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# Kasson Police Department Policy and Procedures Manual



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DEPARTMENT ORDERS/RECORD OF CHANGE

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DEPARTMENT ORDERS (To be added as needed)

# **KASSON POLICE DEPARTMENT POLICY MANUAL FOR POLICE OFFICERS**

## **INTRODUCTION**

The policy manual of the Kasson police department is designed to serve as a uniform set of guidelines for the operation, function, and appearance of the department. It is not intended to deprive staff or line officers of the ability or opportunity to use discretion and common sense in the exercise of their duties. This policy manual will be amended, in writing, at such times as demand for services or changes in the law require modification. It should be noted that this manual is not intended to supersede any collective bargaining agreement, City Policy, State or Federal laws. In any case, where conflicts should arise between this manual and the above-listed exceptions, those exceptions shall apply.

This manual has been compiled for new as well as senior members of the Kasson police department. Within its pages are outlined general rules to guide and regulate the members in the conduct and performance of their duties.

As our society has grown and becomes more complex, the need for such a manual of rules and regulations has become more apparent. The duties and responsibilities of the departmental member have likewise increased with society's growth, and it soon becomes obvious that the individual member cannot remember (nor can he or she be expected to) all the rules, regulations, orders, and procedures he or she must know to function effectively and properly.

This manual of rules and regulations has been developed to meet such needs. It has been designed to be an authority or reference book to consult when a question is raised as to what is the proper policy or procedure which should govern the member's action or conduct in a particular case under certain circumstances. Any manual of rules and regulations admittedly cannot be made so detailed that every answer to every conceivable question on departmental policy or procedure will be found within its pages. Members of the Kasson police department must still continue to rely upon their own intelligence, common sense, good judgment, tact, courtesy, and diplomacy when faced with a problem. It is the intent, however, that any major policy area questions can and will be answered by referring to this manual.

The prime functions of the Kasson police department include the protection of life and property, the preservation of the public peace and order, the prevention and detection of crime, the gathering of facts, evidence, and information necessary for effective prosecution of criminal cases. Apprehension of offenders, the carrying out of lawful orders of the court, enforcement of city ordinances, laws of

the state of Minnesota and the federal government of the United States of America.

In order to accomplish this purpose, police personnel, acting on behalf of the City of Kasson, are endowed with legal authority. They are to use this power cautiously so that justice and equality will be the motives of their endeavors.

As licensed law enforcement professionals, you should remember that you should act not for yourself, but for the public you serve. You are not only creating an impression of your department, but of law enforcement in general in the state of Minnesota.

Respectfully,

Joshua Hanson  
Chief of Police

**ARTICLE #1**  
**Approach Duty Contacts**

**POLICY**

It shall be the policy of the Kasson Police Department that officers use verbal calming techniques when they first encounter belligerent, agitated, frightened, or seemingly confused people. Your verbal approach will dictate the course of handling the situation, and one should use words like, "calm down", "take it easy", "let's talk about the situation".

In the event the verbal calming techniques fail to convince the subject to calm down or cooperate, the officer may use reasonable force in effecting a lawful arrest, execution of civil process, or enforcing an order of the court. Reasonable force may be used to compel compliance with reasonable requirements for his/her control or conduct when executing any other duty imposed by the law.

## **ARTICLE #2**

### **Use of Force and Deadly Force Policy**

*MN Stat. 609.06, 609.065, 609.066 and 626.8452*

Approved by the POST Board August 17, 2020 (Rev. 12/20/2021)

Kasson Police Policy Adopted 12/23/2021

#### **PURPOSE**

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

MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE;  
POLICIES AND INSTRUCTION REQUIRED;  
MN STAT 626.8475 DUTY TO INTERCEDE AND REPORT;  
MN STAT 609.06 AUTHORIZED USE OF FORCE;  
MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; and  
MN STAT 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS.

#### **POLICY**

It is the policy of the Kasson Police Department to ensure officers respect the sanctity of human life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.

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

Officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.

The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.



This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification. This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.

*Section (4) Procedure, paragraphs (g.1-2), are effective March 1, 2021 and thereafter.*

## **DEFINITIONS**

***Bodily Harm:*** Physical pain or injury.

***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.

***Deadly Force:*** Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

***De-Escalation:*** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

***Other Than Deadly Force:*** Force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

***Choke Hold:*** A method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

**Authorized Device:** A device an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:

- obtained training in the technical, mechanical and physical aspects of the device; and
- developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

## **PROCEDURE**

### **General Provisions**

Use of physical force should be discontinued when resistance ceases or when the incident is under control.

Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

All uses of force shall be documented and investigated pursuant to this agency's policies.

### **Duty to Intercede**

Regardless of tenure or rank, an officer must intercede when:

- present and observing another officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and physically or verbally able to do so.

### **Duty to Report**

An officer who observes another officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24

hours to the chief law enforcement officer of the agency that employs the reporting officer.

**De-escalation:**

An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.

Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

**Use of Other Than Deadly Force**

When de-escalation techniques are not effective or appropriate, an officer may consider the use of other than deadly force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances:

- effecting a lawful arrest; or
- the execution of legal process; or
- enforcing an order of the court; or
- executing any other duty imposed upon the public officer by law; or
- defense of self or another.

**Use of Certain Types of Force**

Except in cases where deadly force is authorized as articulated in MN STAT. 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:

- Chokeholds,
- Tying all of a person's limbs together behind a person's back to render the person immobile, or;
- Securing a person in any way that results in transporting the person face down in a vehicle.

***Less than lethal measures must be considered by the officer prior to applying these measures.***

## **Use of Deadly Force**

An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply;

- To protect the peace officer or another from death or great bodily harm, provided that the threat:
  - can be articulated with specificity;
  - is reasonably likely to occur absent action by the law enforcement officer; and
  - must be addressed through the use of deadly force without unreasonable delay; or
  
- To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (a), items (i) to (iii), unless immediately apprehended.

An officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (1a), items (i) to (iii).

Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.

## **Training**

All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates. In addition, training shall be provided on a regular and periodic basis and designed to:

- Provide techniques for the use of and reinforce the importance of de-escalation

- Simulate actual shooting situations and conditions; and
- Enhance officers' discretion and judgement in using other than deadly force in accordance with this policy.

Before being authorized to carry a firearm all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency's policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.

Before carrying an authorized device all officers shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.

Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the officer requiring the use of a device or object that has not been authorized to counter such a threat.

