 1. If cash or property is seized from more than one person, a separate property inventory receipt must be completed for each person specifying the amount of cash seized. The receipt shall include a detailed description of all property, checks, money orders, traveler's checks or other financial instruments.
- (c) Complete and submit a report within 24 hours of the seizure if practicable. The report must include, at minimum, the following:

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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 deputy 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 deputy must leave a receipt in the place where the property was found if it is reasonably possible to do so.
- (f) The deputy will book seized property into the Property and Evidence as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." 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 deputy 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 deputy and the envelope initialed by both deputies. 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 evidence room as soon as practicable.

Prior to deposit, deputies shall examine all cash seized to determine whether it contains any prerecorded buy funds. Deputies 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

Deputies 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.

Deputies seizing jewelry, precious metals and/or precious stones shall book those items according to current property and evidence procedures as soon as practicable.

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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.

Deputies shall inventory the conveyance device and its contents in accordance with the Vehicle Towing Policy. Deputies 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 and Evidence in accordance with the current booking procedures and the Property and Evidence Policy.

602.6 MAINTAINING SEIZED PROPERTY

The Property and Evidence supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (Minn. Stat. § 609.531 Subd. 5).
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or returned to the claimant or person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.7 FORFEITURE REVIEWER

The Sheriff will appoint a deputy as the Forfeiture Reviewer. Prior to assuming duties, or as soon as practicable thereafter, the Forfeiture Reviewer should attend a office-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 office use. The seizure form will minimally include the following (Minn. Stat. § 609.5314):
 - 1. Space for an itemized list of items seized

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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 deputy 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 deputy to indicate that the person refused to sign
 7. At least an original and the pink copy
- (e) Ensure that deputies 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 office directives. The training should be based on this policy and address any relevant statutory changes and court decisions.
- (f) Review each asset forfeiture case to ensure the following:
1. Written documentation of the seizure and items seized is present in the case file.
 2. Independent prosecutorial review of the circumstances and propriety of the seizure is made in a timely manner.
 3. A timely notice of seizure has been given to interest holders of seized property.
 4. Property is promptly released to those entitled to its return.
- (g) Forward all changes to forfeiture status to any supervisor who initiates a forfeiture case.
- (h) Deposit any cash received with the Fiscal Agent.
- (i) Ensure the current minimum forfeiture thresholds are communicated appropriately to deputies.
- (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 Sheriff 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 Office 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 office 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 office.

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- (o) Upon completion of any forfeiture process, ensure that no property is retained by the Olmsted County unless the Olmsted County 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 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 Office and/or prosecuting agency.
 - 1. If a forfeited motor vehicle is kept for Office use, the Office will make a reasonable effort to ensure the vehicle is available for use and adaptation by deputies who participate in the Office'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 office may use property that has been seized for forfeiture until the forfeiture action has been completed and the Olmsted County has given written authorization to retain the property for official use.

Members of this office or persons related to members of this office by blood or marriage are prohibited from purchasing forfeited items sold by this office (Minn. Stat. § 609.5315, Subd. 1(c)).

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Olmsted County for law enforcement purposes. This also includes a person agreeing to supply information to the Olmsted County for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Olmsted County recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.2.1 POST MODEL POLICY

It is the policy of the Office to follow the requirements of the Confidential Informants Model Policy, established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8476).

[See attachment: Confidential Informants Model Policy.pdf](#)

603.1 INFORMANT COORDINATOR

The Sheriff or the authorized designee should designate an informant coordinator responsible for remaining familiar with the requirements and guidelines set forth in Minn. Stat. § 626.8476 and the MN POST Confidential Informants Model Policy.

The coordinator is also responsible for implementing office procedures and protocols concerning the recruitment, control, and use of informants, as adopted by the model policy, including but not limited to:

- (a) Establishing general guidelines related to the oversight of informants such as:
 1. The execution of informant agreements.
 2. The use of informants in exigent circumstances.
 3. Supervisor review of informant files and informant agreements, and attendance at debriefings and meetings.
 4. Communication strategies and plans to address the confidentiality and integrity of the office/informant relationship.
 5. The screening of informants for personal safety or mental health concerns before and after their use.

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- (b) Developing procedures for determining initial and continued suitability, and preparing related reports (e.g., Initial Suitability Report, Continuing Suitability Report).
 - 1. Procedures should include a process for forwarding the results of initial and continuing suitability determinations to appropriate office members.
 - 2. The local prosecutor's office should be consulted before engaging individuals who require special review and approval (e.g., juveniles, government officials, those individuals obligated by legal privilege of confidentiality).
- (c) Creating a process for identifying individuals who may be or who may become unsuitable to serve as informants (e.g., individuals receiving in-patient or partial-hospitalization treatment for a substance use disorder or mental illness, participating in a treatment-based drug court program or treatment court, having overdosed in the last 12 months, having a physical or mental illness that impairs the ability to understand instructions and make informed decisions).
- (d) Working with office members to identify informants who should be referred to prevention or treatment services.
- (e) Addressing jurisdictional issues to ensure proper coordination in the use of informants.
- (f) Working with the SE MN Narcotics and Gang Task Force supervisor to manage the informant file system, including establishing guidelines regarding access, review, and disclosure.
- (g) Establishing deactivation procedures.
- (h) Making any necessary updates to agency procedures.
- (i) Certifying annually to MN POST that the Office has adopted a policy that complies with the requirements of the model policy as required by Minn. Stat. § 626.8476, Subd. 3.

603.5 USE OF INFORMANTS

603.5.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this office should not guarantee absolute safety or confidentiality to an informant.

603.5.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Juveniles under the guardianship of the state may not be used as informants.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any

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- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Sheriff or the authorized designee

603.5.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.6 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Captain, SE MN Narcotics and Gang Task Force supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police deputies, employees or agents of the Olmsted County, and that they shall not represent themselves as such.
- (d) The relationship between office members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the SE MN Narcotics and Gang Task Force supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the SE MN Narcotics and Gang Task Force supervisor.
 - 1. Deputies may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.
- (g) In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

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603.6.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Office and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of a deputy.
- (c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this office to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.7 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the SE MN Narcotics and Gang Task Force. The SE MN Narcotics and Gang Task Force supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Captain, SE MN Narcotics and Gang Task Force supervisor or their authorized designees.

The Investigations Captain should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the SE MN Narcotics and Gang Task Force supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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603.7.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos, or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses, and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and the informant's subsequent reliability
 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the deputy initiating use of the informant and any subsequent overseeing agents
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant
- (m) Emergency contact information
- (n) Criminal history record
- (o) Residential addresses in the last five years
- (p) Social media accounts
- (q) Marital status and number of children
- (r) Gang affiliations or other organizational affiliations
- (s) Special skills and hobbies
- (t) Special areas of criminal expertise or knowledge

603.8 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime

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- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The SE MN Narcotics and Gang Task Force supervisor will discuss the above factors with the Patrol Captain and recommend the type and level of payment subject to approval by the Sheriff.

603.8.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a SE MN Narcotics and Gang Task Force buy/expense fund.
 1. The SE MN Narcotics and Gang Task Force supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the deputy who will be delivering the payment.
 1. The check shall list the case numbers related to and supporting the payment.
 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 3. The statement shall be signed by the informant verifying the statement as a true summary of the informant's actions in the case.
 4. Authorization signatures from the Sheriff and the County Board are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.
 1. The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Olmsted County case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 2. The cash transfer form shall be signed by the informant.
 3. The cash transfer form will be kept in the informant's file.
 4. At least two deputies should be present when payments are made.
 5. Any signature by the informant for receipt of payment should not contain the true identity of the informant but should use the informant's control number.

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603.8.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

603.8.3 AUDIT OF PAYMENTS

The SE MN Narcotics and Gang Task Force supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

603.8 TRAINING

The Training Sergeant shall provide in-service training to deputies, including part-time deputies, in the recruitment, control, and use of confidential informants as required by Minn. Stat. § 626.8476.

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques (Minn. Stat. § 626.8433).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Administrator: The Office member conducting the identification procedure.

Blinded or Blind Presentation: The administrator may know the identity of the suspect but does not know which photograph is being viewed by the witness or victim at any given time.

Confidence Statement: A statement from the witness or victim in their own words taken immediately after an identification is made stating their level of certainty/confidence in the identification.

Eyewitness Identification Process: Any field identification or photographic lineup identification

Field Identification: A live presentation of a single individual to a witness or victim following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Photographic Lineup: Presentation of photographs to a witness or victim for the purpose of identifying or eliminating an individual as the suspect.

Sequential: Presentation of a series of photographs to a witness or victim, one photograph at a time.

604.2 POLICY

The Olmsted County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate and feasible, to enhance the investigative process and will emphasize identifying person(s) responsible for the commission of a criminal act.

The Sheriff's Office will use only Field Identification and Photographic lineup identification techniques. Members shall adhere to the procedures for conducting the techniques set forth in this policy, in order to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to current statutes and best practice identification protocols. Members shall use blinded/blind presentation techniques when conducting photographic lineups.

604.2.1 POST MODEL POLICY

It is the policy of the Olmsted County to follow the requirements of the Eyewitness Identification Procedures model policy, established and published by the Minnesota Board of Peace Officer Standards and Training (POST) (Minn. Stat. § 626.8433).

[See attachment: Eyewitness Identification Procedures model policy.pdf](#)

Eyewitness Identification

604.3 INTERPRETIVE SERVICES

Members shall make a reasonable effort to arrange for an interpreter before proceeding with identification techniques 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 or victim the investigating deputy shall explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can it explain the process to the witness or victim, the identification techniques may proceed as provided within this policy.

604.4 IDENTIFICATION PROCESS AND FORM

The Investigations Division supervisor shall be responsible for the development and maintenance of an identification process for use by the members when those members are conducting eyewitness identifications.

The process shall include instructions and documentation that provide:

- (a) The date, time, and location of the eyewitness identification procedure
- (b) The name and identifying information of the witness or victim.
- (c) The name of the member administering the identification procedure.
- (d) The names of all the individuals present during the identification procedure.
- (e) Instructions that the administrator does not know if the subject of the investigation is included in the photographic lineup nor is there a particular order to the photographic lineup.
- (f) Instructions to the witness or victim that regardless if identification is made, all photographs in the lineup will be shown to them.
- (g) Instructions to the witness or victim that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (h) Instructions to the witness or victim is informed that they will be asked to look at a series of photographs of individuals.
- (i) Instruction to the witness or victim that the perpetrator may or may not be among those presented and that the witness or victim is not obligated to make an identification.
- (j) If the identification process is a photographic lineup, instructions to the witness or victim that the perpetrator may not appear exactly as they did on the date of the incident. A person may look different in a photograph than in real life due to different hair styles, facial hair, eyeglasses, hats, face coverings, or other changes of appearance. Additionally, photographs taken or developed may make a person's complexion look lighter or darker.
- (k) Instruction to the witness or victim that the investigation will continue regardless of whether an identification is made.
- (l) A signature line where the witness or victim acknowledges that they understand the identification procedures and instructions.

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- (m) A statement from the witness or victim, in their own words, describing how certain they are of the identification or non-identification. This statement should be taken at the conclusion of the identification procedure.
- (n) Instructions to the witness or victim that they should not discuss the identification procedures as the investigation is on-going.

Members shall avoid the use of statements, cues, casual comments, and providing un-necessary or irrelevant information that may influence the witness's or victim's decision-making process.

The identification procedures shall be video/audio recorded by the use of the member's body worn camera.

All photographic lineup documentation shall be submitted to the Records Division for correct record maintenance, dissemination, and storage.

604.4.1 POST REQUIREMENTS

The Investigations Division supervisor should remain familiar with the requirements contained in the Eyewitness Identification Procedures model policy issued by POST and incorporate these, as necessary, into the eyewitness identification process for use by members when conducting photographic and live lineups.

604.5 PHOTOGRAPHIC LINE UP CONSIDERATIONS

When practicable, the member presenting the photographic lineup shall not be involved in the investigation of the case or know the identity of the suspect. In no case, shall the member presenting the lineup to a witness or victim know which photograph is being viewed. Techniques to achieve this include randomly numbering photographs or the use of a computer program to order the persons in a lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness or victim and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness or victim should do so sequentially. The witness or victim should view all persons in the lineup.

[See attachment: Photographic Lineup Instruction Sheet.pdf](#)

604.6 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications may be helpful in certain cases where exigent circumstances make it impractical to conduct a photographic lineup. A field identification should not be used when independent probable cause exists to arrest a suspect. In such cases, a photographic lineup is the preferred course of action.

When initiating a field identification, the member shall observe and document the following guidelines:

- A. Obtain a complete and thorough description of the suspect(s).

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- B. Assess whether a witness or victim should be included in a field identification process by determining and documenting the following:
 - 1. The length of time the witness or victim observed the suspect.
 - 2. The distance between the witness or victim and the suspect.
 - 3. Whether the witness or victim could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness or victim
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's or victim's opportunity to observe the suspect
 - 7. The length of time that has elapsed since the witness or victim observed the suspect.

Additionally, members shall not use a field identification technique if probable cause to arrest the suspect has already been established and the witness or victim should be cautioned that the suspect(s) they are about to observe may or may not be the perpetrator. The witness or victim shall be informed that it is equally important to clear an innocent person and that the investigation will continue regardless of the outcome of the field identification.

Members shall conduct and document the following in the field identification process:

- A. Separate witnesses and victims and do not allow them to communicate before, during, or after the field identification
- B. Avoid using words, conduct, or any behavior that may suggest to the witness or victim that the individual is or may be the perpetrator.
- C. Provide a confidence statement
- D. Remind the witness or victim not to discuss the field identification with others until the OCSO or prosecutor deem it permissible.
- E. Record the field identification via the use of the member's body worn camera and if feasible, the squad car based mobile camera system.
- F. Clearly document the time, location, deputies/officers present, the result of the field identification and any other relevant information learned, in their narrative reports.

If safe and practicable, the person who is the subject of the field identification should not be handcuffed, restrained, or in a squad car.

When feasible, members should bring the witness or victim to the location of subject of the field identification.

The subject of the field identification should not be shown to the same witness or victim more than one time. In cases involving multiple suspects, witnesses or victims should only be permitted to view the suspects one at a time.

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The person who is the subject of the field identification shall not be required to put on clothing, to speak words uttered by the suspect, or to perform actions that mimicked those of the suspect. If a witness or victim positively identifies a subject of the field identification as the suspect, members should not conduct any further field identifications with other witnesses or victims. In such instances, members should document the contact information for any additional witnesses or victims for follow up investigation.

[See attachment: Field Identification Instructions.pdf](#)

604.6.1 DOCUMENTATION RELATED TO RECORDINGS

The member conducting the lineup should document the reason that an audio and/or video recording was not obtained, if applicable.

604.7 DOCUMENTATION

A thorough description of the eyewitness identification process and the results of any eyewitness identification shall be documented in a narrative report.

If a photographic lineup is utilized, a the original photographic presented to the witness or victim shall be included with the narrative report. Additionally, the order in which the photographs were presented shall be documented in a narrative report.

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 Olmsted County that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Olmsted County 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 Olmsted County will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy 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 Office case file.

605.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this office is a material witness in a criminal case, a person or persons designated by the Sheriff shall examine the personnel file and/or internal affairs file of the deputy to determine

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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 office 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 Chief Deputy of the Law Enforcement Center 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 Chief Deputy of the Law Enforcement Center 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 Sheriff should periodically examine the personnel files and/or internal affairs files of all deputies 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 shall be notified.

605.5 INVESTIGATING BRADY ISSUES

If the Office 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

Office personnel should receive periodic training on the requirements of this policy.

Unmanned Aerial System

606.1 PURPOSE AND SCOPE

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

606.1.1 DEFINITIONS

Definitions related to this policy include:

CIVIL AIRCRAFT: All aircraft except a public aircraft.

Certificate of Waiver or Authorization - COA: An authorization issued by the Air Traffic Organization Division of the FAA to a public Pilot in Command for a specific UAS activity. After a complete application is submitted, the FAA conducts a comprehensive operational and technical review. If necessary, provisions or limitations may be imposed as part of the approval to ensure the UAS can operate safely with other airspace users. In most cases, FAA will provide a formal response within 60 days from the time a completed application is submitted.

COVER OFFICER: A MN POST Licensed Officer that assists the PIC when using the UAS for Criminal Justice drone purposes. Their role is to provide cover for the PIC and Observer during the operational period. The Cover Officer can also serve as a trained Observer for UAS flights.

LANDING AREA: A place on land or water, including an airport or intermediate landing field, used, or intended to be used, for the takeoff and landing of aircraft, even when facilities are not provided for sheltering, servicing, or repairing aircraft, or for receiving or discharging passengers or cargo.

PILOT IN COMMAND - PIC: The person who has final authority and responsibility for the operation and safety of flight, has been designated as pilot in command before or during the flight, and holds the appropriate category, class, and type rating, if appropriate, for the conduct of the flight. The pilot in command position may rotate duties as necessary with equally qualified pilots. The individual designated as pilot in command may change during flight. All pilots in command will be required to be certified by the Federal Aviation Administration (FAA) under 14 CFR Part 107 and possess a Remote Pilot Airman Certificate.

PUBLIC AIRCRAFT: For purposes of this policy, a UAS operated by a public user which is intrinsically governmental in nature (i.e. federal, state, and local agencies). Examples of public entities in Olmsted County are the Olmsted County Sheriff's Department, Facilities and Building Operations, Public Works Department, Soil and Water Conservation District, Rochester Police Department and other local, state, and federal government agencies; and state universities. Refer to 14 CFR 1.1, General Definitions, for a complete definition of a public aircraft.

TERRORIST ATTACK: A crime that furthers terrorism as defined in Minnesota Statutes Section 609.714, Subd. 1.

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Unmanned Aerial System

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

VISUAL OBSERVER: For all flights using the UAS, there must be a visual observer. At no time will the PIC be allowed to operate the UAS without a visual observer. A visual observer is trained to assist the PIC in the duties associated with collision avoidance. This includes, but not limited to avoidance of other traffic, clouds, obstructions and terrain.