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

### **Recordkeeping Requirements**

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

**ARTICLE #3**  
**Housekeeping Details**

**Section #1:** Employees shall attend department meetings and/or training sessions when they are labeled “Mandatory” in the posting or mailing of date, time, and place of such gatherings. Employees shall be punctual in arriving at said meetings or training sessions.

**Section #2:** When leaving their unit, radio car people will go 10-10 at a café, their home number for meals or coffee. If a hand-held portable radio is available and capable of receiving clear messages from dispatch, this radio will be carried to the meal or break site. Two (2) fifteen-minute breaks during a shift are authorized. Use these breaks to break the routine and stress of normal patrol activity. Leaving your unit for a roadside emergency either to 10-06 and declare the site that you're occupied at and carry your hand-held portable radio or leave the outside speaker PA system on the vehicle to maintain contact with dispatch.

**Section #3:** It shall be the responsibility of each officer in the department to keep a personal calendar of court dates, training sessions, public talks, and special assignments. The reliability and reputation of this department depends on your being conscientious in doing this.

**Section #4:** All employees will follow the federal Communications Commission Rules and Regulations for radio-telephone operators which prohibit: use of obscene, indecent, profane, or insolent language. Also prohibited are superfluous, false, joking or deceptive communications or signals. Bear in mind the Kasson Police Department shares a working frequency with other departments and, consequently, it is important to keep our messages short, clear, and concise.

**ARTICLE #4**  
**Vehicle Pursuit and Emergency Vehicle Operation**  
Minn. Stat. § 626.8458

POST Board Approved 01/25/2024

Kasson Police Policy Adopted 03/01/2024 (Previous Version 06/29/2011)

**I. POLICY**

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

**II. GUIDING PRINCIPLES**

- A decision to pursue should be based upon the totality of information and circumstances reasonably known to the officer at the time the decision is made, recognizing that law enforcement must often make immediate decisions with partial information.
  
- The safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue (Minn. Stat. § 626.8458 Sub. 2 (1)).
  
- No officer will be disciplined for terminating a pursuit.
  
- Officers, when responding to an emergency call or pursuing a fleeing vehicle shall, when approaching a stop sign or red light, slow down as necessary for safety, but may proceed cautiously if they sound a siren or display at least one red light to the front (Minn. Stat. §169.03(2)).

- The speed limitations do not apply to an authorized emergency vehicle responding to an emergency call or vehicle pursuit, although this does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others (Minn. Stat. §169. 177). Officers should consider reducing their speeds and ensuring that the way is clear before proceeding through an intersection or other locations where there is an increased likelihood of a collision with another vehicle or pedestrian. Evaluation of vehicle speeds should take into consideration public safety, officer safety, and the safety of the occupants of the fleeing vehicle.
- Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

### III. DEFINITIONS

1. **Pursuit:** An active attempt by a sworn member operating a patrol unit or specialty unmarked unit to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer directing said driver to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer (Minn. Stat. §609.487).
2. **Termination of a Pursuit:** A pursuit is terminated when the pursuing officer(s) notify dispatch, turn off their emergency lights and sirens, and reduce speed to the posted speed limit.
3. **Divided Highway:** Any highway that is separated into two or more roadways by a physical barrier, or a clearly indicated dividing section constructed so as to impede vehicular traffic.
4. **Channeling:** To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
5. **Compelling Path:** The use of a channeling technique with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver or any vehicle traveling the path has an exit option at the narrowed end.
6. **Pursuit Intervention Technique (PIT):** A driving maneuver designed to stop a fleeing motorist by applying precision vehicle-to-vehicle contact resulting in a predictable spin of the suspect's vehicle, bringing it to a stop.
7. **Flee:** The term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, refuse to stop the vehicle, or use other means with intent



to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle (Minn. Stat. § 609.487 Subd. 1).

8. **Primary Unit:** The law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.
9. **Support Units:** The primary responsibility is to remain in close proximity to the pursuing vehicle(s) so that officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. Support officers may also assume responsibility for radio traffic, and do not take over/assume control of the pursuit.
10. **Other Assisting Units:** Units not actively involved in the pursuit itself but assisting by deploying stop sticks, blocking intersections, compelling paths, or otherwise working to minimize risk.
11. **Ramming:** The deliberate act of impacting a fleeing offender's vehicle with another vehicle to functionally damage or otherwise force the violator to stop.
12. **Spike Strips:** A device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.
13. **Blocking or vehicle intercept:** A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.
14. **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.
15. **Paralleling:** The practice of non-pursuing squad vehicles driving on streets nearby to the active pursuit, in a manner parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws. Minn. Stat. § 169.14, subd. 1.

#### **IV. PROCEDURE**

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

1. Pursuit is justified when the need for immediate apprehension or the risk to public safety outweighs the risk created as a result of the pursuit.
2. Factors to be considered when weighing risks:
  - The severity of the offense (in cases of non-violent offenses, officers should consider terminating the pursuit).
  - Speed of the pursuit
  - Area of the pursuit (including the geographical area, time of day, amount of vehicular and pedestrian traffic)
  - Divided highways and one-way roads (Minn. Stat. § 169.03 Subd. 3)

- Approach to intersections that are controlled by traffic signals, signs, or other locations where there is an increased likelihood of a collision (Minn. Stat. §169.03)
  - Environmental conditions (weather, visibility, road surface conditions)
  - Special hazards (school zones, road construction, parades, special events)
  - The ability to identify the offender at a later time
  - Age of the suspect and occupants
  - Other persons in or on the suspect vehicle
- 3.** Standards applied to the ongoing evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following considerations:
- The immediate need to apprehend the offender outweighs the risk created by the pursuit.
  - The dangers created by the pursuit exceed the dangers posed by allowing the offender to escape.
  - Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

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

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

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

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

- **T** Travel direction/location/traffic and road conditions
- **R** Reason for initial contact (specific violations)
- **I** Identity of fleeing driver, if known
- **P** Plate number, if available, and/or vehicle description
- **S** Speed of fleeing vehicle

1. Provide relevant evolving information to dispatch
2. No officer will intentionally make vehicle-to-vehicle contact unless this action is in conformance with agency policy on use of force (see agency policy on use of force)
3. Roadblocks must conform to the agency's policy on use of force
4. Only law enforcement vehicles with emergency lights and siren will be used as pursuit vehicles
5. Unmarked and low-profile agency vehicles may engage in pursuits until a marked vehicle can take over as the primary vehicle. Officers shall not engage in pursuits while operating a non-departmental (private) motor vehicle or departmental vehicles not equipped with required emergency equipment.