VISUAL LINE-OF-SIGHT: A method of control and collision avoidance that refers to the pilot in command or visual observer directly viewing the unmanned aircraft with human eyesight. Corrective lenses (spectacles or contact lenses) may be used by the pilot or visual observer.

606.2 POLICY

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

606.3 PRIVACY

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

606.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

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- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Developing an operational protocol governing the deployment and operation of a UAS, including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions (including loss of signal or crashes).
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.
- Developing protocols for reviewing and approving requests for use of the office UAS by government entities (Minn. Stat. § 626.19).
- Preparing and submitting the required annual report to the Commissioner of Public Safety (Minn. Stat. § 626.19).
- Posting the office policies and procedures regarding the use of UAV on the office website, as applicable (Minn. Stat. § 626.19).
- Reviewing the program and UAS use for compliance with Minn. Stat. § 626.19.
- Ensure the procedures and requirements contained within the Olmsted County Drone Usage Manual are followed to the extent possible.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

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UAS operations should only be conducted consistent with FAA regulations.

Members shall not use a UAS without a search warrant, except (Minn. Stat. § 626.19):

- (a) During or in the aftermath of an emergency situation or disaster that involves the risk of death or bodily harm to a person.
- (b) Over a public event where there is a heightened risk to the safety of participants or bystanders.
- (c) To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
- (d) To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.
- (e) To conduct a threat assessment in anticipation of a specific event.
- (f) To collect information from a public area if there is reasonable suspicion of criminal activity.
- (g) To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
- (h) Over a public area for deputy training or public relations purposes.
- (i) For purposes unrelated to law enforcement at the request of a government entity, provided the request is in writing and specifies the reason for the request and a proposed period of use.

606.5.1 DOCUMENTATION REQUIRED

Each use of a UAS should be properly documented by providing the following (Minn. Stat. § 626.19):

- (a) A unique case number
- (b) A factual basis for the use of a UAS
- (c) The applicable exception which allows UAS use without a search warrant per Section 605.5 above, unless a warrant was obtained

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized (Minn. Stat. § 626.19).

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606.6.1 ADDITIONAL PROHIBITIONS

Unless authorized by a warrant, a UAS shall not be deployed with facial recognition or biometric-matching technology (Minn. Stat. § 626.19).

Unless authorized by a warrant or for purposes of a permitted use outlined in Section 605.5 of this policy, a UAS shall not be used to collect data on public protests or demonstrations (Minn. Stat. § 626.19).

606.7 RETENTION OF UAS DATA

The Records Division supervisor shall ensure that data collected by the UAS is disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19).

Scrap Metal Theft Investigation

607.1 PURPOSE AND SCOPE

This policy provides guidance regarding scrap metal theft investigations.

607.1.1 DEFINITIONS

Definitions related to this policy include:

Scrap vehicle operator or operator - A person described in Minn. Stat. § 168A.1501 who engages in a transaction involving the purchase or acquisition of a scrap vehicle.

Scrap metal dealer or dealer - A person engaged in the business of buying or selling scrap metal, or both, including a scrap metal processor, as defined in Minn. Stat. § 325E.21.

607.2 POLICY

The Olmsted County recognizes the difficulty in preventing scrap metal theft and may investigate, place holds on or confiscate items as provided in this policy.

607.3 INSPECTIONS AND AUDITS

A deputy engaged in scrap metal theft investigations may (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21):

- (a) Conduct inspections and audits of any purchase and acquisition records maintained by scrap vehicle operators or scrap metal dealers.
- (b) Inspect scrap vehicle or scrap metal received by an operator or dealer at any reasonable time.
- (c) Inspect any video or still camera and any recordings or images required to be maintained by an operator or dealer.

Any refusal to allow such inspections or audits should be referred to the County attorney for criminal prosecution.

607.4 INVESTIGATIVE HOLDS

A deputy 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 deputy 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 deputy may extend the hold in writing. This extension must occur within 30 days of the original order and may remain in effect for as long as the investigation or prosecution is active.

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607.5 SEIZING ITEMS

The investigating deputy should confer with the prosecuting attorney to determine whether the item should be confiscated. If the item is evidence or otherwise needed for an investigation or prosecution, the deputy may issue a written notice to confiscate any time during the investigative hold. The deputy 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 deputy shall:

- (a) Provide the operator or dealer a property receipt that includes at least the following:
 - 1. The name and telephone number of the Office.
 - 2. The name and telephone number of the deputy.
 - 3. The case number related to the confiscation.
- (b) Deliver the item to the Property and Evidence.

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 Office does not return the item within 48 hours of the request, excluding Saturday, Sunday or legal holidays, the operator or dealer may file a petition for the return of the item in the district court in the district in which the property was seized (Minn. Stat. § 626.04).

607.6 TERMINATION OF HOLD OR NOTICE TO CONFISCATE

At the conclusion of any investigation and prosecution, the deputy 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).

Chapter 7 - Equipment

Office-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Office employees are expected to properly care for Office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or office 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. Upon an employee's separation from the Office, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF OFFICE PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of office 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 office-issued property or equipment assigned for their use.
 - 1. A supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Captain.
 - 2. A review by Staff to determine whether misconduct or negligence was involved should be completed.
- (b) The use of damaged or unserviceable office property should be discontinued as soon as practicable and, if appropriate and approved by staff, replaced with comparable Office property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Office 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) Office property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) In the event that any Office property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies 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

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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.

700.3.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Captain.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

The Sheriff's Office IT Policy will be used to supplement the County's IT Policy where it addresses issues not addressed in the County's IT Policy. However, if there is a conflict between the County's IT Policy and the Sheriff's Office IT Policy, the Sheriff's Office IT Policy shall govern.

701.2 POLICY

The Olmsted County allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable data practices laws and rules of civil or criminal procedures.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through office PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for office-related business or when the use reasonably implicates work-related misconduct.

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701.4 OFFICE-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Office-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Office 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

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by office procedures.
 - 1. Use of a personally owned PCD for work-related business constitutes consent for the Office to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 - 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 - 3. Searches of a personally owned PCD by the Office should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any office business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Office, without the express authorization of the Sheriff or the authorized designee.
- (f) If the PCD is carried on-duty, members will provide the Office with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Olmsted County and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally

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owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in office business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty office-related business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate recordkeeping.

701.5.1 PUBLIC RECORDS

Work related information including data created, received, recorded or stored on a personally owned PCD in the course of office 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.).

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.
- (b) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- (c) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (d) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means requires the express authorization of the Sheriff or the authorized designee.
- (e) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

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1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

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. Deputies operating emergency vehicles should restrict the use of these devices to matters involving official duties and, where practicable, stop the vehicle at an appropriate location to use the PCD (Minn. Stat. § 169.475).

Except in an emergency, members who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Minn. Stat. § 169.475). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other office communications network.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Office vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a office 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.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the office armory prior to the vehicle being released for maintenance, service or repair off site.

702.3 VEHICLE INVENTORY

Vehicle inspections will be conducted annually or as directed.

702.4 VEHICLE REFUELING

Vehicles should be fully fueled when placed into service and refueled before the level falls below one-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.

Employees using a vehicle shall remove any trash or debris at the end of the shift. All data should be placed in a designated receptacle provided for the shredding of this material.

702.6 CIVILIAN EMPLOYEE USE

Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

703.1 PURPOSE AND SCOPE

It is the policy of the Olmsted County Sheriff's Office to provide Sheriff's vehicles to all deputies who are full time Licensed Peace Officers employed by the Olmsted County Sheriff's Office in that capacity on a full time (1.FTE) basis.

By providing Sheriff's vehicles to deputies it is our intention to accomplish the following:

- (a) Increase deputies' capacity by allowing more rapid response of off-duty staff to critical incidents.
- (b) Reduce gaps in coverage during multi-officer critical incidents.
- (c) Enable mass activation of fully equipped deputies in case of large disasters or community events.
- (d) Enhance deputy presence and visibility, which will elevate exposure of deputies to the public and enhance public safety.
- (e) Extend the useful life of Sheriff's Vehicles by promoting greater accountability by the deputy for their assigned Sheriff's Vehicle for maintenance and other issues pertaining to the Sheriff's Vehicle.

The term "County-owned" as used in this section also refers to any vehicle leased or rented by the County.

703.2 POLICY

The Office provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Office, tactical deployments and other considerations.

703.2.1 ASSIGNED VEHICLES

- (a) Deputies operating a Sheriff's vehicle in any capacity are required to have immediate access to their full-duty belt and related equipment.
- (b) Deputies are required to secure their rifle/shotgun by:
 - (a) Keeping their squad in a locked garage or
 - (b) Take their rifle/shotgun into their home at end of shift or
 - (c) Lock the rifle/shotgun in their trunks or
 - (d) Secure rifle/shotgun in a lock box approved by the Sheriff or designee
 - (e) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

Personal use of Take Home Sheriff's Vehicles is limited to official Sheriff's Office business with the following exceptions: (Sheriff, Chief Deputies and Captains exempt)

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1. Deputies may stop at a physical fitness facility on their way to or from official Sheriff's Office business.
 2. In an emergency situation a member of the deputy's immediate family may be a passenger in the sheriff's vehicle with the approval of the deputy's immediate supervisor or on duty supervisor.
- (c) When deputies are on vacation or will not be on duty for a period of longer than 5 days, Take Home Sheriff's Vehicles will be garaged in the LEC garage(s), or with supervisor approval the Sheriff's Vehicle may be garaged (off street, inside, secure area) at the deputies residence. If the Sheriff's Vehicle is garaged at the deputy's residence it must be accessible to the supervisor for use if needed.
- (d) It should be understood that although the Sheriff's Vehicles are assigned to individual deputies the cars may be utilized by other deputies from time to time for various reasons.

Employees 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 ASSIGNED VEHICLE

County-owned vehicles assigned to personnel for their use within their job may be used to transport the employee to and from their residence for work-related purposes. All Sheriff's Office personnel assigned a county-owned vehicle may live within the contiguous counties of Olmsted County.

703.3.1 VEHICLES SUBJECT TO INSPECTION

All County-owned vehicles are subject to inspection and or search at any time by a supervisor. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing a County-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Duty 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.

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.

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703.3.4 AUTHORIZED PASSENGERS

Members operating County-owned vehicles shall not permit persons other than County members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

703.3.5 PARKING

Except when responding to an emergency or other urgent official business requires otherwise, members driving County-owned vehicles should obey all parking regulations at all times.

Members shall not park privately owned vehicles in any area assigned to a County-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 deputy 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 County-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 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Olmsted County, a deputy should be prepared to perform any function he/she would be expected to perform while on-duty. (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Deputies may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Deputies shall, at all times while driving a County-owned vehicle, be armed, appropriately attired and carry their office-issued identification. Deputies should also ensure that office radio or other electronic communication capabilities are maintained to the extent reasonably feasible.

703.5 MAINTENANCE

a. Deputies will be responsible for the ongoing maintenance of their assigned Sheriff's Vehicle.

1. Sheriff's Office vehicles will be scheduled for routine maintenance by contacting the Fleet Mechanic or signing up on the Sheriff's Office team portal.

2. Mechanical problems should be reported to the Fleet Mechanic as soon as possible after the problem presents itself. If the Fleet Mechanic is not available, the on duty supervisor should be informed.

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b. Equipment alteration or the addition of personal equipment to Olmsted County Sheriff's Office vehicles.

1. Alteration of existing equipment, vehicle markings or addition of personal equipment must be approved by the appropriate Division Captain.
2. Upon approval by the Division Captain any installation of equipment, wiring etc. will be done by the Fleet Mechanic or designee.

703.6 VEHICLE DAMAGE, ABUSE AND MISUSE

When a County-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 County vehicle or when a member of this office 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.

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 Duty Sergeant. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.

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 ROUTINE CASH HANDLING

Members of the Office authorized to routinely handle cash shall be pursuant to their specific policies (see the Confidential Informants, Civil Division and Property Procedures Policies).

704.3 OTHER CASH HANDLING

Members of the Office who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence and Informants policies.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

704.4 POLICY

It is the policy of the Olmsted County to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of office operations and ensure the public trust.

Law Enforcement Support Office (LESO) Program

705.1 PURPOSE AND SCOPE

The Olmsted County Sheriff's Office, herein referred to as Office, may elect to participate in the LESO Program and participation requires a written agreement with the United States Defense Logistics Agency (DLA) through its State of Minnesota LESO Program coordinator, currently assigned to Minnesota Department of Public Safety, Office of Homeland Security and Emergency Management (HSEM).

The agreement of participation requires the Office and its members to have program guidelines and policies in place by Presidential Executive Order (EO) 14074 (Section 12), signed on May 25, 2022. The following sections outline Office responsibilities pertaining to controlled property

705.1.1 DEFINITIONS

Definitions contained herein only defines DLA controlled property that is in possession by the Office. Should additional controlled property be added to the Office inventory, definitions of newly acquired controlled property shall be added verbatim as outlined in the LESO Program State Plan of Operation.

- (a) Armored Vehicles, Wheeled: Any wheeled vehicle either purpose#built or modified to provide ballistic protection to its occupants, such as a Mine#Resistant Ambush Protected (MRAP) vehicle or an Armored Personnel Carrier (APC). These vehicles are sometimes used by law enforcement personnel involved in dangerous operating conditions, including active shooter or similar high#threat situations. These vehicles often have weapon#firing ports. (Note: These vehicles were previously considered controlled due to DEMIL code and are now prohibited unless certification requirements in Section 3 are met).
- (b) Specialized Firearms and Ammunition Under.50#Caliber (excludes firearms and ammunition designed for regularly assigned duties) and less lethal launchers: Weapons and corresponding ammunition for specialized operations or assignment. This includes launchers specifically designed and built to launch less lethal projectiles. This excludes weapons such as service issued handguns, rifles or shotguns that are issued or approved by the agency to be used by all sworn officers/deputies during the course of regularly assigned duties. (Note 1: This is the LEEWG modified definition from 2017. Note 2: The LESO Program only issues weapons under.50 caliber that are designed for regularly assigned duties).

705.2 PROHIBITED ITEMS THAT MAY BE ISSUED FOR LIMITED PURPOSES

Presidential Executive Order (EO) 14074 lists the below items as "prohibited" for issue under the LESO Program; however, identifies specific authorized uses for these "prohibited" items if requested, utilized, and annually certified as being used only in authorized manners. When utilized in an authorized manner (as indicated in the below example descriptions), the items are categorized as "controlled" property.

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Vehicles that do not have commercial application: This includes all tracked and armored vehicles, such as a Mine-Resistant Ambush Protected (MRAP), Armored Personnel Carrier (APC), or Armored HMMWV. (Note: This category excludes vehicles with commercial application, such as pick-up trucks, non-armored HMMWVs, 2.5-ton trucks, 5-ton trucks, or SUVs. The LESO Program identifies/defines vehicles with "commercial application" as items with a DEMIL Code of "A" or DEMIL "Q" (with an Integrity Code of 6) that may be sold to the general public under DoD sales programs).

Authorized uses: EO 14074 allows limited transfer of vehicles that do not have commercial application if the LEA certifies that the vehicle will be used exclusively for:

- (a) disaster-related emergencies;
- (b) active shooter scenarios;
- (c) hostage or other search and rescue operations;
- (d) or anti-terrorism preparedness, protection, prevention, response, recovery, or relief.

Any other use of these vehicles is not authorized.

705.2.1 ANNUAL CERTIFICATION REQUIREMENTS

During the LESO Program annual inventory, the Office must certify that the vehicle(s) is utilized exclusively for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief.

LEAs that do not have a current SPO Addendum on file by January 1, 2023, or who fail to annually certify that the vehicle(s) use is exclusively for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief must return vehicle(s) to DLA Disposition Services.

The Sheriff must annually certify compliance with the below certification statements during the Annual LESO Program Inventory. The Sheriff must:

- (a) Certify they have authorization from the CGB to participate in the LESO Program.
- (b) Certify they have provided their CGB and local community a comprehensive list of controlled property that may be requested through the LESO Program.
 - 1. Notification may be made electronically or in writing and must be translated into appropriate languages to inform individuals with limited English proficiency. It is recommended this notification be done on an annual basis
 - 2. If controlled property is not identified in the comprehensive list provided to the CGB and local community, an updated notification to CGB and local community will be afforded 30 days to review what additional items are being requested.
- (c) Certify the request for controlled property comports/complies with all applicable approval requirement of the CGB.

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- (d) Certify they have adopted and comply with controlled property standards (i.e., appropriate use, supervision of use, effectiveness evaluation, auditing/accountability of use, transparency/notice of use, and record-keeping requirements.
- (e) Certify they have provided annual training to personnel on the maintenance, sustainment, and appropriate use of controlled property, including respect for the rights of citizens under the Constitution of the United States and de-escalation of force.
- (f) Certify that controlled property vehicles(s) are utilized exclusively for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief.
- (g) Certify that controlled property requiring a license (or other authorization) is only utilized by personnel who holds a license (or other authorization) to operate such property
- (h) Certify that controlled property will be returned to DLA Disposition Services when no longer needed.
- (i) Certify they are abiding by the current LESO Program State Plan of Operations and maintain a signed copy of these documents.
- (j) Certify the application for participations on-file with LESO Program is current and accurately reflects the number of licensed Office members in the agency when fully staffed.
- (k) Certify they are compliant with LESO Program allocation limits.
- (l) Certify they agree to return controlled property if the Department of Justice (DOJ) determines, or a Federal, State, Tribal, local, or territorial court enters a final judgment finding the Office has engaged in a pattern or practice of civil rights violations.

705.3 ACQUIRING (OR RETAINING) CONTROLLED PROPERTY

Should the Office apply to acquire additional controlled property from DLA through the LESO Program, the following shall be completed:

- (a) Provide written or electronic notification to the local community of its intent to request controlled property. The notification must be translated into appropriate languages to inform individuals with limited English proficiency. The LESO Program would recommend the Office provide a notice of intent to request controlled property to the local community on or before January 1, 2023, and at the beginning of each fiscal year (October 1st) thereafter. This notification should include a comprehensive list of any controlled property that may be requested throughout the year. If this notice of intent does not include a specific controlled property item, such item may not be requested in the LESO Program until 30-days after an updated notice is published.
- (b) Provide written or electronic notification to the city council or appropriate local Civilian Governing Body (CGB) of its intent to request controlled property and allow "reasonable opportunity to review" (normally 30-days). The LESO Program would recommend the Office provide a notice of intent to the CGB on or before January 1, 2023, and at the beginning of October thereafter. This notification should include a comprehensive list of any controlled property that may be requested throughout

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the year. If this notice of intent does not include a specific controlled property item, such item may not be requested in the LESO Program until 30-days after an updated notice is published. Requests for controlled property must comport with all applicable approval requirements of the CGB.

The above requirement includes elected Sheriffs who also shall notify their CGB or city or county government within their jurisdiction. In cases of disagreement between requesting LEAs and CGB, the Governor appointed LESO Program State Coordinator will obtain an advisory opinion from the States Attorney General's Office on whether CGBs are authorized by state law to deny the request.

705.4 LESO PROGRAM POLICIES

The Office must establish policies/procedures that are consistent with the standards listed below in order to request or maintain controlled property. The Office must:

A. Adopt and comply with general policing standards.

1. Community Policing: Office policies should reflect the concept that trust and mutual respect between police and the communities they serve are critical to public safety. Community policing fosters relationships between law enforcement and the local community which promotes public confidence in the Office, therefore increasing the Office's ability to investigate crimes and keep the peace.
2. Constitutional Policing: Office policies must emphasize that all police work should be carried out in a manner consistent with the requirements of the U.S. Constitution and federal law. Policies/procedures must include First, Fourth, and Fourteenth Amendment principles in law enforcement activity, as well as compliance with Federal and State civil rights laws. Office members shall receive training on the rights embodied by such Constitutional Amendments and how these amendments inform policing policies/procedures.
3. Community Input and Impact: Office policies must identify mechanisms the Office will use to engage the communities they serve to inform them and seek their input about its actions, role in, and relationships with the community. The Office should make particular efforts to seek the input of communities where controlled property is likely to be used so as to mitigate the effect that such use may have on public confidence in the police. This could be achieved through regular interactions with the public through community forums, town halls, or meetings with the Sheriff, or community outreach programs.

B. Adopt and comply with controlled property standards.

1. Appropriate Use of Controlled Property: Office policy must define appropriate use of controlled property; members who are authorized to use controlled property must be trained on these policies/procedures. The Sheriff, or their designee(s), should examine scenarios in which controlled property will likely be deployed, the decision-making processes that will determine whether controlled property is used, and the potential that both use and misuse of controlled property could create fear and distrust in the community. Decisions should be made as to what measures can be taken to mitigate that effect (i.e., keep armored vehicles at a staging area until needed) and

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any alternatives to the use of such property and tactics to minimize negative effects on the community, while preserving officer safety.

2. **Supervision of Use:** Office policy must specify appropriate supervision of personnel operating or utilizing controlled property. Supervision must be tailored to the type of controlled property being used and the nature of the engagement or operation during which the property will be used. Policies/procedures must describe when a supervisor of appropriate authority is required to be present and actively overseeing the property being used.
3. **Effectiveness Evaluation:** Office policy must articulate that the Sheriff, or their designee(s), will regularly monitor and evaluate the effectiveness and value of controlled property to determine whether continued deployment and use is warranted on operational, tactical, and technical grounds. The Sheriff, or their designee(s) should routinely review after-action reports and analyze any data on, for example, how often controlled property is used or whether controlled property is used more frequently in certain law enforcement operations or in particular locations or neighborhoods.
4. **Auditing and Accountability:** The Office must establish policies that are designed to prevent misuse, unauthorized use and/or loss of controlled property. The Sheriff, or their designee(s), will hold personnel accountable to agree and comply with State, local, Tribal and Federal controlled property use policies/procedures.
5. **Transparency and Notice:** Office policy must articulate the Office will engage the community regarding controlled property, policies/procedures governing its use, and review of "significant incidents" with the understanding that there are reasonable limitations on disclosures of certain information and law enforcement sensitive operations and procedures.

C. Adopt and comply with record-keeping requirements for controlled property.

1. Upon LESO request, the Office must provide a copy of the general policing standards and specific controlled property standards that were adopted, to include any related policies/procedures.
2. The Office must retain comprehensive training records, either in the personnel file of the officer who was trained or by Training Division, for a period of at least three (3) years, and must provide a copy of these records, upon LESO request.

705.5 DOCUMENTATION REQUIRED FOR "SIGNIFICANT INCIDENTS"

The Office must collect and retain information when any law enforcement activity involves a "Significant Incident" which requires (or results in) the use of controlled property in possession by the Office. A "Significant Incident" is defined as any law enforcement operation or action that involves:

1. a violent encounter among civilians or between civilians and the police,
2. a use-of-force that causes death or serious bodily injury,
3. a demonstration or other public exercise of First Amendment rights, or
4. an event that draws, or could be reasonably expected to draw, a large number of attendees or participants, such as those where advanced planning is needed.

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The Office must:

A. Collect and retain documentation for controlled property used in a "Significant Incident" for a minimum of three (3) years after the incident has occurred. The Office must provide documentation to LESO upon request.

1. Documentation should also be made available to the community the Office serves in accordance with applicable policies/procedures with exemptions made concerning the disclosure of any sensitive information.

B. No new report or format is required for "Significant Incident" reports so long as information is easily accessible and organized. The required information may already exist in an incident report, operations plan, officer daily log, after-action report or described in a use of force report. If required information (annotated below) is contained in pre-existing reports, the Office must simply ensure that the report includes information that controlled property was used. Required information is listed below:

1. Name and quantity of controlled property used, including relevant details such as make/model/serial number of the controlled property.
2. Description of the actions/operation involving the controlled property.
3. Identification of Office members who used and directed the use of the controlled property.
4. Identify or describe civilians who were the subject or target of the action/operation. For large crowds or multiple persons, the Office must provide general description of the civilians (i.e., a crowd of approximately 250 people).
5. Result of the action/operation in which controlled property was used (i.e., arrests, citations, injuries or fatalities, use of force, victim extraction, or property damage).

Chapter 8 - Support Services

Property and Evidence

800.1 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.

800.1.1 PROPERTY AND EVIDENCE SECURITY

Property and Evidence shall maintain secure storage and control of all property necessitating custody by the Office.

800.2 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, latent fingerprints, DNA specimens, or bodily fluids.

Safekeeping - Includes the following types of property:

- Property obtained by the Office 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.

GPW - Gross Product Weight

800.3 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.

Any property seized by a deputy 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).

A deputy 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).

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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).

800.3.1 PROPERTY BOOKING PROCEDURE

All property should be booked prior to the employee going off-duty; if property is not booked prior to the employee going off-duty, approval shall be obtained from a supervisor or acting duty supervisor and documented in the report. Employees booking property shall observe the following guidelines:

- (a) Complete the property label 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 mark each item of evidence with initials and date.
- (c) 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.
- (d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (e) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any office 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.

800.3.2 CONTROLLED SUBSTANCES

All controlled substances shall be properly packaged and booked into Property and Evidence.

800.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify the immediate supervisor or the Duty Sergeant. 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 booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The evidence technician is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

800.3.4 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 air-dried prior to booking.

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- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the evidence technician or placed in the designated container. No formal property booking process is required.
- (c) 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 evidence technician, or placed in the bicycle storage area until a evidence technician can log the property.
- (d) All cash shall be counted in the presence of another deputy and the envelope initialed by both deputies. 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.
- (e) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

800.4 PACKAGING OF PROPERTY

Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Drug paraphernalia
- (e) Fireworks
- (f) Contraband

800.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances in a suitable container available for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

800.4.2 PACKAGING CONTROLLED SUBSTANCES

The deputy seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated drug locker. Prior to

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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 deputy's report.

Special precautions should be taken when processing and/or field testing (NIK Testing) unknown powders especially suspected opioids. Deputies shall use the proper personal protective equipment, have another deputy present, and ensure that an opioid overdose reversal drug (Narcan) is present should a medical emergency occur.

Controlled substances shall be packaged in an envelope of appropriate size, available in the Evidence Processing Room. Controlled substances shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container.

800.4.3 RIGHT OF REFUSAL

The evidence technician has the right to refuse any piece of property that is not properly documented or packaged. Should the evidence technician refuse an item, he/she shall maintain secure custody of the item in a temporary property locker and inform the supervisor of the submitting deputy.

800.5 RECORDING OF PROPERTY

The evidence technician receiving custody of evidence or property shall record it in the property control computer system. The property control computer system will be the permanent record of the property in Property and Evidence. The 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 control computer system.

The property control computer system shall be maintained and a unique property number created for each piece of property received. The system shall record 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 or group of items from the system.

Any changes in the location of property held by the Rochester Police Department/Olmsted County Sheriff's Office Property and Evidence shall be noted in the system.

800.6 PROPERTY CONTROL

Each time the evidence technician receives property or releases property to another person, he/she shall enter this information into the property control computer system. Deputies desiring property for court shall contact the evidence technician at least one day prior to the court day.

800.6.1 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.

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Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the evidence technician. This request may be filled out any time after booking of the property or evidence.

800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time and the request for laboratory analysis.

The evidence technician releasing the evidence must complete the required information in the property control computer system. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy will record the delivery time and indicate the locker in which the item was placed or the employee to whom it was delivered.

800.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted in the property control computer system, stating the date, time and to whom it was released.

The 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 in the property control computer system, indicating date, time and the person who returned the property.

800.6.4 AUTHORITY TO RELEASE PROPERTY

The evidence technician shall not release any property without authorization.

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 Office for investigatory or prosecutorial purposes and owned by a victim or witness, a 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.

800.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

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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 90 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 90 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. The final disposition of all such property shall be fully documented in related reports.

A evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and property control computer system.

800.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this office 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 Records Division.
- (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.

800.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the office, 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 Office may be asked to file an interpleader in court to resolve the disputed claim.

800.6.8 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.

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The Office 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.

800.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal.

800.7.1 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)).

800.7.2 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).

800.7.3 SHERIFF SEIZURES AND SALES

A deputy may seize and retain any personal property abandoned upon any public way, sidewalk or other public place, or any property entered as evidence in a judicial proceeding following its release by the court (Minn. Stat. § 345.15). After holding the property for a period of at least 90 days, it may be sold at a public auction. The net proceeds of the sale shall be transferred to the general revenue fund of the county, minus the cost of handling, storage or sale.

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800.7.4 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Supervisor shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Investigations Division Supervisor

Biological evidence shall be retained for a minimum period established by law, the Property and Evidence Supervisor or the expiration of any sentence imposed related to the evidence (Minn. Stat. § 590.10), whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigations Division Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

Bulk evidence may be destroyed prior to these minimum retention periods only pursuant to a court order or if the Property and Evidence Supervisor determines that such destruction is consistent with Minn. Stat. § 590.10 and the above notices have been made.

800.8 REPORT OF ABANDONED PROPERTY (MONEY)

The Records supervisor shall complete an annual report of presumed abandoned property as described in law to the Commissioner of Commerce. The report is to cover the 12-month period ending July 1 each year and is to be filed before October 31 each year (Minn. Stat. § 345.41).

Records Division

801.1 PURPOSE AND SCOPE

The Records Supervisor shall maintain the Records Division.

801.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Division by automated software.

801.2 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 system and area within the Records Division.

801.3 RECORDS MANAGER TRAINING

The Records Supervisor shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under the Minnesota Government Data Practices Act (MGDPA).

Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

803.1.1 DEFINITIONS

Definitions related to this policy include:

Confidential Data on Individuals - Data classified as confidential by state or federal law and that identifies individuals and cannot be disclosed to the public or even to the individual who is the subject of the data (Minn. Stat. § 13.02, Subd. 3).

Corrections and Detention Data - Data on individuals created, collected, used or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms and all other correctional and detention facilities (Minn. Stat. § 13.85, Subd. 1).

Custodian of Records - known as Records Supervisor for the Rochester Police Department/Olmsted County Sheriff's Office Records Division.

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 office regardless of its physical form, storage media or conditions of use (Minn. Stat. § 13.02, Subd. 7).

Private Data - Data classified as private by state or federal law and that identifies individuals that are only available to the individual who is the subject of the data or with the individual's consent (Minn. Stat. § 13.02, Subd. 12).

803.2 POLICY

The Olmsted County is committed to providing public access to records and data in a manner that is consistent with the Minnesota Government Data Practices Act (MGDPA) and Official Records Act (Minn. Stat. § 13.03; Minn. Stat. § 15.17).

803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff 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 Office, including the retention, archiving, release, and destruction of office data (Minn. Stat. § 15.17; Minn. Stat. § 138.17, Subd. 7).
- (b) Maintaining and updating the office records retention schedule, including:

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1. Identifying the minimum length of time the Office must keep data.
 2. Identifying the office division responsible for the original data.
- (c) Establishing rules regarding the inspection and copying of office data as reasonably necessary for the protection of such data.
- (d) Identifying data or portions of data that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of data.
- (f) Ensuring a current schedule of fees for public data as allowed by law is available.
- (g) Ensuring the posting or availability to the public a document that contains the basic rights of a person who requests government data, the responsibilities of the Office, and any associated fees (Minn. Stat. § 13.025).
- (h) Ensuring data created by the Office is inventoried and subject to inspection and release pursuant to lawful requests consistent with the MGDPA requirements (Minn. Stat. § 13.03, Subd. 1).
- (i) Ensuring that the current version of each office policy identified in Minn. R. 6700.1615 is posted on the office's website or otherwise posted in the public area of the Office in accordance with Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any office member who receives a request for data shall route the request to the Custodian of Records or the authorized designee.

803.4.1 REQUESTS FOR RECORDS

The processing of requests for data is subject to the following:

- (a) A person shall be permitted to inspect and copy public government data upon request at reasonable times and places and shall be informed of the data's meaning if requested (Minn. Stat. § 13.03, Subd. 3).
1. The Office may not charge or require the requesting person to pay a fee to inspect data. Inspection includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies, unless printing a copy is the only method to provide for inspection of the data (Minn. Stat. § 13.03, Subd. 3(b)).
 2. For data stored and made available in electronic form via remote access, public inspection includes allowing remote access by the public to the data and the ability to print copies or download the data. A fee may be charged for remote access to data where either the data or the access is enhanced at the request of the person seeking access (Minn. Stat. § 13.03, Subd. 3(b)).
- (b) Government data maintained by this office using a computer storage medium shall be provided in that medium in electronic form, if a copy can be reasonably made. The Office is not required to provide the data in an electronic format or program that is

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different from the format or program in which the data is maintained (Minn. Stat. § 13.03, Subd. 3 (e)).

- (c) The Office 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 office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any office record, including traffic collision reports, is restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Private data on the following individuals (Minn. Stat. § 13.82, Subd. 17):
 - 1. An undercover law enforcement officer.
 - 2. A victim or alleged victim of criminal sexual conduct, or sex trafficking, or of a violation of Minn. Stat. § 617.246, Subd. 2.
 - 3. A paid or unpaid informant if the Office 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 Office reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual.

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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, and custody and supervision data (Minn. Stat. § 13.87).
- (g) Traffic collision reports and related supplemental information (Minn. Stat. § 169.09, Subd. 13).
- (h) Corrections and detention data (Minn. Stat. § 13.85).
- (i) Personnel data except, unless otherwise restricted (Minn. Stat. § 13.43, Subd. 2):
1. Name, employee identification number, and some aspects of compensation.
 2. Job title, bargaining unit, job description, education and training background, and previous work experience.
 3. Date of first and last employment.
 4. Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action.
 5. Final disposition of any disciplinary action together with the specific reasons for the action, and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of this office.
 6. Terms of any agreement settling any dispute arising out of an employment relationship.

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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 office 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 County Attorney exclusively in anticipation of potential litigation involving this office shall be classified as protected nonpublic or confidential data while such action is pending (Minn. Stat. § 13.39).
- (k) All data collected by an Automated License Plate Reader (ALPR) on individuals or nonpublic data absent an exception (Minn. Stat. § 13.82; Minn. Stat. § 13.824).
- (l) Response or incident data, so long as the Custodian of Records determines that public access would likely endanger the physical safety of an individual or cause a perpetrator to flee, evade detection, or destroy evidence (Minn. Stat. § 13.82, Subd. 14).
- (m) Any data on individuals receiving peer counseling or critical incident stress management services (Minn. Stat. § 13.02, Subd. 12; Minn. Stat. § 181.9731; Minn. Stat. § 181.9732).

Any other record not addressed in this policy shall not be subject to release where such record is classified as other than public data. All public data shall be released as required by the MGDPA (Minn. Stat. § 13.03, Subd. 1).

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for data should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested data.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County Attorney, County 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 Office so that a timely response can be prepared.

803.7 EXPUNGEMENT

A petition for expungement and expungement orders received by the Office shall be reviewed for appropriate action by the Custodian of Records.

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803.7.1 PETITION FOR EXPUNGEMENT

When responding to a petition for expungement, the Custodian of Records shall inform the court and the individual seeking expungement that the response contains private or confidential data (Minn. Stat. § 609A.03, Subd. 3).

803.8 MAINTENANCE OF CLOSED RECORDS

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure. Closed records shall be kept separate from public records and shall remain confidential.

Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Olmsted County. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the government data information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Olmsted County 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.

804.2 POLICY

Members of the Olmsted County will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Sheriff shall select a member of the Office to coordinate the use of protected information (Minn. Stat. § 13.05, Subd. 13).

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, the National Law Enforcement Telecommunications System (NLETS), Minnesota Division of Driver and Vehicle Services (DVS) records, Minnesota Bureau of Criminal Apprehension (BCA), and the Minnesota Comprehensive Incident-Based Reporting System (CIBRS).
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the Olmsted County CJIS Access, Maintenance, and Security Policy for additional guidance.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.