#### **D. Procedures & Tactics for support units**

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

#### **E. Supervision of Pursuit Activities**

1. The use of a detached supervisor who is not directly involved in the pursuit, when available, should be considered.

Based on the known information the supervisor, when available, shall monitor the pursuit in order to take appropriate action to continue or terminate the pursuit (Minn. Stat. §626.8458 Subd. 2 (4)).

2. Procedures regarding control over pursuit activities should include:
  - Verbally acknowledge they are monitoring the pursuit.
  - Assess critical information necessary to evaluate the continuation of the pursuit. Evaluate and ensure pursuit is within policy.
  - Direct that the pursuit should be discontinued if it is not justified to continue under the guidelines of this policy or for any other reason.

- Communicate to all involved units if the pursuit should be terminated

3. Options to keep in mind during a pursuit include but are not limited to:

- Parallel pursuits
- Channeling techniques
- Creating a compelling path
- Air support
- Spike strips or other tire deflation devices (STOP Sticks)
- Pursuit Intervention Techniques (PIT)
- Blocking or Vehicle Intercept
- Boxing-in
- Other apprehension
- or GPS tracking methods- Minn. Stat. §626.8458 Subd 2 (3)

4. After each pursuit, the Chief of Police shall be notified as soon as possible.

#### **F. Dispatch Responsibilities**

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

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

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

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

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

1. The primary unit shall update critical information to the dispatcher before leaving its jurisdiction.
2. The primary law enforcement vehicle shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers its authority to another jurisdiction.
3. Upon receiving notification the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.
4. When a pursuit enters this law enforcement agency's jurisdiction:
  - The dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the law enforcement agency.
  - The controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.
5. When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is

expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5)).

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

#### **I. Fresh pursuit outside state boundaries**

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

#### **J. Air Support**

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

#### **K. Pursuit Summary Report**

1. The primary officer and the supervisor shall file a pursuit summary report.
2. To ensure compliance with Minn. Stat. § 626.5532, the chief law enforcement officer shall ensure the completion of the State pursuit report form and forward it to the Commissioner of Public Safety within 30 days following the pursuit.

3. As required in Minn. Stat. §626.5532, the report must contain the following elements:

- a) the reason(s) for, and the circumstances surrounding the pursuit;
- b) the alleged offense;
- c) the length of the pursuit in distance and time;
- d) the outcome of the pursuit;
- e) any injuries or property damage resulting from the pursuit; and
- f) any pending criminal charges against the driver.
- g) other information deemed relevant by the Commissioner of Public Safety.

**L. Care and Consideration of Victims**— Minn. Stat. § 626.8458 Subd. 2 (6)

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

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

**M. Use of Firearms**

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

**N. Capture of Suspects**

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

**O. Evaluation and Critique**

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

## **P. Training**

Per POST requirements, all sworn members shall be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle operation tactics. Emergency Vehicle Operations Course (EVOC) training is minimally required for each officer every five years. This training shall comply with learning objectives developed and approved by the board and shall minimally consist of at least eight hours of classroom and skills-based training every five years per Minn. Stat. § 626.8458 Subd. 5. Continual training should also be considered for those officers authorized to use the PIT maneuver, spike strip deployment, GPS tracking, and related pursuit intervention procedures, tactics, and technologies.



## **ARTICLE #5 ORDERS AND PERSONAL CONDUCT**

### **Section #1:**

**Chief's general orders:** General orders will be conveyed either verbally or in writing and will cover specific functions and/or procedures. Written orders will bear the signature of the chief, and will have the same force and effect and can be construed as part of these rules and regulations.

### **Section #2:**

**Department Policy:** Members shall receive a digital copy of the policy book and from time to time, departmental statements and order on policies will be issued and added to the book. These policies shall be followed by members and shall have the same effect and be construed as part of these rules and regulations. A current copy of this document can be found in Google Drive and it is the copy that officers will use.

Officers will also receive a digital copy of the Kasson PD Standard Operating Procedures (SOPs).

#### [KPD Standard Operating Procedures](#)

The procedures shall be referenced when an officer has questions about a situation and how it pertains to department policies and procedures. When SOPs are updated, officers will be advised of the changes.

### **Section #3:**

**Obeying Orders:** All members shall promptly obey any lawful written or verbal order of any superior; however, obedience to an unlawful order is never a defense for an unlawful action.

### **Section #4:**

**Unlawful Orders:** No command or supervisory officer shall knowingly issue any order that is in violation of any federal, state, or local law or departmental rule or order.

### **Section #5:**

**Acting Superiors:** A member temporarily filling the position of a superior in an acting capacity shall be vested with all the authority and responsibility of the superior.

**Section #6:**

***Officer in Charge:*** At the scene of any occurrence when a superior officer is not present, the senior patrol officer shall be in charge.

**Section #7:**

***Criticism of Orders:*** Members and employees shall not publicly criticize instructions or orders they have received. All criticisms construed to be constructive shall be brought to the attention of the Chief through the chain of command.

**Section #8:**

***Respect to Superiors:*** Every member shall accord respect to his or her commander, superior, or supervisor at all times and shall refrain from conduct calculated to discredit the department or the member supervisors.

**Section #9:**

***Addressing Superiors:*** When addressing superior officers, members shall observe a respectful attitude and use proper title. In private variance from this rule shall be at the discretion of the superior officer. There shall be no variance in public.

**Section #10:**

***Training Bulletins:*** Training bulletins shall be issued to members from time to time. They shall be read and placed in orderly fashion in the member's notebook or file box. Training bulletins will, on occasions, be in conjunction with an order or policy. Information, advice, and suggestions stated therein shall be followed.

**ARTICLE #6**  
**PROFESSIONAL CONDUCT OF PEACE OFFICERS**  
*MN STAT 626.8457*

**POLICY**

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

**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.

***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.

***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 misconduct, the officer shall report the incident to the immediate supervisor's supervisor.

***PRINCIPLE THREE:***

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

- 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.

***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 rule (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.

***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.

## **PRINCIPLE SIX:**

Peace officers shall not compromise their integrity or 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.

***PRINCIPLE SEVEN:***

Peace officers shall not compromise their integrity, or 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.

***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.

**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.

## **ARTICLE #7 ATTENTION TO DUTY**

### **Section #1:**

***Reporting for Duty:*** Members of the department shall be punctual in reporting for duty at times designated by their schedule or unless otherwise directed by their superior officer. Failure to report promptly at the time directed may be deemed neglect of duty and made the subject of disciplinary action. A member should report sickness or illness as soon as possible prior to the time he or she is due to report for duty. Once having reported off sick, the member shall keep the department advised to the status and expected date of return to duty. All illnesses are subject to verification by demand of the department. If the department demands verification in less than three days, that verification will be at the expense of the department. Any absence or illness in excess of three days will require a doctor's certificate of fitness at the employee's expense.

### **Section #2:**

***Absence from Duty:*** Every member or employee who fails to appear for duty at the date, time, and place specified without the consent of a superior officer is absent without leave.

### **Section #3:**

***Sleeping, Loafing or Idling on Duty:*** Sleeping or loafing while on duty will be considered as neglect of duty and will be cause for suspension or dismissal from employment.

### **Section #4:**

***Responding to Calls:*** Members of the department shall respond without delay to all calls for assistance from citizens, or other department members, or agencies. Failure to answer a call for police assistance promptly is cause for disciplinary action. If, due to the volume of calls or shortage of personnel, there becomes a backlog of unanswered assignments, the officer in charge will assign units on a basis of priority. Subordinate personnel shall not challenge such decisions. If a dispute arises, the orders of the superior officer shall be followed and the dispute heard as time shall permit later.

### **Section #5:**

***Immediate Action:*** Except where circumstances make it necessary to report a matter or refer a complaint to a more suitable member or agency, member shall take suitable action or reports and complaints by a private person. Proper

requests for information and assistance shall be promptly fulfilled, and members shall aid the person in otherwise obtaining the requested information (allowed by law and department policy) or assistance.

**Section #6:**

***Off-Duty Reporting in Emergency Cases:*** Members off duty shall, upon notice, report for duty immediately upon receipt of notification and comply with instructions given at the time of notification. In the event of a major disaster, members shall report immediately without notice.

**Section #7:**

***Off-Duty Service:*** Members off duty shall perform necessary police service whenever and wherever they are aware of a need, excluding all traffic violators except driving while intoxicated cases. No member shall attempt to perform a police service in any case when he or she has been drinking alcoholic beverages or taking prescription drugs to a degree that senses and reactions are impaired.

**Section #8:**

***Off-Duty Neighborhood Disputes:*** Members shall not, by virtue of their employment, become involved in neighborhood quarrels or disputes when off duty. Other disinterested and detached persons or agencies should handle these disputes.

**Section #9:**

***Assistance to other Members:*** All members are required to take appropriate police action toward giving aid to another officer exposed to danger or in a situation where danger might be impending.

**Section #10:**

***Citizens and Squad Cars:*** No person will be allowed to ride in a squad car, except for official business, unless approved by the Chief or a supervisory officer.

**Section #11:**

***Neglect-Incapacity or Inefficiency:*** No employee shall neglect their duty and shall in every event attempt to reasonably conclude an assignment during a tour of duty and shall transmit all information to a superior officer. In the event an officer demonstrates incapacity to handle assignments or duties or demonstrates inefficiency, superior officers will take steps to improve the officer's ability;

however, in no case will they allow the mission of the department or officer safety to suffer due to the performance of an individual officer.

**Section #12:**

***Care of Department Property:*** All members are responsible for the safekeeping and proper care of department property. Property shall be used only for official business and in the capacity for which it was designed. Damage to property shall be immediately reported in writing to the Chief.

**ARTICLE #8**  
**COURT APPEARANCE**

**Section #1:**

**Attendance:** Attendance at a court or quasi-judicial hearing as required is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent authority. While appearing in court, either the official uniform or a suit will be worn, or shirt and tie. Weapons will only be displayed while wearing the uniform if not prohibited by the court. Members shall present a neat and clean appearance, avoiding any conduct or mannerisms that might imply disrespect to the court.

**Section #2:**

**Court Demeanor:** Members of the department shall observe the utmost attention and respect towards judges, judicial officers, or other officers of the court at all times. When giving testimony, they shall speak in a distinct, clear, audible tone so as to be easily heard by the court and jury. They shall not chew gum or smoke in court. They shall testify with the strictest accuracy, confining their answers to the case before the court and neither suppress nor overstate the slightest circumstance. They shall not adopt a position favoring or discrediting any person. When cross-examined, they shall answer with the same readiness, clarity, and civility as when testifying in support of the charge, remembering that the ends of justice will be promoted by showing a desire to simply tell the truth, whether it will be in favor or against the defendant.

**ARTICLE #9**  
**UNIFORM DRESS CODE**  
Kasson Police Policy Adopted 12/23/2021

**Section #1:**

It is not mandatory to wear a hat or winter cap while on duty. If a cover is worn, it will be removed in dining areas except in such cases where the atmosphere of the business is such that in leaving it on would not be offensive to the commonly accepted manners of others or in the public in general. All employees will strive to keep their uniforms clean at all times. Pride in your appearance reflects on the quality of your work, on the department, and on the City. When wearing a long-sleeve uniform shirt, a necktie or turtleneck shirt is required. Long-sleeved uniform shirts will be buttoned at the wrist. Black shoes or boots will be worn with the uniform and will be clean and blackened.

**Section #2:**

**Appearance:** All personnel will be expected to be neat and clean in their appearance at all times. The City of Kasson provides uniforms. They shall be kept clean and in good repair. All employees shall be expected to keep their hair trimmed. A mustache will be permitted if it is kept neatly trimmed. Close cropped beards will be allowed and must remain neatly trimmed.

**Section #3:**

The above section shall not be applicable to any officer assigned to a special detail or who has received special permission from the Chief to disregard Section #2 because of occupational or task-oriented needs for special appearance.

**Section #4:**

**Off -Duty Weapons:** Off-Duty weapons may be worn by full-time licensed peace officers only. It will be up to the discretion of the full-time officer whether he/she wants to wear the weapon. To wear an off-duty weapon, these restrictions must be followed:

1. The officer must have qualified at the range for the weapon.
2. No officer shall wear the weapon in a public place who has consumed alcoholic beverages resulting in a BAC of .02 or more.
3. The officer will keep the weapon concealed or as inconspicuous as possible.
4. No officer shall intentionally show the weapon to impress people.  
Violations will result in disciplinary action.