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- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.
- (g) Ensuring a comprehensive security assessment of any personal information maintained by the Olmsted County is conducted at least annually (Minn. Stat. § 13.055, Subd. 6).
- (h) Ensuring CIBRS is notified within 10 days that an investigation in CIBRS has become inactive (Minn. Stat. § 299C.40).

804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Olmsted County policy, or training (Minn. Stat. § 13.09). Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (Minn. Stat. § 13.05; Minn. Stat. § 299C.40).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Division 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 deputies, other office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.5.1 REVIEW OF CHRI

Members of this office shall refer individuals seeking access to CHRI to the Minnesota BCA (Minn. Stat. § 13.87, Subd. 1(b)).

Protected Information

804.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Office to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Sheriff and appropriate authorities.

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

804.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

804.8 SECURITY BREACHES

In the event of an actual or potential breach of the security or other unauthorized acquisition of private or confidential information, the Sheriff or designee shall ensure an investigation into the breach is made. Upon completion of the investigation and final disposition of any disciplinary action, a report containing the facts and result of the investigation shall be prepared. If the breach was conducted by an employee, contractor or agent of Olmsted, the report must include a description of the type of data that was breached, the number of individuals whose information was breached, the disposition of any related disciplinary action, and the identity of the employee determined to be responsible for the breach (Minn. Stat. § 13.055).

Written notice shall be given to any individual whose private or confidential data was, or is reasonably believed to have been, acquired by an unauthorized person as soon as reasonably practicable. The notice shall include the following (Minn. Stat. § 13.055):

- (a) Notification that an investigation will be conducted.
- (b) Notification that a report containing the facts and results will be prepared.

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(c) Information on how the person may obtain access to the report, including that he/she may request delivery of the report by mail or email.

The notice may be delayed only so long as necessary to determine the scope of the breach and restore the reasonable security of the data or so long as it will impede an active criminal investigation. Notice shall be made by first class mail, electronic notice or substitute notice as provided in Minn. Stat. § 13.055, Subd. 4. If notification is required to be made to more than 1,000 individuals, notice to all consumer reporting agencies of the timing distribution and content of the notices must also be made (Minn. Stat. § 13.055, Subd. 5).

Computers and Digital Evidence

805.1 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.

805.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with case number, evidence sheet number and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items into the Property and Evidence. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, deputies 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.

Computers and Digital Evidence

3. Who claimed ownership.
 4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media.

805.2.1 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. Deputies should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence.

805.2.2 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.

805.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CDs, DVDs, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

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- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

805.4 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) Deputies 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 Faraday bag or the device should be placed into Airplane Mode, 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.

805.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Deputies 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.

805.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is submitted, it shall not be erased, deleted or altered in any way. Photographs downloaded to the secure server will be preserved regardless of quality, composition or relevance. Video and audio files downloaded to the secure server will not be altered in any way.

805.5.2 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 Property and Evidence as soon as reasonably possible for submission into evidence.
- (b) As soon as reasonably possible following the collection of evidence, the camera operator will upload their digital evidence into the digital evidence computer system.

805.5.3 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.

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- (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 event report.

Chapter 9 - Custody

Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Olmsted County facility. Such items can pose a serious risk to the safety and security of office 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.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

A deputy 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 office vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

All searches should take place, when practicable, in front of the squad video camera.

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900.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Olmsted County 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.

900.4.1 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 office, 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 office member. The inventory should include the case number, date, time, member's Olmsted County identification number and information regarding how and when the property may be released.

900.4.2 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 office member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.5 STRIP SEARCHES

No individual in temporary custody at any Olmsted County facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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- (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 office 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).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Olmsted County facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Duty Sergeant shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Duty Sergeant.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex, and role of any person present during the search.
 - 7. The time and date of the search.
 - 8. The place at which the search was conducted.
 - 9. A list of the items, if any, that were recovered.

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10. The facts upon which the member based their belief that the individual was concealing a weapon or contraband.
 - (g) No member should view an individual's private underclothing, buttocks, genitalia, or female breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Duty Sergeant authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Duty Sergeant authorization does not need to be in writing.

900.6 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 Duty 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 office members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 1. The facts that led to the decision to perform a physical body cavity search of the individual.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The Duty 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 office 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.

900.7 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.

900.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

900.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Office.

The Sheriff or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility as the situation merits.
 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing deputies with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent a deputy from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Olmsted County 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 Olmsted County provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Captain should work with County Human Resources to 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 office website and the use of office-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 Captain shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

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1000.4 SELECTION PROCESS

The Office with County Human Resources will, with the oversight of the Civil Service Commission, shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Citizenship eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents (Minn. R. 6700.0700, Subp. 1). This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available, including the National Decertification Index
- (l) Any relevant information in the National Law Enforcement Accountability Database

1000.4.1 VETERAN'S PREFERENCE

Veterans who are candidates for job openings shall receive preference recognizing the training and experience, loyalty and sacrifice not otherwise readily assessed by examination pursuant to Minn. Stat. § 197.455. The following preference, credit and requirements shall be applied as applicable (Minn. Stat. § 197.455):

Nondisabled Veteran's Credit - There shall be added to the competitive open examination rating of a nondisabled veteran, who so elects, a credit of 10 points, provided that veteran obtained a passing rating on the examination without the addition of the credit points.

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Disabled Veteran's Credit - There shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of 15 points, provided that the veteran obtained a passing rating on the examination without the addition of the credit points. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points provided that:

- (a) The veteran obtained a passing rating on the examination without the addition of the credit points.
- (b) The veteran is applying for a first promotion after securing public employment.

For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person has a compensable service-connected disability as adjudicated by the U.S. Veterans Administration, or by the retirement board of one of the several branches of the armed forces, that is existing at the time preference is claimed.

For purposes of the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use a promotional preference, is entitled to disability compensation under laws administered by the Veterans Administration for a permanent service-connected disability rated at 50 percent or more.

Preference for Spouses - A preference available pursuant to Minn. Stat. § 197.455 may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.

Ranking of Veterans - An eligible applicant with a rating augmented by veteran's preference shall be entered on an eligible list ahead of a non-veteran with the same rating. When notifying eligible applicants that they have passed examinations this office 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 office 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 Olmsted Department of Human Resources.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Olmsted County.

The background investigation must determine whether the candidate meets the standards established by the Minnesota Board of Peace Officer Standards and Training (POST) as well as the security standards established to access state and national computerized record and communication systems (Minn. Stat. § 626.87; Minn. R. 6700.0670; Minn. R. 6700.0700).

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A background investigation is valid for six months after completion. If the candidate is not hired during the six months, the background investigation must be updated before a final offer of employment to the candidate is made (Minn. R. 6700.0670, Subp. 2).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and Minnesota law (15 USC § 1681d; Minn. Stat. § 13C.02).

1000.5.2 STATE NOTICES

Upon initiation of a candidate's background investigation, the Sheriff or the authorized designee shall provide written notice to POST as soon as practicable, but no later than ten days thereafter that includes the candidate's full name and date of birth and the candidate's peace officer license number, if applicable (Minn. Stat. § 626.87; Minn. R. 6700.0670, Subp. 3).

If the background investigation identifies a disqualification under the minimum selection standards in Minn. R. 6700.0700, the Sheriff or the authorized designee shall provide written notice to POST as soon as practicable, but no later than ten days (Minn. R. 6700.0670, Subp. 3).

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule (Minn. R. 6700.0670, Subp. 2; Minn. R. 6700.0700, Subp. 2).

1000.6 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 Office 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.

1000.6.1 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by Minnesota POST (Minn. R. 6700.0700):

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- (a) Citizen of, or eligible to work in, the United States (Minn. R. 6700.0700, Subp. 1)
- (b) Possess a valid driver's license
- (c) Free of any felony conviction
- (d) Not be required to register as a predatory offender under state law
- (e) Free of conviction of any controlled substance law or of any misdemeanor offense listed in Minn. R. 6700.0700
- (f) Have no record of engaging in discriminatory conduct, involvement with a hate or extremist group, or criminal gang
- (g) Fingerprinted for purposes of disclosure of any felony convictions
- (h) Submit to a medical examination and psychological evaluation required by Minn. R. 6700.0675 to ensure that the candidate is free from any physical, emotional, or mental condition which might adversely affect the candidate's performance of peace officer duties
- (i) Successfully complete a physical strength and agility examination
- (j) Successfully complete an oral examination

1000.6.2 NOTIFICATION TO POST

The Sheriff shall notify the POST Board of any candidate appointed to the position of peace officer before the first day of employment on a form provided by POST. The appointee may not exercise peace officer powers until the notification form is received and approved by POST Board (Minn. R. 6700.0800).

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Olmsted County utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, 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 Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

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 within 10 business days.

1001.4 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

Position	Evaluated Every Month	Evaluated Yearly	Length of Probation
Probationary Licensed Employees	X		1 Year

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Non-Probationary Licensed Employees		X	
Probationary Civilian Employees		X	1 Year
Non-Probationary, Civilian Employees		X	

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 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.

Promotional and Transfer Policy

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion and lateral transfer within the ranks of the Olmsted County.

1002.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

- (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 specialty assignments and are not considered promotions:

- (a) Emergency Response Unit Member
- (b) Forensic Mapping Unit Member
- (c) Field Training Office
- (d) K-9 Deputy
- (e) K-9 Trainer
- (f) Crime Prevention/Training Deputy
- (g) Transport Deputy
- (h) Civil Deputy
- (i) Warrants Deputy
- (j) Government Center Security Deputy
- (k) Honor Guard Deputy
- (l) Acting Duty Sergeant

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- (m) Explosives Ordnance Device Recognition Expert
- (n) Project Lifesaver Deputy
- (o) Crisis Negotiation Unit Member
- (p) Investigations Investigator
- (q) Narcotics Investigator
- (r) Arson Investigator
- (s) DWI Deputy
- (t) COPS Deputy
- (u) School Resource/DARE Deputy
- (v) Corporal
- (w) Drone Operator
- (x) Utility Deputy

1002.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for specialty assignments:

- (a) Off probation.
- (b) Has shown an expressed interest in the position applied for.
- (c) Education, training and demonstrated abilities in related areas, such as, enforcement activities, investigative techniques, report writing and public relations.
- (d) Complete any training required by POST, federal or state law.

1002.3 SELECTION PROCESS

The following criteria may apply to specialty assignments.

- (a) Submit letter of interest to Supervisor.
- (b) An evaluation that shall include a review of supervisor recommendations.
- (c) Specialized testing related to the assignment.
- (d) Based on supervisor recommendations and those of the Senior Staff, the Captain will submit his/her recommendation(s) to the Sheriff.
- (e) Senior Staff will determine if interviews for the position are necessary.
- (f) Appointment by the Sheriff.

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 Olmsted Department of Human Resources.

Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this office 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 Office'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.
- County 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 outside the category of grievances are:

- (a) Complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy.
- (b) Personnel complaints regarding any allegation of misconduct or improper job performance against any office employee that, if true, would constitute a violation of office policy or federal, state, or local law, as set forth in the Personnel Complaints Policy.

1003.2 PROCEDURE

See collective bargaining agreement, Civil Service Commission rules and county policy.

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 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.

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 Olmsted County 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.

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Anti-Retaliation

1004.3.1 RETALIATION PROHIBITED FOR INTERVENING OR REPORTING

A deputy shall not be retaliated against for intervening or reporting that another law enforcement officer or a member used excessive force (Minn. Stat. § 626.8452).

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, Sheriff or the County Director of Human Resources.

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 Sheriff 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.

Anti-Retaliation

- (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.

1004.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff 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 an employee who, in good faith (Minn. Stat. § 181.932):

- (a) Communicates a violation of any law or rule to the Office or to any government body or law enforcement official.
- (b) Participates in an investigation, hearing, or inquiry at the request of a public body or office.
- (c) Refuses an order to perform an act that the employee objectively believes violates a law, rule, or regulation, and informs the employer of the reason.
- (d) Reports a situation where the quality of health care services provided by a health care facility or provider violates a state or federal standard and potentially places the public at risk of harm.
- (e) Communicates the findings of a technical or scientific study that the employee believes, in good faith, to be truthful and accurate.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs for investigation pursuant to the Personnel Complaints Policy.

1004.8 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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 Office 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 office 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 office 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 office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) 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 of the Office shall further promptly notify their immediate supervisor in writing if the member becomes the subject of a domestic violence restraining court order or similar court order.

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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 a deputy is informally admitted to a treatment facility or program pursuant to Minn. Stat. § 253B.04 for chemical dependency he/she is not eligible to possess a pistol, unless the deputy possesses a certificate from the head of the treatment facility discharging or provisionally discharging the deputy from the treatment facility (Minn. Stat. § 624.713 Subd. 1(6)).

Deputies in this situation shall promptly notify the office.

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 (41 USC § 8103).

1006.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Duty Sergeant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

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 Office while taking any medication that has the potential to impair his/her abilities.

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 office premises or on office 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.

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.

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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 Office.

1006.7 SCREENING TESTS

The Office may request or require drug or alcohol testing in the following circumstances (Minn. Stat. § 181.951; Minn. Stat. § 181.952):

- (a) **Reasonable suspicion** - The Sheriff and/or Command Staff 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 office rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working, is on office property, or is operating a vehicle owned by the office.
 - 3. The employee has sustained an injury arising out of and in the course of employment, or has caused another employee to sustain an injury (full definition of personal injury in Minn. Stat. § 176.011, Subd. 16).
 - 4. The employee has caused a work-related accident, or the employee's use of a vehicle, firearm, or safety equipment involved a work-related accident.
- (b) Following a conditional job offer
- (c) As part of an employee's routine physical examination
- (d) Under a random testing program of employees
- (e) When the employee has been referred for an evaluation or treatment, or is participating in a treatment program under an employee benefit plan

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- (f) The employee discharges a firearm issued by the Office while off-duty, resulting in injury, death, or substantial property damage.

1006.7.1 DRUG- AND ALCOHOL-TESTING PROGRAM

The following applies to the office's drug and alcohol testing procedures (Minn. Stat. § 181.951; Minn. Stat. § 181.952; Minn. Stat. § 181.953):

- (a) An employee or applicant has the right to refuse a test but the consequences of a refusal may result in discipline, up to and including termination, or a decision not to hire the applicant.
- (b) Initial screening tests must be verified by a confirmatory test for the purpose of discipline.
- (c) Employees will have an opportunity to participate in an appropriate alcohol or drug program for their first confirmed positive test. The program may be in lieu of other discipline unless the employee fails the program or refuses to participate (Minn. Stat. § 181.953).
- (d) A confirmed positive test may result in discipline, up to and including termination.
- (e) An employee or job applicant will have the opportunity to explain a positive test result and may request and pay for a second confirmatory retest.
- (f) All disciplinary procedural safeguards in this manual apply, including the post-discipline appeal procedures (see the Personnel Complaints Policy).
- (g) Employees and job applicants shall receive required written notice, including posting, of the drug- and alcohol-testing policies and procedures as set forth in Minn. Stat. § 181.952.
- (h) The safeguards of Minn. Stat. § 181.953 will be followed for any testing and any related discipline process.

Notice of the adopted drug and alcohol testing policy shall be posted in an appropriate and conspicuous location and copies shall be available for inspection to all employees and job applicants (Minn. Stat. 181.952).

1006.7.2 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

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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 Office 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 Office 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.

Planned and Un-Planned Personal Time Off (PTO) Policy

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) and the Minnesota Pregnancy and Parenting Leave Act (29 USC § 2601 et seq.; Minn. Stat. § 181.941).

1007.2 SUPERVISOR RESPONSIBILITIES AND REQUIREMENTS

Supervisors should monitor leave usage and regularly review the attendance of employees under their command to ensure that the use of leave is consistent with this policy. Supervisors should address leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties.

1007.3 UN-PLANNED PTO RESPONSIBILITIES AND REQUIREMENTS

Un-planned PTO may be used for absences caused by illness, injury, temporary disability, including pregnancy and maternity/paternity leave. Un-planned PTO may also be used for medical, dental, 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 non-working hours.

Un-planned PTO for medical reasons is not considered vacation or abuse of leave. Employees calling in sick shall not engage in other employment, self-employment, or participate in any activity that impedes recovery from the injury or illness.

1007.3.1 NOTIFICATION

Employees shall notify an immediate supervisor, the Duty 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 should make such notification no less than two (2) 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 FMLA is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever reasonably possible, provide notice to the Office as soon as possible.

1007.4 MILITARY LEAVE (PTO)

All applicable staff will request all military leave prior to January 1st of each year for the entire calendar year, if possible.

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A total of an employee's 15-day military leave will be given priority scheduling.

1007.5 PLANNED PTO RESPONSIBILITIES AND REQUIREMENTS

An employee's PTO and Holiday bank must support the time off requested. Holiday hours for the upcoming year will be considered in the Holiday bank at the time of the request.

Planned PTO/Holiday will be granted in the following manner:

- At the 1st of each month, a member may submit PTO for the entire 365 days following the PTO request.
- Approvals will be given by the supervisor based on seniority thru the 15th of that month.
- Exceptions can be made and approved by the member's respective Captain.
- After the 15th of the month, PTO will be granted on a first come, first served basis, for the next 11 months.
- PTO requests must be documented and submitted by the County email system. PTO is approved when the member receives an acknowledgement, via email, from the supervisor.
- It should be noted that PTO/Holiday bank management is the responsibility of the member.

It is understood that circumstances may arise in which employees may require more than two consecutive week blocks to accommodate an extended vacation. In those circumstances, the employee's immediate supervisor shall forward the request to the respective division Captain.

Any request for time off over four consecutive one-week blocks must be approved by the Sheriff or Chief Deputy.

1007.6 COURT CONTINUATION REQUESTS

In order to assist the prosecuting attorney's and District Court when scheduling court appearances, when a member requests and is approved for PTO, the dates of the PTO must be submitted to the proper designee for entry into MCAPS.

That notification shall be sent by the supervisor to the proper designee for the MCAPS entry. At no time shall a member contact the designee for PTO entries into MCAPS.

Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

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 Olmsted County. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Olmsted County is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Sheriff has assigned the Olmsted County Human Resources Risk Manager as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Exposure control mandates in 29 CFR 1910.1030 (Minn. R. 5206.0600).

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3. Reporting cases and suspected cases of communicable diseases to the Department of Public Health (Minn. R. 4605.7070; Minn. Stat. § 144.4804).
4. Notifying appropriate medical facilities regarding member exposures and providing assistance locating source individuals, as applicable (Minn. Stat. § 144.7414)

The ECO should also act as the liaison with the Minnesota Occupational Safety and Health Administration (MNOSHA) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; Minn. R. 5206.0600):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.
- (b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

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1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; Minn. R. 5206.0600).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; Minn. R. 5206.0600):

- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease, Personal Injury and Death Reporting Policy).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030; Minn. R. 5206.0600):

- (a) Whether the member has been informed of the results of the evaluation.

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- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; Minn. R. 5206.0600).

1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Seeking testing through the procedures of Minn. Stat. § 144.7401 to Minn. Stat. § 144.7415 through a licensed hospital or other emergency medical care facility.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (Minn. Stat. § 144.7411).

1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; Minn. R. 5206.0700):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Olmsted County facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The Olmsted County recognizes that tobacco use is a health risk and can be offensive to others.

1009.3 EMPLOYEE USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Office while interacting with members of the public.

No members shall smoke inside County facilities and vehicles.

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Olmsted County (Minn. R. 6700.2200). This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Olmsted County takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Duty Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Division Captain, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Division Captain, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.
- (f) The Minnesota Board of Peace Officer Standards and Training (POST) may refer complaints alleging a violation of a statute or rule that the board is empowered to enforce (Minn. Stat. § 214.10, Subd. 10).
- (g) Any person making a complaint may be accompanied by an attorney or other representative, including at the time the complaint is made.
- (h) Any person wishing to file a complaint against the Sheriff should be referred to the County Board for investigation by an outside agency.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the Government Center and be accessible through the office website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1010.4.3 COMPLAINT COPIES

After a complaint is filed, the accepting member should sign the document, keep a copy for the office and provide a copy to the complainant.

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1010.5 DOCUMENTATION

Supervisors shall ensure that all formal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall be maintained by the Chief Deputy and include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows (Minn. R. 6700.2200).

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - (a) The original complaint form will be directed to the Duty Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Captain, Chief Deputy or the Sheriff, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - (a) Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
 - (b) If the matter is resolved and no further action is required, the investigating supervisor will note the resolution on a complaint form and forward the form to the Chief Deputy.
- (d) Upon receipt of a complaint involving allegations of a potentially serious nature, the Sheriff is notified via the chain of command as soon as practicable.

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- (e) Promptly contacting the Department of Human Resources and the Duty Sergeant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Duty Sergeant, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or an assigned member of the Internal Affairs, the following shall apply to members covered by the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty (Minn. Stat. § 626.89, Subd. 7). If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Olmsted County or at a place agreed upon by the accused member (Minn. Stat. § 626.89, Subd. 4).
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member should be informed of the nature of the investigation.
 - 1. The member shall be given a copy of any written complaint signed by the complainant (Minn. Stat. § 626.89, Subd. 5).
- (e) All interviews should be for a reasonable period and the member's personal needs should be accommodated (Minn. Stat. § 626.89, Subd. 7).
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators

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should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer shall record all interviews of members and witnesses. The member may also record the interview. A complete copy or transcript of the interview must be made available to the member upon written request without charge or undue delay. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview (Minn. Stat. § 626.89, Subd. 8).
 - (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative or attorney present before or during the interview (Minn. Stat. § 626.89, Subd. 9). When a member requests a representative or attorney, no interview may be taken until a reasonable opportunity is provided for the member to obtain that person's presence. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - (j) All members shall provide complete and truthful responses to questions posed during interviews.
 - (k) No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.
 - (l) Before a formal statement is taken, the member shall be advised in writing or on the record that admissions made may be used as evidence of misconduct or a basis for discipline (Minn. Stat. § 626.89, Subd. 10).
 - (m) A member may not be required to produce financial records (Minn. Stat. § 626.89, Subd. 11).
 - (n) A member's photograph will not be released unless allowed by law (Minn. Stat. § 626.89, Subd. 12).

1010.6.3 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

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Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

The Sheriff may authorize that any investigation be re-opened any time substantial new evidence is discovered concerning the complaint.

1010.6.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1010.6.5 EXTERNAL INVESTIGATIONS

The Sheriff may request that an outside agency conduct an investigation anytime the Sheriff determines an external investigation is appropriate.

This office should not conduct an investigation when the Sheriff is the subject of the complaint. An external investigation should be requested through the County Board.

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation shall provide the complainant with periodic updates on the status of the investigation, as appropriate and consistent with the provisions of the Minnesota Government Data Practices Act (MGDP) (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices, county-owned electronic devices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons, vehicles and any other Sheriff's office equipment.

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- (b) May be restricted from access to secured areas and use of county electronic files and e-mail.
- (c) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (d) The employee shall remain available for contact at all times during such shift, and will report as ordered.

1010.8.1 CRITICAL INCIDENT LEAVE

When a member is involved in a critical incident, not as a part of an administrative leave, the Sheriff or their designee may temporarily assign a member to critical incident leave.

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff or designee may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Olmsted County may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

The Sheriff may postpone making a decision on an administrative investigation until any related criminal charges are resolved. The complainant and involved member should be informed of this decision.

1010.10 POST-INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command.

1010.10.1 CAPTAIN RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Captain of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Captain may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Captain will review the entire investigative file and recommended disposition of the investigation with the Chief Deputy.

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1010.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is imposed, the Sheriff shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Sheriff in recommending the imposed discipline.
- (b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

This policy does not supercede any collective bargaining agreement.

1010.10.3 MINNESOTA POST 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 office shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10, Subd. 10).

The Office shall cooperate with POST's investigation and provide requested information unless (Minn. Stat. § 626.8457):

- (a) There is an active criminal investigation or active criminal proceeding regarding the same incident or misconduct that is being investigated by POST.
- (b) An active internal investigation exists regarding the same incident or misconduct that is being investigated by POST during 45 days from the time the request was made by POST. The Sheriff or the authorized designee shall comply with the request upon completion of the internal investigation or once 45 days has passed, whichever occurs first.

1010.10.4 DISCIPLINE

Disciplinary action may include, but is not limited to (Minn. R. 6700.2200):

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- (a) Oral reprimand.
- (b) Written reprimand.
- (c) Suspension.
- (d) Demotion.
- (e) Discharge.

1010.10.5 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint. Notice must be consistent with the provisions of the MGDG (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1010.10.6 CIVILIAN OVERSIGHT COUNCIL

When applicable, the Sheriff or the authorized designee shall cooperate with the designated civilian oversight council (Civil Service Commission), as appropriate (Minn. Stat. § 626.89, Subd. 17).

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to

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appeal using the procedures established by any collective bargaining agreement and/or personnel rules (Minn. R. 6700.2200).

Employees covered by the Veterans Preference Act are entitled to written notice of the right to request a hearing within 30 days of receipt of the notice of intent to terminate, suspend or demote. 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).

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy except for employees covered by the Veterans Preference Act (Minn. Stat. § 197.46). However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee (Minn. R. 6700.2200).

Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1010.15.1 CONFIDENTIALITY OF PERSONNEL FILES

All active investigations of alleged misconduct and personnel complaints shall be considered confidential and maintained separately from peace officer personnel files. The contents of such files shall not be revealed to other than the involved member or authorized personnel, except pursuant to lawful process, such as Minn. R. 6700.2500. Data in closed files shall be treated as private or public data depending on whether discipline was imposed upon the member.

1010.15.2 LETTERS OF DISCIPLINE AND REPRIMANDS

Letters of discipline and reprimands may only be placed in a member's personnel file after they are received by the member (see generally Minn. Stat. § 626.89, Subd. 13).

1010.16 REQUIRED REPORTING TO POST

The Sheriff or the authorized designee shall notify POST of certain deputy personnel events, including but not limited to:

- (a) A termination or resignation of a deputy who is the subject of an internal or criminal investigation due to alleged misconduct regardless of whether the investigation has been initiated or completed, or whether the deputy was criminally charged (Minn. Stat. § 626.8457, Subd. 4).

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- (b) The violation of a required POST model policy identified in Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

Seat Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in office vehicles (Minn. Stat. § 169.686).

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Minn. Stat. § 169.685).

1011.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Office, are properly restrained (Minn. Stat. § 169.686).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the office member or the public. Members must be prepared to justify any deviation from this requirement.

1011.2.1 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, a deputy 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, deputies should consider arranging alternative transportation.

1011.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any office vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Seat Belts

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1011.4 INOPERABLE SEAT BELTS

No Office vehicle shall be operated if the seat belt in the driver's position is inoperable. No person shall 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 Sheriff.

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.

1011.5 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.

Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Olmsted County 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.

1012.3 ISSUANCE OF BODY ARMOR

The Training supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Olmsted County and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Training supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Deputies shall only wear agency-approved body armor.
- (b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when a deputy is working in uniform or taking part in Office range training.
- (e) A deputy 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.

1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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1012.3.3 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.

Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel data. Personnel data includes any file maintained under an individual member's name.

Without regard to where and how stored, all data about a current or former employee or applicant for employment shall be defined and classified as personnel data consistent with Minn. Stat. § 13.43. All data relating to a criminal investigation of a current or former employee or applicant shall be defined and classified as criminal data consistent with Minn. Stat. § 13.82.

1013.2 POLICY

It is the policy of this office to maintain personnel data and preserve the confidentiality of personnel data pursuant to the Constitution and the laws of Minnesota (Minn. Stat. § 13.43).

1013.2.1 REQUIRED PERSONNEL FILE CONTENTS

- (a) The personnel file (maintained in Olmsted County Human Resources) 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 Office 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 Office and if the misconduct resulted in disciplinary action. 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 within 30 days.
 - 3. The periodic evaluation of the deputy by a supervisor.

1013.2.2 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 information including medical leave of absence forms, fitness-for-duty examinations, workers' compensation records, and medical releases.
- (c) Employee advancement or promotion.

1013.3 OFFICE FILE

The office file shall be maintained as a record of a person's employment/appointment with this office. The office file should contain, at a minimum:

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- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Personnel action forms reflecting assignments, promotions and other changes in employment/appointment status.
- (c) Discipline records, including copies of sustained personnel complaints.
- (d) Coaching sessions shall be retained in the office file after the member has had the opportunity to read and initial the comment.
 - (a) Once a member has had an opportunity to review the coaching session, the member shall be given the opportunity to respond in writing.
 - (b) Any member response shall be attached to and retained with the original coaching session.
 - (c) If a member refuses to initial or sign a coaching session, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the coaching session into the member's file.

1013.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Training Division for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Division or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Division or supervisor shall ensure that copies of such training records are placed in the member's training file.

1013.6 INTERNAL AFFAIRS INVESTIGATIONS

Internal affairs investigations shall be maintained under the exclusive control of the Internal Affairs in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Internal Affairs supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's office file but will be maintained in the internal affairs file:

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- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1013.7 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).

1013.8 SECURITY

Personnel data should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel data maintained in an electronic format should have adequate password protection.

Any personnel data not deemed public data is private and shall not be subject to disclosure except as provided in this policy, the Records Maintenance and Release Policy, according to applicable discovery procedures or with the member's written consent (Minn. Stat. § 13.43; Minn. Stat. § 181.967, Subd. 4).

Nothing in this policy is intended to preclude review of personnel data by the County Board, County Attorney or other attorneys or representatives of the County in connection with official business.

1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for personnel data shall promptly notify the Custodian of Records or other person charged with the maintenance of such data.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel data shall be logged in the corresponding file.

1013.8.2 RELEASE OF PRIVATE DATA

Except as provided by this policy, pursuant to lawful process, pursuant to state law or court order, no private data shall be disclosed without the written consent of the employee or written authorization of the Sheriff designee (Minn. Stat. § 13.43; Minn. Stat. § 181.967, Subd. 4).

1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Upon request, any member may request access to his/her own personnel file as set forth in Minn. Stat. § 181.961.

Any member seeking the removal of any item from his/her personnel files shall file a written request to Human Resources.

Personnel Records

1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel data shall be maintained in accordance with the established records retention schedule.

Request for Change of Assignment

1014.1 PURPOSE AND SCOPE

It is the intent of the Office that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1014.2 PROCEDURE FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to draft a memo requesting a change of assignment. The memo should then be forwarded through the chain of command to the Captain. Immediate supervisor may deny the request but members may request reconsideration upon denial with the next level of command.

Command staff will make decisions based on office needs on a case by case manner.

Commendations and Awards

1015.1 PURPOSE

To recognize worthy acts and performance of duties by employees and citizens to promote an environment in this Office and in our community of quality service and excellence in conduct and to create incentives for personal challenge and development.

1015.2 POLICY

In accordance with the definitions and procedures set forth in this policy, the leadership of this Office will aggressively seek opportunities to recognize examples of quality performance of duties, exemplary conduct of any type and/or heroic acts by employees or citizens.

1015.3 PROCEDURES

AWARD REVIEW COMMITTEE (ARC):

A committee shall be established for the purpose of executing this policy:

The committee shall consist of representatives of all ranks and divisions of this Office.

- The ARC chair will call the meetings, will notify the Office of deadline for submission of applications for awards and will receive the awards from the division commanders.
- The ARC shall review the award applications and will determine the appropriate award for the acts described in the application.
- The ARC will forward their award recommendations to the Sheriff for final disposition.
- The chair shall maintain a file of applications and awards conferred to establish a historical record as a precedence of interpretation of the award definitions.

AWARDS/OATH OF OFFICE CEREMONIES:

Ceremonies shall be held for administering the oath of office to new employees, for recognizing promotions and for conferring awards.

A ceremony shall be conducted semi-annually.

- Annual incentive awards will be conferred at first ceremony of the calendar year.
- The oath of office shall be administered to all persons hired or promoted since the last ceremony.
- Family members and/or significant others of award recipients, new hires or promoted persons shall be invited to attend each award ceremony.
- Members of the Board of Commissioners, County Administration, media representatives and all members (full or part time) of this Office shall be invited to each ceremony.

DEFINITIONS OF AWARD CATEGORIES/TYPES:

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Appointment Certificates

- Longevity Recognition
- Incentive Awards
- Exemplary Performance Awards
- Citizen Awards

1. APPOINTMENT CERTIFICATES:

- (a) Every employee will receive a certificate of Deputization and a copy of their signed "Oath of Office."
1. Existing employees at implementation of this program shall receive a copy of their original "Oath" if possible.
 2. Existing employees at implementation of this program shall receive the certificate appropriate for their current rank backdated to the date of appointment to their current rank.
- (b) Certificate shall designate appropriate rank but no assignment i.e.: "Deputy Sheriff" or "Sergeant" or "Detention Deputy" or "Detention Sergeant," etc.

2. LONGEVITY RECOGNITION:

- (a) Name Tag Bars:
- (a) Longevity nametag bars shall be issued and added to the uniform nametags at an employee's fifth anniversary of employment.

3. EXEMPLARY PERFORMANCE AWARDS:

- (a) Medal of Honor:
1. Term: As needed.
 2. Eligibility: a) Full-time or part-time employee of the Sheriff's Office. b) Member of a Sheriff's Office Reserve Organization.
 3. Criteria: Awarded posthumously to an eligible candidate who gives their life in the performance of their official Sheriff's Office duties.
 4. Method: a) Recommended by supervisor or co-worker to Division Captain to ARC Facilitator. b) ARC review and recommend to Sheriff. c) Sheriff awards.
 5. Award: a) Medal/black ribbon issued on a plaque. b) Formal presentation letter by Sheriff designating award. c) ARC to determine how many, and which, family members shall receive the award in consultation with appropriate representative of deceased.
- (b) Medal of Valor:

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1. Term: As needed.
 2. Eligibility: a) Full-time or part-time employee of the Sheriff's Office. b) Member of a Sheriff's Office Reserve Organization.
 3. Criteria: a) Awarded for an act of outstanding bravery or heroism. b) Courage in the face of great danger. c) Serious risk of personal injury or death.
 4. Method: a) May be nominated to anyone to any of the nominee's supervisors. b) Recommended by supervisor or to Division Captain to ARC Facilitator. c) ARC review and recommend to Sheriff.
 5. Award: a) Plaque. b) Blue ribbon to be worn on the uniform (if injury, slash of red). c) Certificate.
- (c) Medal of Commendation:
1. Term: As needed.
 2. Eligibility: a) Full-time or part-time employee of the Sheriff's Office. b) Member of a Sheriff's Office Reserve Organization.
 3. Criteria: a) Awarded for excellent performance of a highly creditable accomplishment that contributes to the Mission of the Sheriff's Office. b) May be awarded for a single act or a consistent and superior performance in a variety of assigned duties.
 4. Method: a) May be nominated by anyone to the nominee's supervisors. b) Recommended by supervisor to Division Captain to ARC Facilitator. c) ARC review and recommend to Sheriff.
 5. Award: a) Formal letter for the recipient's personnel file. b) Plaque. c) Red ribbon to be worn on the uniform.
- (d) Life Saving Award:
1. Term As needed.
 2. Eligibility: a) Full-time or part-time employee of the Sheriff's Office. b) Member of a Sheriff's Office Reserve Organization. c) Any member of the public or other law enforcement agency.
 3. Criteria: Awarded for any act that contributes to the saving of a life.
 4. Method: Recommended by a supervisor, co-worker or member of the community.
 5. Award: a) Plaque b) Letter c) Red/white uniform bar (if member of the Sheriff's Office or other law enforcement agency).
- (e) Letter of Recognition:

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Commendations and Awards

1. Term: As needed.
2. Eligibility: a) Full-time or part-time employees of the Sheriff's Office. b) Member of a Sheriff's Office Reserve Organization.
3. Criteria: a) Awarded for especially noteworthy performance of assigned duties or volunteer activities that are deserving of office-wide and/or public recognition.. b) May be awarded for a single act or a consistent and noteworthy performance in a variety of activities.
4. Method: a) May be nominated by anyone to any of the nominee's supervisors. b) Supervisor recommended in writing, written and signed by the Sheriff. c) Presented by the Sheriff.
5. Award: Framed letter for the recipient and a copy for recipients supervisor.