## **Section #5:**

**Soft Body Armor:** Will be provided by the City of Kasson and all officers with the exception of administrative staff whose primary duty is not enforcement, will wear their body armor while actively on duty. Officers working on SE Minnesota Violent Crime task force whose wearing a vest may jeopardize their safety while performing their duties will be exempt from wearing a vest when performing undercover activities.

## **Section #6:**

**Black Mourning Bands:** Mourning bands may be worn on a law enforcement badge only in the following circumstances:

1. Upon the line of duty death of an active law enforcement officer (LEO) in Kasson or Dodge County. The mourning band should be worn for a period of thirty days from the date of death.
2. By all LEO in uniform or in civilian clothing while displaying a badge when attending the funeral of an active LEO. Upon the completion of the funeral, the mourning band shall be removed.
3. Upon the line of duty death of an LEO from Minnesota or a neighboring state. The mourning band will be worn from the date of death and removed at the conclusion of the day of burial.
4. National Peace Officers Memorial Day (May 15th).
5. At the direction of the police chief, when special circumstances dictate that a department display of official mourning is appropriate.



**ARTICLE #10**  
**LICENSE REQUIREMENTS**

**Section #1:**

It shall be the responsibility of the individual officer to comply with continuing educational requirements as set by the Minnesota Peace Officer Standards and Training Board. Any person failing to comply with these requirements will be subject to suspension until such time as the requirements are fulfilled. If the requirements are not met within 30 days, the officer may face dismissal. Any officer having a license revoked or who fails to renew it shall be subject to suspension or dismissal.

**ARTICLE #11**  
**PROBATIONARY OFFICERS**

**Section #1:**

Any person on probation may be discharged by the Chief without recourse with the consent of the Kasson City Council at any time during the probationary period.

**Section #2:**

Probationary period for a new officer will be for a one year period.

**ARTICLE #12**  
**SUBPOENAS, CRIMINAL CASES, CIVIL LAWSUITS**

**Section #1:**

When an officer is requested to testify in a criminal case within the State of Minnesota for the state but out of Dodge County jurisdiction, standard subpoena response conditions will exist. City of Kasson will be responsible as nearly as practicable for transportation and lodging if necessary during the period of testimony if the originating jurisdiction will not pick up such expenses.

**Section #2:**

**Civil Lawsuits:** The policy of the Kasson Police Department for civil related lawsuits requiring an officer's testimony pursuant to a duty connected investigation will be as follows:

1. When required to testify or counsel with a requesting attorney on off-duty time, the officer will be paid twice (2x) his/her current hourly wage. The requesting attorney will pay this amount to the City Clerk. The City of Kasson will in turn reimburse the officer.
2. Should the officer be on duty, the same rate will apply, but will be paid to the City Clerk.

**ARTICLE #13**  
**DOMESTIC ABUSE RESPONSE AND ARREST POLICY**

*Minn. Stat. 629.342*

Kasson Police Policy Adopted 03/15/2016

**POLICY**

It is the policy of the Kasson Police Department to recognize domestic abuse as a serious problem in today's society. This agency's policy is to protect victims of domestic abuse by ensuring its peace officers understand the laws governing this area. Peace officers will utilize this policy in response to calls when there may be domestic abuse. This policy prescribes courses of action peace officers should take in response to a domestic call. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

**DEFINITIONS**

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

- a. ***Domestic Abuse*** has the meaning given it in Minn. Stat. 518B.01, subd. 2(a), which states:

"Domestic abuse" means the following, if committed against a family or household member by a family or household member:

  - (1) physical harm, bodily injury, or assault;
  - (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or
  - (3) terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.
- b. ***Domestic Abuse Program*** means a public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.
- c. ***Child*** means a person under the age of 18.
- d. ***Family or Household Member*** has the meaning given it in Minn. Stat. 518B.01, subd. 2(b)(1)-(7): spouses, former spouses, parents and children, persons related by blood, and persons who are presently

- residing together or who have resided together in the past, persons who have a child in common regardless of whether they have been married or have lived together at any time, and persons involved in a significant romantic or sexual relationship. It also includes a man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.
- e. **Domestic Call** means a request for assistance to a law enforcement agency regarding domestic abuse or any other crime against a family of household member.
  - f. **Qualified domestic violence-related offense (QDVRO)** has the meaning given it in Minn. Stat. 609.02, subd. 16 and includes a violation of or an attempt to violate a domestic abuse order for protection; first or second degree murder; first through fifth degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth degree criminal sexual conduct; malicious punishment of a child; terroristic threats; violation of harassment restraining order; stalking; interference with an emergency call; nonconsensual dissemination of private sexual images; and violation of domestic abuse no contact order; and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories. If a person arrested for a domestic crime has a prior QDVRO, the new offense may be chargeable as a higher-level crime. (See Enhancement Table appended hereto.) If a person arrested for a domestic crime has a prior QDVRO, the new offense may be chargeable as a higher-level crime. (See Enhancement Table appended hereto.)
  - g. **Order for Protection (OFP)** is an order issued under Minn. Stat. 518B.01 by a judge in civil court upon the request of the petitioner. Any family or household member of the abuser (called a respondent) may ask the court for an OFP. The relief granted to the petitioner may include an order for the respondent to stop domestic abuse, no direct or indirect contact with petitioner, temporary custody of minor children, temporary financial support, and/or counseling for the respondent. Other forms or relief are also available. Violating an OFP is a crime.
  - h. **Domestic Abuse No Contact Order (DANCO)** is an order issued under Minn. Stat. 629.75 by a judge in criminal court limiting contact between a defendant and a victim of domestic abuse. DANCOs may be issued as pretrial condition of release and/or as a probationary condition of sentence.
  - i. **Harassment Restraining Order (HRO)** is an order issued under Minn. Stat. 609.748 by a judge in civil court when a petitioner requests a court

order preventing another person from having contact with him/her. These orders generally prohibit all contact of any kind (including, but not limited to, phone calls, letters, e-mail, social media and contact through a third party) and may limit the respondent's ability to come within a certain distance of the petitioner's home, work or school. This type of order can be issued no matter what the relationship between the individuals involved. Violating an HRO is a crime.

- j. **Harassment** has the meaning given to it in Minn. Stat. 609.748, subd. 1(a): a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.
- k. **Stalking** has the meaning given to it in Minn. Stat. 609.749, subd. 1: engaging in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

## **PROCEDURE**

### **A. DISPATCHING THE CALLS**

#### **1. Receiving the Domestic Call:**

Upon receiving a domestic call, the dispatcher will assign domestic calls a high priority and should assign at least two officers to the call. If only one officer is available, all reasonable attempts should be made to obtain another officer to assist the officer who was initially dispatched.

#### **2. Information to be Obtained:**

The dispatcher receiving a domestic call should attempt to elicit from the caller and should communicate to the responding peace officers as much of the following information as possible:

- the nature of the incident;
- the address of the incident, including apartment number, if applicable;
- the telephone numbers where the caller can be reached;
- whether weapons are involved or present in the dwelling;

- whether someone is injured and the nature of the injury;
- information about the suspect including whether the suspect is present, description, direction of flight, mode of travel, etc.;
- the relationship between the caller and the suspect;
- whether there has been prior calls involving these individuals;
- whether there is an order for protection (OFP), harassment restraining order (HRO) or criminal pre-trial or probationary domestic abuse no contact order (DANCO);
- whether children are present at the scene, and
- Whether there are non-English speaking people, or people with mobility impairments or hearing impairments at the scene.

If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone as long as possible and should tell the caller that help is on the way, and when the caller can expect the peace officers to arrive.

If the caller is a witness to an incident in progress, the dispatcher should attempt to keep the caller on the phone and should relay ongoing information provided by the caller to the responding peace officers.

If the responding peace officers are some distance away, and the dispatcher cannot remain on the telephone with the call/victim, the dispatcher should attempt to call back periodically to check on the progress of events, and call again when the officers arrive at the scene. If the dispatcher finds that a victim/caller who was recently available suddenly cannot be reached by phone or there is a persistent busy signal, the dispatcher should relay that information to the officers.

## **B. RESPONDING TO THE CALLS**

1. **Driving to the Scene:** The peace officers should respond directly and without unreasonable delay to the scene.
2. **Initial Contact with Occupants:** Upon arriving at the scene of a domestic call, the responding officers should identify themselves as peace officers; explain their presence, and request entry into the home. The officers should ask to see the person who is the alleged victim. The officers should separate parties prior to taking statements. If the person who called the law enforcement agency is someone other than the subject of the call, the

officer should not reveal the caller's name. The officer should ensure all of the occupants are safe.

### 3. **Entry**

- **Refused Entry** – If refused entry, the officers should be persistent about seeing and speaking alone with the subject of the call. If access to the subject is refused the officers should request the dispatcher to contact the caller.
- **Forced Entry** – If access is still refused and the officers have reason to believe that someone is in imminent danger the officers are permitted to force entry.
- **Search Warrant Entry** – If the officers are refused entry and have no legal grounds for forced entry and have reasonable grounds to believe a crime has been committed; the officers should contact the appropriate authority to obtain a search warrant.

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

## C. **ARREST DECISIONS**

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

- photos of the scene;
- condition of clothing;
- property damage;
- evidence of physical injury including strangulation;
- excited utterances of the victim and the suspect;
- demeanor of the victim and the suspect;
- medical records including the victim's statements to paramedics, nurses and doctors;
- recorded interviews of witnesses including children who may have been present;



- evidence of any prior domestic abuse – related convictions including dates and
- any existing OFPs, HROs or DANCOs.

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

## 2. **Factors Not to be Considered in Making the Arrest:**

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

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

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

- comparative extent of any injuries inflicted;
- fear of physical injury because of past or present threats;
- actions taken in self-defense or to protect oneself;
- the history of domestic abuse perpetrated by one party against the other, or

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

#### D. AUTHORITY AND TYPES OF ARREST

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

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

2. **Level of Arrest for Fifth Degree Assault and Domestic Assault: Misdemeanor, Gross Misdemeanor and Felony:** Assault in the Fifth Degree and Domestic Assault are deemed misdemeanor offenses. However, changes in the statutes have greatly increased the potential for arrests for these crimes at the gross misdemeanor and felony level.
  - a. **Gross Misdemeanors: Minn. Stat. 609.224, subd. 2(a),** Assault in the Fifth Degree, provides for an enhancement to a gross misdemeanor violation when the offense is against the same victim within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency in Minnesota, or any similar law of another state.

If the charge is Domestic Assault (**Minn. Stat. 609.2242**) and the current victim is a family or household member and the crime

occurs within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency of any of the above offenses against any family or household member, the same gross misdemeanor enhancement applies. The prior conviction need not be against a member of the same family or household.

- b. **Felonies:** If a person commits Assault in the Fifth Degree against the same victim within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency, Assault in the Fifth Degree becomes a felony. The same enhancement applies to Assault in the Fifth Degree against any victim occurring within three years of the first of two or more of these convictions.

Domestic assault against a family or household member is also enhanceable under the same circumstances except that the prior convictions may be against any family or household member. According to **Minn. Stat. 609.2247, subd. 2**, whoever assaults a family or household member by strangulation is guilty of a felony.

- 3. **Stalking:** The acts which constitute stalking according to **Minn. Stat. 609.749** include several which are frequently applicable to domestic abuse situations even when no actual assault occurred.
  - a. **Gross Misdemeanors:** A person who stalks another by committing any of the following acts is guilty of a gross misdemeanor:
    1. directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
    2. follows, monitors, or pursues another, whether in person or through any available technological or other means;
    3. returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;
    4. repeatedly makes telephone calls, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;
    5. makes or causes the telephone of another to repeatedly or continuously ring;
    6. repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistance devices for the

- visually or hearing impaired, or any communication made through any available technologies or other objects; or
7. knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties.

Also, according to **Minn. Stat. 609.749., subd.1a.**, the State does not have to prove the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted or intimidated. The intent of the defendant is immaterial. Obtaining a complete domestic abuse history is usually the key to making the determination that the current act, under the circumstances.

- b. ***Felony/Felony Enhancements:*** A person who commits any offense described in 3.a) (see above) against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony.

Any of the above gross misdemeanors is enhanceable to a felony if committed within ten years of a previous QDRVO conviction or adjudication of delinquency OR if committed against a juvenile OR if committed while possessing a dangerous weapon.

In addition, it is a felony to engage in a pattern of stalking conduct with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim.