CITIZEN AWARDS:

- (a) Medal of Valor:
 - (a) Term: As needed.
 - (b) Eligibility: Any member of the public.
 - (c) Criteria: Awarded for an act of outstanding citizenship. (This may include saving a life or preventing a serious incident.)
 - (d) Method: a) Recommended by supervisor or to Division Captain to ARC Facilitator. b) ARC review and recommend to Sheriff.
 - (e) Award: Plaque.
- (b) Medal of Commendation:
 - (a) Term: As needed.
 - (b) Eligibility: Any member of the public.
 - (c) Criteria: a) This award may be given for an act of outstanding citizenship. (This may include saving a life or preventing a serious incident.) b) May be awarded for consistent performance of a variety of activities and/or over an extended period of time for citizen volunteers.
 - (d) Method: a) May be nominated by any full or part time employee of the Sheriff's Office. b) Recommended by supervisor to Division Captain to ARC Facilitator. c) ARC review and recommend to Sheriff.
 - (e) Award: Plaque.
- (c) Life Saving Award:
 - (a) Term As needed.

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Commendations and Awards

- (b) Eligibility: a) Full-time or part-time employee of the Sheriff's Office. b) Member of a Sheriff's Office Reserve Organization. c) Any member of the public or other law enforcement agency.
 - (c) Criteria: Awarded for any act that contributes to the saving of a life.
 - (d) Method: Recommended by a supervisor, co-worker or member of the community.
 - (e) Award: a) Plaque b) Letter c) Red/white uniform bar (if member of the Sheriff's Office or other law enforcement agency).
- (d) Letter of Recognition:
- (a) Term: As needed.
 - (b) Eligibility: Any member of the public.
 - (c) Criteria: a) Awarded for an act of noteworthy citizenship that is deserving of office-wide and/or public recognition.. (This may include assisting saving a life or assisting deputies in any way.) b) May be awarded for consistent performance of a variety of activities and/or over an extended period of time for citizen volunteers.
 - (d) Method: a) May be nominated by any full or part time employee of the Sheriff's Office. b) Supervisor recommended in writing, written and signed by the Sheriff. c) Presented by the Sheriff.
 - (e) Award: Framed letter.

Fitness for Duty

1016.1 PURPOSE AND SCOPE

All deputies 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 deputies of this office remain fit for duty and able to perform their job functions.

1016.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this office to maintain good physical condition sufficient to safely and properly perform essential duties of the position.
- (b) Each member of this office 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.

1016.3 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 Duty Sergeant or the employee's available Captain, a determination should be made whether the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

1016.4 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.

Fitness for Duty

1016.5 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 Duty Sergeant or unit supervisor and concurrence of a Captain, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.
- (b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff 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 Office 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 Office 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.

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Fitness for Duty

- (g) If an employee is deemed unfit for duty by the Office, 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.

1016.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any two day (48 hour) period or
- 84 hours in any seven day (168 hour) period

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime and any other work assignments.

1016.8 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievance Procedure Policy or the applicable collective bargaining agreement.

Meal Periods and Breaks

1017.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible shall conform to the policy governing all County employees pursuant to Minn. Stat. § 177.253, Minn. Stat. § 177.254 and Minn. R. § 5200.0120.

1017.1.1 MEAL PERIODS

Each employee who works for eight or more consecutive hours is entitled to sufficient time to eat a meal (Minn. Stat. § 177.254). Licensed employees shall remain on duty subject to call during meal periods. All other employees are not on call during meal periods unless directed otherwise by a supervisor.

Uniformed deputies shall take their meal periods within the County limits unless on assignment outside of the County.

The time spent for the meal period shall not exceed the authorized time allowed.

No meal breaks may be taken during the first and last hour of a deputy's assigned shift unless approved by a supervisor.

1017.1.2 15 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).

Field deputies will take their breaks in their assigned areas unless authorized by their supervisor, subject to call, and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Dispatch.

Lactation Breaks

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1018.2 POLICY

It is the policy of the Olmsted County to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Minn. Stat. § 181.939).

1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks may be taken at the same time as the member's regularly scheduled rest or meal periods (Minn. Stat. § 181.939).

Members desiring to take a lactation break shall notify the [dispatcher] or supervisor prior to taking such a break.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1018.4 PRIVATE LOCATION

The Office will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Minn. Stat. § 181.939).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1018.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the member's shift ends.

Outside Employment

1019.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Office employees engaging in outside employment, all employees shall obtain approval from the Sheriff or Chief Deputy prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff or Chief Deputy in accordance with the provisions of this policy.

1019.1.1 DEFINITIONS

Outside Employment - The employment of any member of this office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this office 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 office for services, product(s) or benefits rendered.

1019.2 OBTAINING APPROVAL

No member of this office may engage in any outside employment without first obtaining prior approval of the Sheriff. Failure to obtain 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 a Notification of Outside Employment that shall be submitted to the Chief Deputy and County Human Resources.

Unless otherwise indicated in writing, permission 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 Notification of 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.

1019.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or rescinded by the Office, the employee may file a written notice of appeal to the Sheriff 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:

Outside Employment

- (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 Sheriff 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 Office policy, or any law.
- (c) The outside employment creates an actual or apparent conflict of interest with the Office or County.

1019.3 PROHIBITED OUTSIDE EMPLOYMENT

The Office 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 Office time, facilities, equipment or supplies, the use of the Office badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves time demands that would render performance of the employee's duties for this office below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.
- (c) Licensed peace officers will not be involved in direct sales or distribution of intoxicating beverages whether as an employee or volunteer.

1019.4 OFFICE RESOURCES

Employees are prohibited from using any Office 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 office or other agencies through the use of the employee's position with this office.

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 Sheriff 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 Sheriff or Chief Deputy 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.

Outside Employment

1019.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Office 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 Sheriff whether such outside employment should continue or be suspended or revoked.

In the event the Sheriff 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 County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of his/her intentions to their supervisor.
- (d) The outside employment is not compatible with the reason the employee is on administrative leave.

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 County 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 Office.

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 office member who intended to injure the member because of personal reasons, and not directed against the member as a member of the Olmsted County, or because of the employment with the Olmsted County. 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 Office.

1020.2 POLICY

The Olmsted County will address occupational diseases, personal injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (Minn. Stat. § 176.231).

1020.3 RESPONSIBILITIES

1020.3.1 MEMBER RESPONSIBILITIES

An employee observing or learning of a potentially hazardous condition is to promptly report the condition to his her/immediate supervisor.

An employee sustaining a work-related injury or illness that requires relief from duty is required to be examined and treated by a physician and follow their directions.

An employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Office policies and directives relating to the duty to notify the Office of any change in condition or anticipated duration of the absence.

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On-Duty Injuries

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 Office. 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.

1020.3.2 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 Duty 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 Captain, 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.

Copies of any reports documenting the accident or injury should be forwarded to the Captain 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 Section 1904.

On-Duty Injuries

1020.3.3 SHERIFF RESPONSIBILITIES

The Sheriff or their designee 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 Office shall be filed in the employee's private medical file and not in the employee's personnel file (see Personnel Files Policy).

1020.3.4 CAPTAIN RESPONSIBILITIES

The Captain 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 report shall then be forwarded to the Chief Deputy.

1020.4 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 County and/or other insurers are entitled to recover civilly. To ensure that the County's interests are protected and that the employee has the benefit of the County's experience in these matters, the following procedure is to be followed.

1020.5 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 notification of this contact to his/her supervisor as soon as practicable.

Personal Appearance Standards

1021.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this office 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 Sheriff has granted exception.

1021.2.1 HAIR

Hairstyles of all members shall be neat in appearance.

1021.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. The final decision as to the acceptability of any officer's mustache will be the decision of the Sheriff, Chief Deputy or Division Captain.

1021.2.3 SIDEBURNS

Sideburns shall be trimmed and neat. The final decision as to the acceptability of any officer's sideburns will be the decision of the Sheriff, Chief Deputy or Division Captain.

1021.2.4 FACIAL HAIR

Facial hair will be permitted with the approval of the Sheriff or Chief Deputy if kept neatly trimmed with well-defined edges and not over 1 inch long. The final decision as to the acceptability of any officer's facial hair will be the decision of the Sheriff, Chief Deputy or Division Captain.

Deputies who decide to wear facial hair will have a reasonable time to grow the facial hair but may not use it for an excuse to repeatedly start and stop shaving as an attempt to grow facial hair. Supervisors who have questions as to the acceptability of a deputy's facial hair will refer the matter to the Sheriff, Chief Deputy or Division Captain.

1021.2.5 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by deputies 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.

1021.3 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.

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- (b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.
- (e) Tattoos on the face or neck.

Uniform Regulations

1022.1 PURPOSE AND SCOPE

The uniform policy of the Olmsted County Sheriff's Office is established to ensure that uniformed deputies, special assignment personnel and non-licensed employees will be readily identifiable to the public through the proper use and wearing of Office uniforms. Employees should also refer to the following associated policies:

- Duty Firearms
- Office Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The Olmsted County Sheriff's Office 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 deputies of this office shall be a consistent color pursuant to Minn. Stat. § 626.88 Subd. 2.

1022.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's 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 and clean.
- (b) All peace officers of this office 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) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (e) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Office functions or events.
- (f) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Office uniform, including the uniform pants.

1022.2.1 OFFICE ISSUED IDENTIFICATION

The Office issues each employee an official Office identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Office-issued identification card at all times while on-duty or when carrying a concealed weapon.

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- (a) Whenever on-duty or acting in an official capacity representing the Office, employees shall display their Office issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Captain.
- (c) Whenever in the secure area of the Law Enforcement Center, employees shall display their Office issued identification or badge at all times.

1022.3 UNIFORM CLASSES

See attachment: [1046.jpg](#)

1022.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funeral detail, color guard details, dignitary escort, public appearances, graduations, promotions, ceremonies or as directed/ordered. The Class A uniform is required for all licensed personnel. The Class A uniform is outlined in Uniform Classes above.

1022.3.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times. The Class B uniform is to be worn for general patrol duties, court appearances, parade duties as ordered, public appearances, or as directed/ordered.

The Class B uniform is outlined in Uniform Classes above. The long or short sleeve shirt may be worn with the collar open. Tie is required when ordered/directed.

- (a) A white or black crew neck t-shirt must be worn with the uniform.
- (b) All shirt buttons must remain buttoned except for the last button at the neck.
- (c) Polished shoes.

1022.3.3 CLASS C AND D UNIFORM

The Class C and D uniforms are outlined in Uniform Classes above. The Class C uniform is to be worn for general patrol duties; the Class D uniform may be worn (Summer - June 1 through September 1) for general patrol duties and boat patrol.

1022.3.4 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, ERU and other specialized assignments.

1022.4 INSIGNIA AND PATCHES

- (a) Shoulder patches - The authorized shoulder patch supplied by the Office shall be machine stitched to the sleeves of all uniform shirts and jackets.

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- (b) Service stripes - Service stripes for length of service shall be worn on one long sleeved Class A shirt. Deputies and Corporals will maintain one long sleeve brown shirt; Sergeants and above will maintain one long sleeve white shirt. They are to be machine stitched onto the uniform. The stripes are to be worn on the left sleeve only. Stripes will be provided by the Sheriff's Office for every three years of full-time service with the Olmsted County Sheriff's Office. Part-time staff will not wear service stripes.
- (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 on the right pocket located in the middle. 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. Serving Since plate shall be issued upon third year of service with the Olmsted County Sheriff's Office.
- (d) Assignment Insignias - Assignment insignias, (e.g., CIT, K9, FTO or similar) shall be worn centered on the pocket below the badge as designated by the Sheriff.
- (e) Award Pins - Award pins shall be worn centered between the flag patch and nameplate.
- (f) Flag patch - An American flag patch of a size not to exceed 3 inches by 5 inches shall be worn above the right front pocket using appropriate flag display etiquette (Minn. Stat. § 15.60).
- (g) Badge - The Office-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.
- (h) Rank insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff 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) A deputy of this office - From the time of death until midnight on the 14th day after the death.
- (b) A deputy 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 deputy.
- (d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.
- (e) As directed by the Sheriff or designee.

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1022.5 CIVILIAN ATTIRE

There are assignments within the Office 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. Civilian attire is defined as a blouse, collared shirt, business casual dress/skirt or trousers, and appropriate footwear.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
- (b) The following items shall not be worn on-duty:
 - 1. Swimsuit, tube tops or halter tops.
 - 2. Spandex type pants or see-through clothing.
 - 3. Distasteful printed slogans, buttons or pins.
- (c) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to wearing such clothing.
- (d) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Olmsted County Sheriff's Office or the morale of the employees.
- (e) 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 or display their badge in close proximity to their firearm. For those wearing shoulder holsters, the barrel needs to be completely concealed or covered with a shirt or jacket.

1022.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Sheriff, Olmsted County 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 Office, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Olmsted County 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.

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Uniform Regulations

- (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 Office-Owned and Personal Property Policy.

1022.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Olmsted County employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

Olmsted County 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 Sheriff or designee.

1022.9 PERSONAL WEAR POLICY FOR USE OF RECREATIONAL ENFORCEMENT EQUIPMENT

Employees working in or on any watercraft shall wear an approved personal flotation device.

Employees shall wear an approved helmet while operating (or riding as a passenger) a snowmobile.

In the event of an emergency and personal protection devices are not available, they shall be worn as soon as practicable.

Nepotism and Conflicting Relationships

1023.1 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 office. 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.

1023.1.1 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 Office 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 Office 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.

1023.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Office 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, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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Nepotism and Conflicting Relationships

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 Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Office 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 office 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.

1023.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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Nepotism and Conflicting Relationships

1023.2.2 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 Sheriff of such actual or potential violations through the chain of command.

Office Badges

1024.1 PURPOSE AND SCOPE

The Olmsted County badge and uniform patch as well as the likeness of these items and the name of the Olmsted County are property of the Office and their use shall be restricted as set forth in this policy.

1024.2 POLICY

The uniform badge shall be issued to Office members as a symbol of authority. The use and display of Office badges shall be in strict compliance with this policy. Only authorized badges issued by this office shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1024.2.1 FLAT BADGE

Licensed deputies, with the written approval of the Sheriff, may purchase at their own expense a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of Office policy as the uniform badge.

- (a) A deputy may sell, exchange or transfer the flat badge he/she purchased to another deputy within the Olmsted County with the written approval of the Sheriff.
- (b) Should the flat badge become lost, damaged or otherwise removed from the deputy's control he/she shall make the proper notifications as outlined in the Office-Owned and Personal Property Policy.
- (c) An honorably retired deputy may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-licensed personnel.

1024.2.2 CIVILIAN PERSONNEL

Badges and Office identification cards issued to non- licensed personnel shall be clearly marked to reflect the position of the assigned employee (e.g. parking control, dispatcher).

- (a) Non-licensed personnel shall not display any Office badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.
- (b) Non-licensed personnel shall not display any Office badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a licensed deputy.

1024.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees will be issued 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.

Office Badges

1024.3 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.

Office badges are issued to all licensed employees and civilian uniformed employees for official use only. The Office badge, shoulder patch or the likeness thereof, or the Office 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 Office name for all material (e.g., printed matter, products or other items) developed for Office use shall be subject to approval by the Sheriff.

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.

1024.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Office badge shall not be used without the express authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the Office badge for merchandise and official association business provided it is used in a clear representation of the association and not the Olmsted County. 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 Office badge for endorsement of political candidates shall not be used without the express approval of the Sheriff.

Temporary Modified-Duty Assignments

1025.1 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, County rules, or current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1025.2 POLICY

Subject to operational considerations, the Olmsted County 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 Office with a productive employee during the temporary period.

1025.3 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 Olmsted County 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 Office. 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 Sheriff 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 or engaging in outside employment, or may otherwise limit them 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.

1025.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Temporary Modified-Duty Assignments

Employees seeking a temporary modified-duty assignment should submit a written request to their Captains or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Captain will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Office and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the County Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Duty Sergeant or Captain, with notice to the Sheriff.

1025.5 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 office operations and the employee's medical appointments, as mutually agreed upon with the Captain.

1025.5.1 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 14 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Captain that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1025.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

Temporary Modified-Duty Assignments

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Captain of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Captain and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1025.6 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 Office may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1025.7 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.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Office should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Minn. Stat. § 181.939; Minn. Stat. § 363A.08).

1025.7.1 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 County's personnel rules and regulations regarding family and medical care leave.

1025.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1025.9 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

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Temporary Modified-Duty Assignments

who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Employee Speech, Expression and Social Networking

1026.1 PURPOSE AND SCOPE

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

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. 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 deputy associations, about matters of public concern such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1026.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1026.2 POLICY

Because public employees occupy a trusted position in the community their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Olmsted County will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1026.3 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 Olmsted County employees such as posting personal information in a public forum can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee's family or associates or persons that this agency has had professional contact with such as crime victims or staff of other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

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Employee Speech, Expression and Social Networking

- 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.

1026.4 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 deputy 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 Olmsted County or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Olmsted County and tends to compromise or damage the mission, function, reputation or professionalism of the Olmsted County 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 Office. 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 Olmsted County.
- (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 Office 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 Sheriff or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked

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Employee Speech, Expression and Social Networking

vehicles, equipment or other material that specifically identifies the Olmsted County on any personal or social networking or other website or web page without the express authorization of the Sheriff.