According to **Minn. Stat. 609.749, subd. 5**, a "pattern of stalking conduct" means two or more acts (convictions are not necessary) within a five-year period that constitute any of the following offenses: murder, manslaughter, terroristic threats, fifth-degree assault, domestic assault, violation of domestic abuse orders for protection, violation of harassment restraining orders, certain trespass offenses, interference with an emergency call, obscene or harassing telephone calls, letter, telegram, or package opening or harassment, burglary, damage to property, criminal defamation, first- to fifth-degree criminal sexual conduct, and violations of domestic abuse no contact orders. The stalking statute makes it more important than ever to document not just

the facts of the current police call but also the history of abuse or stalking.

- c. **Venue (Minn. Stat. 609.749, subp. 1b.):** If a suspect commits acts of stalking in different counties, the acts may be consolidated and prosecuted in any county in which one of the acts was committed. If the conduct that constitutes stalking is done through use of a wireless or electronic communication device, the conduct can be prosecuted in the county where either the suspect or victim resides.
4. **Probable Cause Warrantless Arrest:** The domestic abuse arrest statute (Minn. Stat. 629.72) provides an officer may not issue a citation in lieu of arrest in harassment/stalking, domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order cases. According to Minn. Stat. 629.34, subd.1(c)(5) an officer may also make a warrantless probable cause arrest even if the offense did not occur in the officer's presence if the officer has reasonable cause to believe the offense was a gross misdemeanor or felony (no 72 hour restriction).
5. **Probable Cause Felony Arrests for Other Crimes:** At a domestic call peace officers shall consider whether other felonies have been committed including but not limited to, burglary, felony assault, terroristic threats, kidnapping, false imprisonment, and witness tampering.

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

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

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

A violation of an OFP is a misdemeanor but is enhanceable to a gross misdemeanor if the offense occurs within ten years of discharge from sentence for conviction of violation of an OFP or for any conviction of assault, terroristic threats, violation of a harassment order or harassment/stalking. It is enhanceable as a felony if it occurs within ten years of discharge of the first of two or more such convictions.

OFPs and DANCOs can be verified on the State MNJIS system, also known as the Hot Files. HROs are not in the Hot Files system at this time but are still enforceable.

- b. ***Harassment Restraining Order (HRO)***: A peace officer shall arrest and take into custody a person who the peace officer has probable cause to believe has violated a harassment restraining order pursuant to **Minn. Stat. 609.748, subs. 4 and 5**, if the officer can verify the existence of the order.

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

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

- person's performance of official duties in connection with a judicial proceeding; or
- (6) against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

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

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

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

## **E. ASSISTANCE, STAYING AT SCENE, VICTIM RIGHTS AND SERVICES**

1. **Staying at the Scene:** If no arrest is made peace officers should remain at the scene of the disturbance until they believe that the likelihood of further imminent abuse has been eliminated. If a domestic abuse intervention program is available the peace officer should make contact for immediate intervention.

**NOTE: Minn. Stat. 629.342** provides that when a peace officer does not make an arrest, the peace officer must provide immediate assistance to the victim including obtaining necessary medical treatment and providing the victim with the notice of rights pursuant to **Minn. State. 629.341, subd. 3.**

2. **Assistance to Non-English Speaking Victims or Victims with Communication Disabilities:** The peace officer shall use the resource list established by the law enforcement agency to contact a person to assist in those cases where the participants in the domestic call, including the witnesses, are non-English speaking, are hearing-impaired, or have other

communication disabilities. The officer should avoid the use of friends, family or neighbors serving as the primary interpreter for the investigation.

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

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

4. **Services:** The peace officer should contact the local domestic abuse program by phone as soon as possible on all arrest situations and provide the name and address of the victim and a brief factual account of events associated with the action. This section shall not apply if prohibited by the Minnesota Government Data Practices Act (**Minn. Stat. 13.82, subd. 10**).

## F. CHILDREN

1. **Child Victims:** If a child is present at the scene of a domestic call or is the victim of domestic abuse, the peace officer should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, and comply with the requirements of Minn. Stat. 626.556, Reporting of Maltreatment of a Minor. The officers shall also attempt to verify whether there has been an Order for Protection (Minn. Stat. 260C.201). If the child has been injured, the officer should escort the child to the nearest hospital for treatment.

## G. REPORTS AND FORMS

1. **Written Report:** Peace officers shall make a report after responding to a domestic call. If the officer did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of the reasons for the officer's decision not to arrest must be documented. The report should include the following:
  - detailed statements from the victim, suspect and witnesses;
  - description of injuries;
  - information about past abuse;
  - description of the scene;
  - predominant aggressor;
  - existence of language barriers;
  - presence of elderly victims or those with disabilities; and
  - documentation of evidence.



## H. FURTHER INVESTIGATION

1. A domestic call shall be turned over to the appropriate investigator for further follow-up if appropriate. If there is an arrest, the investigator shall determine the defendant's criminal record, and if there is evidence of a previous conviction, the peace officer should advise the prosecutors of any enhanced criminal sanctions which may be available.
2. Notwithstanding, the fact that the officer has decided not to arrest one of the participants in the domestic call, the peace officer shall thoroughly document all relevant information in the report and shall refer the report to the appropriate prosecutor for review and consideration of criminal charges.

### **Enhancements Table**

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

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

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

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

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

PB Rev 04/2013

**ARTICLE #14**  
**VIOLATIONS**

**SECTION #1: PERSONS SUBJECT TO DISCIPLINARY ACTION**

Any officer or member of the department who violates their trust by committing an offense under the laws of the United States, the state of Minnesota, ordinances or policy of the City of Kasson or like statutes and ordinances of other jurisdictions or violates any of the provisions of these rules and regulations, policies, or procedures of the Kasson Police Department or who disobeys a lawful order or who is guilty of conduct unbecoming an officer is subject to appropriate disciplinary action.

**ARTICLE #15**  
**ALLEGATIONS OF MISCONDUCT POLICY**  
*MN RULES 6700.2200 through 6700.2600*  
*(POST Board Approved 07/22/2021)*  
Kasson Police Policy Adopted 08/18/2021

**PURPOSE**

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

**POLICY**

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

**DEFINITIONS**

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

- A. **Administrative Investigation:** An internal investigation conducted in response to a complaint with the goal of determining whether an employee engaged in misconduct.
  
- B. **Chief Law Enforcement Officer** means the chief of police, sheriff, state law enforcement director or designee. Within this model policy, the chief law enforcement officer will be referred to as CLEO.
  