- (h) Accessing websites for non-authorized purposes or use of any personal communication device, game device or media device, whether personally or office-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).

1026.4.1 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 deputy associations, employees may not represent the Olmsted County or identify themselves in any way that could be reasonably perceived as representing the Olmsted County in order to do any of the following, unless specifically authorized by the Sheriff:

- (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 office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Olmsted County.

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 deputy 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

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or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1026.5 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 office technology system.

The Office 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 Office, including the Office e-mail system, computer network, radio or other communication system or medium or any information placed into storage on any Office system or device.

This includes records of all key strokes or web-browsing history made at any Office computer or over any Office 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 office computers or networks.

1026.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff 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 Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (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 Office.

1026.7 TRAINING

Subject to available resources the Office should provide training regarding employee speech and the use of social networking to all members of the Office.

POST Licensing

1027.1 PURPOSE AND SCOPE

Maintaining a valid POST license is a critical element of a deputy's ability to continue their employment and is their sole professional responsibility. Every deputy and every part-time deputy is required to complete the continuing education requirements to maintain a valid license every three years (Minn. R. § 6700.0900; Minn. R. 6700.1000).

1027.2 RENEWAL SCHEDULE

Any deputy whose license expires is not authorized to work as a peace officer until the license status is valid. Deputies renew their POST licenses according to a schedule established by Administrative Rule (Minn. R. 6700.1000).

1027.2.1 LICENSE RENEWAL CREDITS

A peace officer license may be renewed only upon the licensee or the licensee's appointing authority providing the POST board proof the licensee has successfully completed board-approved continuing education and posting of fees on or before June 30 of the year a license is due for renewal. Licensee required hours of continuing credit are (Minn. R. 6700.1000):

- 16 hours for a peace officer or a part-time peace officer who has been licensed for at least six months but less than 18 months.
- 32 hours for a peace officer or a part-time peace officer who has been licensed for at least 18 months but less than 30 months.
- 48 hours for a peace officer or a part-time peace officer who has been licensed for at least 30 months.

1027.3 LICENSE PROCESS

A general schedule for the license renewal process is:

- February - The Office or deputy will receive employment verification.
- March - The Office or deputies 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 deputies whose license expires will no longer be authorized to practice law enforcement or carry a firearm.

1027.4 INACTIVE LICENSE

Deputies 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.

Attachments

ALPR.jpg

Field Identification Instructions.pdf

Field Identification Instructions



Refer to Lexipol Policy: Eyewitness Identification

Date/Time: _____ ICR: _____

Location of Field Identification: _____

Name of Member completing this form: _____

Name and DOB of person viewing the field identification subject: _____

Names of others present, if applicable: _____

Instructions to be read to the witness or victim:

“The person you are about to observe, may or may not, be the perpetrator.”

“It is equally important to clear an innocent person as it is to identify the perpetrator.”

“The investigation will continue regardless of the outcome of the field identification.”

After the field identification process is completed:

“How confident are you in your identification of the person and why?”

“Please do not discuss this field identification or the investigation with others until the OCSO or prosecutor deem it permissible.”

Guidelines for OCSO members to follow:

Field identifications should not be used when independent probable cause exists to arrest a person.

When initiating a field identification, the member shall observe and document the following guidelines:

Obtain a complete and thorough description of the suspect(s).

Assess whether a witness or victim should be included in a field identification process by determining and documenting the following:

The length of time the witness or victim observed the suspect.

The distance between the witness or victim and the suspect.

Whether the witness or victim could view the suspect’s face.

The quality of the lighting when the suspect was observed by the witness or victim

Whether there were distracting noises or activity during the observation.

Any other circumstances affecting the witness's or victim's opportunity to observe the suspect

The length of time that has elapsed since the witness or victim observed the suspect.

Separate witnesses and victims and do not allow them to communicate before, during, or after the field identification

Avoid using words, conduct, or any behavior that may suggest to the witness or victim that the individual is or may be the perpetrator.

Provide a confidence statement

Remind the witness or victim not to discuss the field identification with others until the OCSO or prosecutor deem it permissible.

Record the field identification via the use of the member's body worn camera and if feasible, the squad car based mobile camera system.

Clearly document the time, location, deputies/officers present, the result of the field identification and any other relevant information learned, in their narrative reports.

The subject of the field identification should not be handcuffed, restrained, or in a squad car if feasible.

Bring the witness or victim to the location of the field identification.

The subject should not be shown to the same witness or victim more than one time. If there are multiple subjects, they should be shown one at a time.

The subject of the field identification shall not be required to put on clothing, to speak words uttered by the suspect, or to perform actions that mimicked those of the suspect.

If a positive identification is made, no further field identifications should be completed.

Photographic Lineup Instruction Sheet.pdf

Photographic Lineup Instruction Sheet



Refer to Lexipol Policy: Eyewitness Identification

Date/Time: _____ ICR: _____
Name and DOB of person viewing the photographic lineup: _____
Member Administering Lineup: _____
Names of others present, if applicable: _____

Instructions to be read to the witness or victim:

“I do not know if the subject of the investigation is included in the photographic lineup nor is there a particular order to the lineup.”

“Regardless if identification is made, all photographs in the lineup will be shown to you”

“It is important to exclude innocent persons as it is to identify a perpetrator”

“You will be asked to look at a series of photographs.”

“The perpetrator may or may not be among those presented to you and you are not obligated to make an identification.”

“The perpetrator may not appear as they did at the time of the incident. A person may look different in a photograph than in real life due to different hair styles, facial hair, eyeglasses, hats, face coverings, or other changes of appearance. Photographs may make a person’s complexion look lighter or darker.”

“The investigation will continue regardless of whether you make an identification or not.”

Confidence statement from person viewing the photographic lineup:

“How confident are you in your identification of the person and why?”

“Please do not discuss this process or the investigations as this is still an open and active investigation.”

Signature of person viewing the lineup:

Signature

Date

Printed Name

Eyewitness Identification Procedures Model Policy.pdf

EYEWITNESS IDENTIFICATION PROCEDURES MODEL POLICY

Minn. Stat. 626.8433

POLICY:

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

Purpose:

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

Definitions:

Show-up: The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

Line-up: The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

Photo Array: A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

Administrator: The law enforcement official conducting the identification procedure.

Blinded Presentation: The administrator may know the identity of the suspect, but does not know which photo array member is being viewed by the eyewitness at any given time.

Confidence Statement: A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

Filler: A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

Sequential: Presentation of a series of photographs or individuals to a witness one at a time.

Simultaneous: Presentation of a series of photographs or individuals to a witness all at once.

Procedure:

1. Show-ups

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

- a. Document the witness's description of the perpetrator prior to conducting the show up.
- b. Conduct a show-up only when the suspect is detained within a reasonably time frame after the commission of the offense and within a close physical proximity to the location of the crime.
- c. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.
- d. If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by officers, unless safety concerns make this impractical.
- e. Caution the witness that the person he or she is about to see may or may not be the perpetrator—and it is equally important to clear an innocent person. The witness should also be advised that the investigation will continue regardless of the outcome of the show-up.
- f. Do not conduct the show-up with more than one witness present at a time.
- g. Separate witnesses and do not allow communication between them before or after conducting a show-up.
- h. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.
- i. Do not present the same suspect to the same witness more than once.

- j. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.
- k. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.
- l. Ask the witness to provide a confidence statement.
- m. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.
- n. Videotape the identification process using an in-car camera or other recording device when feasible.
- o. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

Line-up and Photo Array Procedures

2. Basic Procedures for Conducting a Line-up or Photo Array

- a. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.
- b. Whenever possible, a blind presentation shall be utilized. In cases where a blind presentation is not feasible for a photo array, a blinded presentation should be used. Live line-ups must be conducted using a blind presentation.
- c. The line-up or photo array should consist of a minimum of six individuals or photographs. Use a minimum of five fillers and only one suspect.
- d. Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.
- e. Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- f. Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.
- g. If there is more than one suspect, include only one in each line-up or photo array.

- h. During a blind presentation, no one who is aware of the suspect's identity should be present during the administration of the photo array. However, during a line-up, the suspect's attorney should be present.
- i. Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.
- j. Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.
- k. The witness shall be given a copy of the following instructions prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.

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

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

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

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

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

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

The individuals are not configured in any particular order.

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

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

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

- l. The line-up or photo array should be shown to only one witness at a time; officers should separate witnesses so they will not be aware of the responses of other witnesses.
- m. Multiple identification procedures should not be conducted in which the same witness views the same suspect more than once.
- n. Officers should scrupulously avoid the use of statements, cues, casual comments, or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.
- o. Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.
- p. The administrator shall ask the witness to complete and sign an Eyewitness Identification Procedure Form.
- q. Line-up and photo array procedures should be video or audio recorded whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording shall be documented. In the case of line-ups that are not recorded, agents shall take and preserve a still photograph of each individual in the line-up.

3. Photographic Arrays

a. Creating a Photo Array

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

b. Conducting the Photo Array

1. The photo array should be preserved, together with full information about the identification process as part of the case file and documented in a report.

2. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures.
 - a. Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used).
 - b. The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that he or she cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.
 - c. The administrator should position himself or herself so that he or she cannot see inside the folders as they are viewed by the witness.
3. The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
4. If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.

4. Line-ups

- a. Conducting the Line-up
 1. Live line-ups shall be conducted using a blind administrator.
 2. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
- b. The primary investigating officer is responsible for the following:
 1. Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.
 2. Ensuring compliance with any legal requirements for transfer of the subject to the line-up location if he or she is incarcerated at a detention center.
 3. Making arrangements to have persons act as fillers.
 4. Ensuring that the suspect's right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspect's right to counsel.
 5. Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line-up and to observe the manner in which the line-up is conducted.

References:

Eyewitness Identification Procedure Form
Sequential Photo Display Form

**Model Sexual Assault
Investigation Policy 03-03-21.pdf**

I. PURPOSE

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

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

II. POLICY

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

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

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

III. DEFINITIONS

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

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

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

- (3) Corroboration of the victim's testimony is not required to show lack of consent.
- B. **Child or Minor:** a person under the age of 18.
- C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.
- D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:
- (1) spouses or former spouses;
 - (2) parents and children;
 - (3) persons related by blood;
 - (4) persons who are presently residing together or who have resided together in the past;
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
 - (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 - (7) persons involved in a significant romantic or sexual relationship
- F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.
- I. **Vulnerable Adult:** any person 18 years of age or older who:
- (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

- (2) receives services at or from a facility required to be licensed to serve adults under sections [245A.01](#) to [245A.15](#), except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- (3) receives services from a home care provider required to be licensed under sections [144A.43](#) to [144A.482](#); or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections [256B.0625, subdivision 19a, 256B.0651](#) to [256B.0654](#), and [256B.0659](#); or
- (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

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

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

B. Initial Officer Response

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

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- 4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

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

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 - 1) Whether the suspect was known to the victim
 - 2) How long the victim knew the suspect
 - 3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 - 4) The extent of their previous or current relationship
 - 5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 - 6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 - 7) Relevant communication through social media, email, text messages, or any other forms of communication

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

1. Minors and Vulnerable Adults

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

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - (1) Ensuring the safety of the victim;
 - (2) Ensuring the scene is safe;
 - (3) Safeguarding evidence where appropriate;
 - (4) Collecting any information necessary to identify the suspect; and
 - (5) Addressing the immediate medical needs of individuals at the scene

- b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
- c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian pursuant to 260E.22 can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.06 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

- d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.
 - e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.
2. Victims of Domestic Abuse
Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
- 2) Crime Victim Rights: Officers must provide the following information to the victim:
 - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
 - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
 - d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.
- 4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

- 1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:
 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

- c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

- 1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
 - a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
 - b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
 - c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
 - d. Ask the victim for a signed release for access to medical records from the exam.
- 2) Officers should not be present during any part of the exam, including during the medical history.
- 3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

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

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
- 2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong

consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

- 3) When possible, an attempt would be made to interview the suspect in person.
- 4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
 - b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
- 5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

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

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

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

J. Role of the Supervisor

Supervisors may do the following:

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

K. Case Review/Case Summary

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

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

Model Sexual Assault Investigation Policy 02.16.21.pdf

I. PURPOSE

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- F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.
- I. **Vulnerable Adult:** any person 18 years of age or older who:
- (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

- (2) receives services at or from a facility required to be licensed to serve adults under sections [245A.01](#) to [245A.15](#), except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- (3) receives services from a home care provider required to be licensed under sections [144A.43](#) to [144A.482](#); or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections [256B.0625, subdivision 19a, 256B.0651](#) to [256B.0654](#), and [256B.0659](#); or
- (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

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

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

B. Initial Officer Response

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

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- 4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

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

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 - 1) Whether the suspect was known to the victim
 - 2) How long the victim knew the suspect
 - 3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 - 4) The extent of their previous or current relationship
 - 5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 - 6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 - 7) Relevant communication through social media, email, text messages, or any other forms of communication

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

1. Minors and Vulnerable Adults

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

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - (1) Ensuring the safety of the victim;
 - (2) Ensuring the scene is safe;
 - (3) Safeguarding evidence where appropriate;
 - (4) Collecting any information necessary to identify the suspect; and
 - (5) Addressing the immediate medical needs of individuals at the scene

- b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
- c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.22 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

- d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.
 - e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.
2. Victims of Domestic Abuse
Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
- 2) Crime Victim Rights: Officers must provide the following information to the victim:
 - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
 - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
 - d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.
- 4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

- 1) Considerations for Evidence Collection

Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

- c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

- 1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
 - a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
 - b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
 - c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
 - d. Ask the victim for a signed release for access to medical records from the exam.
- 2) Officers should not be present during any part of the exam, including during the medical history.
- 3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

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

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.

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

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

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

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

J. Role of the Supervisor

Supervisors may do the following:

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

K. Case Review/Case Summary

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

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

Confidential Informants Model Policy .pdf

CONFIDENTIAL INFORMANTS MODEL POLICY

MN STAT 626.8476

I. POLICY

It is the policy of the (**law enforcement agency**) to establish procedures and protocols that take necessary precautions concerning the recruitment, control and use of confidential informants.

II. DEFINITIONS

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

III. PROCEDURES

A. Initial Suitability Determination

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

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

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

B. Exigent Confidential Informants

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

C. Special CI Approval Requirements

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

1. Juveniles
 - a. Use of a juvenile under the age of 18 for participating in a controlled buy or sale of a controlled substance or contraband may be undertaken only with the written authorization of the individual's parent(s) or guardian(s), except that the juvenile informant may provide confidential information.

- b. Authorization for such use should be granted only when a compelling public interest can be demonstrated, *except that*
 - c. Juveniles under the guardianship of the State may not be used as a CI.
2. Individuals obligated by legal privilege of confidentiality.
3. Government officials.

D. General Guidelines for Overseeing CIs

General guidelines for overseeing CIs are as follows:

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

- i. CIs who participate in unplanned or unanticipated activities or meet with a subject(s) under investigation in a location outside of the jurisdictional boundary of the handling agency must promptly report that activity or meeting to their overseeing agents.
9. CI activity outside jurisdictional boundaries:
 - a. Investigators handling CIs who engage in operational activity in locations outside the jurisdictional boundaries of the agency must coordinate with counterparts in law enforcement agencies that have jurisdiction in that location where the CI will operate before any activity occurs, or in a timely manner after unanticipated activity occurs and is brought to the attention of the overseeing agent.
 - b. Any decision to defer or delay notice to or coordinate with an outside agency having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the agency's chief executive or their designee.
10. Officers must take the utmost care to avoid conveying any confidential investigative information to a CI, such as the identity of other CIs, surveillance activities, or search warrants, other than what is necessary and appropriate for operational purposes.
11. No member of this agency must knowingly maintain a social relationship with a CI, or otherwise become personally involved with a CI beyond actions required in the performance of duty.
12. Members of this agency must not solicit, accept gratuities from, or engage in any private business transaction with a CI.
13. Meetings with a CI must be conducted in private with another officer or agent present and with at least one officer or agent of the same sex, except when not practical. The meeting location should minimize the potential for discovery of the informant's cooperation and provide sufficient space to complete necessary administrative duties. The meetings must be documented and subsequently entered into the individual's CI file.
14. Overseeing agents must develop and follow a communications strategy and plan with the CI that minimizes, to the greatest extent possible, the risk of discovery or compromise of the relationship between the agency and the CI. This plan should also aim to prevent the detection, compromise, or interception of communications between the overseeing agent and the CI.
15. Procedures must be instituted to assist CIs with concealing their identity and maintaining their safety. Care should be given not to expose CIs to unnecessary safety risks.
16. Preceding or following every buy or sale of controlled substances, overseeing agents must screen the CI for any personal safety or mental health concerns, risk of substance abuse, and/or potential relapse in any substance abuse recovery.
 - a. At the request of the CI, or if the overseeing agent deems it necessary, reasonable efforts should be taken to provide the CI with referral to substance abuse and/or mental health services.
 - b. Overseeing agents must document:
 - i. the screening,
 - ii. any referral to services provided to, or requested by, the CI, and
 - iii. any refusal by the CI to participate in the screening and/or any refusal by the CI to accept referral to services. Reasons for the CI's refusal must be documented, where applicable.
 - c. No part of this subsection supersedes MN Stat. 253B.05, sub.2.

17. Reasonable protective measures must be provided for a CI when any member of this agency knows or should have known of a risk or threat of harm to a person serving as a CI and the risk or threat of harm is a result of the informant's service to this agency.
18. Overseeing agents must:
 - a. evaluate and document the criminal history and propensity for violence of target offenders; and
 - b. to the extent allowed, provide this information to the CI if there is a reasonable risk or threat of harm to the CI as a result of the CI's interaction with the target offender.
19. Reasonable efforts and precautions must be made to help protect the identity of a CI during the time the person is acting as an informant.
20. Whenever possible, officers must corroborate information provided by a CI and document efforts to do so.
21. The name of a CI must not be included in an affidavit for a warrant unless judicial authority is obtained to seal the document from the public record or the CI is a subject of the investigation upon which the affidavit is based.
22. Overseeing agents are responsible for ensuring that information of potential value to other elements of the agency is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.
23. Individuals leaving employment with the agency have a continuing obligation to maintain as confidential the identity of any CI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

E. Establishment of an Informant File System

An informant file system must be established as follows:

1. The agency chief executive must designate a file supervisor who must be responsible for developing and maintaining master CI files and an indexing system.
2. A file must be maintained on each CI deemed suitable by the agency.
3. An additional Unreliable Informant File must be established for CIs deemed unsuitable during initial suitability determinations or at a later time.
4. Each file must be coded with an assigned informant control number for identification within the indexing system and must include the following information, where applicable:
 - a. Name, aliases, and date of birth
 - b. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features
 - c. Emergency contact information
 - d. Name of the officer initiating use of the informant and any subsequent overseeing agents
 - e. Photograph and criminal history record
 - f. Current home address and telephone number(s)
 - g. Residential addresses in the last five years
 - h. Current employer, position, address, and telephone number
 - i. Social media accounts
 - j. Marital status and number of children

- k. Vehicles owned and their registration numbers
 - l. Places frequented
 - m. Gang affiliations or other organizational affiliations
 - n. Briefs of information provided by the CI and the CI's subsequent reliability
 - o. Special skills and hobbies
 - p. Special areas of criminal expertise or knowledge
 - q. A copy of the signed informant agreement
5. CI files must be maintained in a separate and secured area.
 6. The file supervisor must ensure that information concerning CIs is strictly controlled and distributed only to officers and other authorities who have a need and a right to such information.
 7. CI File Review
 - a. Sworn personnel may review an individual's CI file only upon the approval of the agency's chief executive or their designee.
 - b. The requesting officer must submit a written request explaining the need for review. A copy of this request, with the officer's name, must be maintained in the individual's CI file.
 - c. Officers must not remove, copy, or disseminate information from the CI file.
 - d. CI files must be reviewed only in designated areas of the law enforcement facility and returned as soon as possible to their secure file location.
 - e. All disclosures or access to CI files must be recorded by the file supervisor, to include information such as the requesting officer or agency, the purpose of access or disclosure, the information conveyed, and the date and time of access or dissemination.
 - f. No portion of an individual's CI file must be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.

F. Deactivation of Confidential Informants

A CI deactivation procedure must be established as follows:

1. The overseeing agent must complete a deactivation form that includes, at minimum, the following:
 - a. The name of the agency.
 - b. The name of the CI.
 - c. The control number of the CI, where applicable.
 - d. The date of deactivation.
 - e. The reason for deactivation.
 - f. A notification that contractual agreements regarding monetary re-numeration, criminal justice assistance, or other considerations, specified or not, are terminated.
 - g. A notification that the agency will provide and assist the CI with referral to health services for assistance with any substance abuse disorder and/or physical, mental, or emotional health concerns, as requested or accepted by the CI.
 - h. A signature by the CI or documentation indicating the reason(s) why the CI was unable or unwilling to sign the form.

- i. A signature by the overseeing agent.
2. All reasonable efforts must be taken to maintain the safety and anonymity of the CI after deactivation.

G. Monetary Payments

Monetary payments must be managed as follows:

1. All monetary compensation paid to CIs must be commensurate with the value of the information or assistance provided to the agency.
2. All CI payments must be approved in advance by the officer in charge of confidential funds.
3. Officers must provide accounting of monies received and documentation for confidential funds expended. Any documentation of monies paid or received should not contain the true identity of the informant but should use the CI's control number.
4. Two officers must be present when making payments or providing funds to CIs.
5. The appropriate individual, as designated by the agency's chief executive, must ensure that the process for authorization, disbursement, and documentation of CI payments, as well as the accounting and reconciliation of confidential funds, is consistent with agency policy.
6. If a CI is authorized to work with another law enforcement or prosecutorial agency, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each agency and consistent with provision III.F.1. of this policy.
7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.

**Model Sexual Assault Investigation
Policy Olmsted County SO.pdf**

I. PURPOSE

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

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

II. POLICY

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

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

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

III. DEFINITIONS

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

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

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

- (3) Corroboration of the victim's testimony is not required to show lack of consent.
- B. **Child or Minor:** a person under the age of 18.
- C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.
- D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:
- (1) spouses or former spouses;
 - (2) parents and children;
 - (3) persons related by blood;
 - (4) persons who are presently residing together or who have resided together in the past;
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
 - (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 - (7) persons involved in a significant romantic or sexual relationship
- F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.
- I. **Vulnerable Adult:** any person 18 years of age or older who:
- (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

- (2) receives services at or from a facility required to be licensed to serve adults under sections [245A.01](#) to [245A.15](#), except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- (3) receives services from a home care provider required to be licensed under sections [144A.43](#) to [144A.482](#); or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections [256B.0625, subdivision 19a, 256B.0651](#) to [256B.0654](#), and [256B.0659](#); or
- (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

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

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

B. Initial Officer Response

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

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- 4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

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

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 - 1) Whether the suspect was known to the victim
 - 2) How long the victim knew the suspect
 - 3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 - 4) The extent of their previous or current relationship
 - 5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 - 6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 - 7) Relevant communication through social media, email, text messages, or any other forms of communication

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

1. Minors and Vulnerable Adults

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

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - (1) Ensuring the safety of the victim;
 - (2) Ensuring the scene is safe;
 - (3) Safeguarding evidence where appropriate;
 - (4) Collecting any information necessary to identify the suspect; and
 - (5) Addressing the immediate medical needs of individuals at the scene

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

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

- d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.
 - e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.
2. Victims of Domestic Abuse
- Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
- 2) Crime Victim Rights: Officers must provide the following information to the victim:
 - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
 - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
 - d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.
- 4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

- 1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:
 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

- c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

- 1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
 - a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
 - b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
 - c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
 - d. Ask the victim for a signed release for access to medical records from the exam.
- 2) Officers should not be present during any part of the exam, including during the medical history.
- 3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

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

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
- 2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong

consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

- 3) When possible, an attempt would be made to interview the suspect in person.
- 4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
 - b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
- 5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

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

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

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

J. Role of the Supervisor

Supervisors may do the following:

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

K. Case Review/Case Summary

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

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

**MN POST Professional Conduct of
Peace Officers Model Policy.pdf**

PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY
MN STAT 626.8457

I. POLICY

It is the policy of the _____ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

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

A. PRINCIPLE ONE

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

1. Rationale: Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. Rules

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

B. PRINCIPLE TWO

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

1. Rationale: Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. Rules

- a) Peace officers shall carry out their duties with integrity, fairness and impartiality.

- b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.
- f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

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

1. **Rationale:** Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.
2. **Rules**
 - a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
 - b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

D. PRINCIPLE FOUR

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

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.
2. **Rules**

- a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in **c**).
- b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
- c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.
- d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
- f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.
- g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.
- h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

E. PRINCIPLE FIVE

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

1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.
2. **Rules**
 - a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

- b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

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

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

2. Rules

- a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.
- b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
- c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- e) Peace officers shall:
 - not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
 - maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
 - not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

G. PRINCIPLE SEVEN

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

1. **Rationale:** For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions

where those actions would or could conflict with the officer's appropriate responsibilities.

2. Rules

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

H. PRINCIPLE EIGHT

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

1. **Rationale:** Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

2. Rules

- a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- b) Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
- c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

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

**Professional-Conduct-of-Peace-Officers-
Model-Policy Olmsted County SO.pdf**

PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY
MN STAT 626.8457

I. POLICY

It is the policy of the Olmsted County Sheriff's Office to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

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

A. PRINCIPLE ONE

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

1. **Rationale:** Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. **Rules**

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

B. PRINCIPLE TWO

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

1. **Rationale:** Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. **Rules**

- a) Peace officers shall carry out their duties with integrity, fairness and impartiality.

- b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.
- f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

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

1. **Rationale:** Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.
2. **Rules**
 - a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
 - b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

D. PRINCIPLE FOUR

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

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.
2. **Rules**

- a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in **c**).
- b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
- c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.
- d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
- f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.
- g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.
- h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

E. PRINCIPLE FIVE

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

1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.
2. **Rules**
 - a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

- b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

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

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

2. Rules

- a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.
- b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
- c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- e) Peace officers shall:
 - not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
 - maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
 - not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

G. PRINCIPLE SEVEN

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

1. **Rationale:** For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions

where those actions would or could conflict with the officer's appropriate responsibilities.

2. Rules

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

H. PRINCIPLE EIGHT

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

1. **Rationale:** Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

2. Rules

- a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- b) Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
- c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

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

Planning Worksheet.jpg

1046.jpg

Assigned Vehicle Worksheet.JPG

Model Sexual Assault Investigation Policy.pdf

I. PURPOSE

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

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

II. POLICY

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

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

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

III. DEFINITIONS

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

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

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

- (3) Corroboration of the victim's testimony is not required to show lack of consent.
- B. **Child or Minor:** a person under the age of 18.
- C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.
- D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:
- (1) spouses or former spouses;
 - (2) parents and children;
 - (3) persons related by blood;
 - (4) persons who are presently residing together or who have resided together in the past;
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
 - (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 - (7) persons involved in a significant romantic or sexual relationship
- F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.
- I. **Vulnerable Adult:** any person 18 years of age or older who:
- (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

- (2) receives services at or from a facility required to be licensed to serve adults under sections [245A.01](#) to [245A.15](#), except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- (3) receives services from a home care provider required to be licensed under sections [144A.43](#) to [144A.482](#); or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections [256B.0625, subdivision 19a, 256B.0651](#) to [256B.0654](#), and [256B.0659](#); or
- (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

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

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

B. Initial Officer Response

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

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- 4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

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

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 - 1) Whether the suspect was known to the victim
 - 2) How long the victim knew the suspect
 - 3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 - 4) The extent of their previous or current relationship
 - 5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 - 6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 - 7) Relevant communication through social media, email, text messages, or any other forms of communication

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

1. Minors and Vulnerable Adults

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

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - (1) Ensuring the safety of the victim;
 - (2) Ensuring the scene is safe;
 - (3) Safeguarding evidence where appropriate;
 - (4) Collecting any information necessary to identify the suspect; and
 - (5) Addressing the immediate medical needs of individuals at the scene

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

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

- d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.
 - e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.
2. Victims of Domestic Abuse
- Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
- 2) Crime Victim Rights: Officers must provide the following information to the victim:
 - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
 - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
 - d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.
- 4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

- 1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:
 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

- c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

- 1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
 - a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
 - b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
 - c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
 - d. Ask the victim for a signed release for access to medical records from the exam.
- 2) Officers should not be present during any part of the exam, including during the medical history.
- 3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

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

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
- 2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong

consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

- 3) When possible, an attempt would be made to interview the suspect in person.
- 4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
 - b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
- 5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

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

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

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

J. Role of the Supervisor

Supervisors may do the following:

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

K. Case Review/Case Summary

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

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

**MN Public Assembly-First
Amendment Rights Model Policy .pdf**

Public Assembly and First Amendment Activity

References:

Minn. Rules 6700.1615

[First Amendment US Constitution](#)

[Minnesota Constitution](#)

[609.705. Unlawful Assembly](#)

[609.71 Riot](#)

[609.066 Authorized Use of Force by Peace Officers](#)

[609.06 Authorized Use of Force](#)

1) PURPOSE

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

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

The [\(law enforcement agency\)](#) supports all people's fundamental right to peaceably assemble and their right to freedom of speech and expression.

The purpose of this policy is to provide guidelines to the [\(law enforcement agency\)](#) personnel regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment Activity.

2) POLICY

The [\(law enforcement agency\)](#) will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority required to address a crowd management or crowd control issue.

The policy of the [\(law enforcement agency\)](#) ("department") regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a public assembly or First Amendment activity. Department personnel must not harass, intimidate, or discriminate against or unreasonably interfere with persons engaged in the lawful exercise of their rights.

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

the event.

This policy is to be reviewed annually.

3) DEFINITIONS

- A. Chemical Agent Munitions: Munitions designed to deliver chemical agents from a launcher or hand thrown.
- B. Control Holds: Control holds are soft empty hand control techniques as they do not involve striking.
- C. Crowd Management: Techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.
- D. Crowd Control: Techniques used to address unlawful public assemblies.
- E. Deadly Force: Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. (Reference: (law enforcement agency's) Use of Force Policy, MN Statutes [609.06 and 609. 066](#))
- F. Direct Fired Munitions: Less-lethal impact munitions that are designed to be direct fired at a specific target.
- G. First Amendment Activities: First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the [Minnesota State Constitution](#).

The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

- H. Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm. (Reference: (law enforcement agency's) Use of Force Policy, MN Statutes [609.06 and 609. 066](#))
- I. Legal Observers – Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities. The following may be indicia of a legal observer: Wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.
- J. Less-lethal Impact Munitions. Impact munitions which can be fired, launched, or

otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing significant potential of causing death.

- K. **Media:** Media means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the press.

4) Law Enforcement Procedures

- A. **Uniform:** All officers responding to public assemblies must at all times, including when wearing protective gear, display their agency name and a unique personal identifier in compliance with this department's uniform policy. The chief law enforcement officer must maintain a record of any officer(s) at the scene who is not in compliance with this requirement due to exigent circumstances.
- B. **Officer conduct:**
1. Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against officers does not constitute a reason for an arrest or for any use of force against such individuals.
 2. Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
 3. Officers must not take action or fail to take action based on the opinions being expressed.
 4. Officers must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity.
 5. Officers must not use a weapon or munition unless the officer has been trained in the use and qualified in deployment of the weapon/munition.
 6. This policy does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

5. Responses to Crowd Situations

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

loitering.

B. Unlawful assembly

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

C. Declaration of Unlawful Assembly

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

D. Crowd Dispersal

1. Crowd dispersal techniques should not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements

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

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

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

A. Use of Batons

1. Batons must not be used for crowd control, crowd containment, or crowd dispersal except as specified below.
2. Batons may be visibly displayed and held in a ready position during squad or platoon formations.
3. When reasonably necessary for protection of the officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
4. Officers must not strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or jab with force to the armpit unless the person has created an imminent threat of great bodily harm to another.
5. Batons shall not be used against a person who is handcuffed except when permissible under this department's Use of Force policy and state law.

B. Restrictions on Crowd Control and Crowd Dispersal

1. Canines. Canines must not be used for crowd control, crowd containment, or crowd dispersal.
2. Fire Hoses. Fire hoses must not be used for crowd control, crowd containment, or crowd dispersal.
3. Electronic Control Weapons (ECWs) must not be used for crowd control, crowd

containment, or crowd dispersal.

4. Motorcycles and police vehicles must not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.
5. Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) may be used as a last resort if other crowd dispersal techniques have failed or have been deemed ineffective.
6. Direct Fired munitions may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.
 - a) Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of Direct Fired munitions. Direct Fired munitions must be used only against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to them self, officers, or the general public; or is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.
 - b) Officers shall not discharge a Direct Fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.
 - c) When circumstances permit, the on-scene supervisor/incident commander must make an attempt to accomplish the policing goal without the use of Direct Fired munitions as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.
7. Aerosol Hand-held Chemical Agents must not be used in a demonstration or crowd situation or other civil disorders without the approval of the on-scene supervisor/incident commander.
 - a) Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
 - b) Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
 - c) When possible, persons should be removed quickly from any area where hand held chemical agents have been used. Officers must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent.
 - d) A subject who has been sprayed with a hand-held chemical agent shall not be left lying on their stomach once handcuffed or restrained with any device.
9. Chemical munitions use in a crowd situation is subject to the following:
 - a) Chemical munitions must be used only when:
 - 1) a threat of imminent harm or serious property damage is present, or

other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,

- 2) sufficient egress to safely allow the crowd to disperse exists, and
 - 3) The use of chemical munitions is approved by the on-scene supervisor/incident commander, and
- b) When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions.
 - c) Deployment of chemical munitions into a crowd must be avoided to prevent unnecessary injuries.
 - d) CN chemical munitions are prohibited.
 - e) The use of each chemical munition must be recorded (time, location), and the following information must be made available by the department on request :
 - 1) the name of each chemical munition used in an incident,
 - 2) the location and time of use for each munition deployment,
 - 3) access to the safety data sheet (SDS) for chemical munition
 - f) Where extensive use of chemical munitions would reasonably be anticipated to impact nearby residents or businesses, agencies should consider proactively notifying impacted individuals of safety information related to the munitions use as soon as possible, even if after the event.
 - g) When chemical munitions are used, an emergency responder will be on standby at a safe distance near the target area when feasible.
 - h) Chemical munitions are subject to the same procedural requirements as outlined in the (law enforcement department)'s UOF policy.

C. Arrests

1. If the crowd has failed to disperse after the required announcements and sufficient time to disperse, officers may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests.
2. Persons who make it clear (e.g., by non-violent civil disobedience) that they seek to be arrested may be arrested and must not be subjected to other dispersal techniques, such as the use of batons or chemical agents. Persons refusing to comply with arrest procedures may be subject to the reasonable use of force.
3. Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of soft empty hand control holds.
4. Officers must document any injuries reported by an arrestee, and as soon as practical, officers must obtain professional medical treatment for the arrestee.
5. Juveniles arrested in demonstrations shall be handled consistent with department policy on arrest, transportation, and detention of juveniles.
6. Officers arresting a person with a disability affecting mobility or communication must follow the department policy on arrest, transportation, and detention of persons with disabilities.

6. Handcuffs

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

7. Media.

- A. The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums.
- B. The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble.
- C. Officers will not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity.
- D. The media must not be targeted for dispersal or enforcement action because of their media status.
- E. Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

8. Legal Observers

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

9. Documentation of Public Assembly and First Amendment Activity

- A. The purpose of any visual documentation by (law enforcement agency) of a public assembly or first amendment activity must be related only to:
 - 1) Documentation of the event for the purposes of debriefing,
 - 2) Documentation to establish a visual record for the purposes of responding to citizen complaints or legal challenges, or
 - 3) Creating visual records for training purposes.

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