- C. **Law Enforcement Officer** means an individual who holds a peace officer license in the State of Minnesota. Within this model policy, a law enforcement officer will be referred to as LEO.

D. **Complainant** means a person who submits a complaint to the Agency or CLEO alleging misconduct by an agency member.

E. **Complaint** means a statement alleging behavior that constitutes misconduct.

F. **Member** means all voluntary and compensated personnel of the agency.

G. **Discipline** means any of the following or combination thereof:

- Oral Reprimand
- Written Reprimand
- Suspension
- Demotion
- Discharge

H. **Unfounded** means there is no factual basis for the allegation. The act or acts alleged did not occur.

I. **Exonerated** means a fair preponderance of the evidence established that either:

1. the agency member named in the complaint was not involved in the alleged misconduct; or
2. the act(s) that provided the basis for the complaint occurred; however, the investigation revealed that such act(s) were justified, lawful or proper.

J. **Not Sustained** means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.

K. **Sustained** means a fair preponderance of the evidence obtained in the investigation established that the LEO's actions constituted misconduct.

L. **Policy Failure** means that the complaint revealed a policy failure. The allegation is factual and the LEO(s) followed proper agency procedure, however, that procedure has proven to be deficient.

M. **Respondent** means an individual who is the subject of a complaint investigation.

N. **Misconduct** means:

1. a violation of an agency policy or procedure governing conduct of agency members;
2. conduct by a peace officer that would be a violation of POST Standards of Conduct per Minn. Rules 6700.1600

O. **Policies and Procedures** mean the administrative rules adopted by the agency regulating the conduct of agency members.

P. **Receiving Authority** means the entity who receives and is required to investigate the complaint when the subject of the complaint is a CLEO.

## **PROCEDURE**

### **A. ACCEPTANCE AND FILING OF COMPLAINTS**

1. Complaint forms must be made available through agency personnel, at designated public facilities, and online.
2. Complaints may be received either in person, over the telephone, in writing, or via the internet. A complainant may remain anonymous. The complainant should be advised that remaining anonymous may affect the investigation of the complaint.
3. A complainant may be accompanied by an attorney or other representative at the time a complaint is filed or at any other stage of the process.

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

## **B. INVESTIGATION OF A COMPLAINT**

**1.** Upon receipt of the complaint, the CLEO must make an initial determination as to whether or not the facts alleged require an administrative investigation. If the CLEO decides that an investigation is not required, the disposition of the complaint must be cleared as “unfounded”, “not sustained”, or “exonerated.” The complainant and the respondent will be notified of this decision and the basis for determination. If the complainant supplies additional information within thirty (30) days of that initial determination, the CLEO may reverse this decision and order an administrative investigation.

**2.** If the CLEO determines an administrative investigation is required, an appropriate designee will be assigned to investigate the complaint. When the CLEO believes an external investigation is appropriate or when the CLEO is the subject of the complaint, the investigation will be assigned to an external agency that has no discernible conflict of interest.

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

**4.** The investigator must thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation. If the investigation reveals potential misconduct by another agency member, the investigator must report that fact to the CLEO or, in the case of a complaint against a CLEO, the appropriate city administrator, manager, mayor, county attorney, county administrator or board of county commissioners.

**5.** All agency members must cooperate with the investigation. When the respondent is a licensed peace officer, the investigation must comply with the requirements of MN STAT 626.89 and acts amendatory thereto.

**6.** The investigator must prepare a report that contains all relevant information organized into the following three (3) sections:



- *Allegations:* An itemized summary of the acts of misconduct alleged in the complaint. Reference must be made to those rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations are taken as true.
- *Investigation:* A chronological summary of the investigation including all pertinent facts obtained through interviews with the complainant, accused agency member(s), and all available witnesses. Written statements, descriptions and analysis of any physical evidence, and all other relevant information must be included.
- *Conclusions:* The investigator's findings and conclusions as to whether any misconduct occurred and the underlying reasons for the findings and conclusions.

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

### **C. ADDITIONAL INVESTIGATION, REVIEW AND DISPOSITION**

1. Upon completion of the investigation, the investigator must submit the report, case file and all investigative notes to the CLEO or Receiving Authority. The CLEO or Receiving Authority may require additional investigation or make one of the following decisions:

- Unfounded
- Exonerated
- Not Sustained
- Sustained
- Policy Failure

2. The CLEO or Receiving Authority may postpone making a decision until any related criminal charges are resolved. The complainant and respondent must be informed of this decision.

3. If the decision is “unfounded,” “exonerated,” “not sustained” or “policy failure” the CLEO or Receiving Authority must immediately notify the complainant and the respondent of the decision.
  
4. If the complaint is “sustained” the CLEO or Receiving Authority will:
  - Issue findings of fact including a summary of the acts constituting misconduct and the specific statutes, policies, regulations and procedures violated; and
  - Take appropriate remedial and/or disciplinary action.
  - Advise the complainant of any public information regarding the disposition
  
5. Prior to the implementation of remedial and/or disciplinary action the respondent will be provided with a copy of the findings of fact. The CLEO, Receiving Authority and/or designee must review the findings of fact with the respondent and explain the reasons for the remedial and/or disciplinary action.
  
6. The investigation may be re-opened by the CLEO or Receiving Authority at any time if substantial new evidence is discovered concerning the complaint.
  
7. When a “sustained” disposition is final the respondent may appeal the disposition pursuant to the rules and law governing the accused member's employment.

#### **D. MAINTENANCE AND DISCLOSURE OF DATA**

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

3. The placement of the disposition report or other data in an employee's personnel file must be governed by the agency's personnel policy.

4. Access to data collected, created, or received in connection with this policy and procedure may only be authorized by the CLEO or the agency's Data Practices "Responsible Authority," and as provided by Chapter 13, the "Minnesota Government Data Practices Act," or valid court order.

## **E. POST BOARD REPORTING REQUIREMENTS**

1. Under Minn. Rule 6700.1610, a licensed peace officer must self-report to the POST Board any violations of the Standards of Conduct for peace officers listed in Minn. Rule 6700.1600.

2. Any person with knowledge of peace officer misconduct constituting grounds for action under Minn. Stat. chapter 214, or Minn. Rules 6700.1600, may report the violation to the Board.

3. Minnesota Stat. 626.8457 Subd. 3 requires CLEOs to submit individual peace officer public and private data related to allegations of misconduct to the POST Board in "real time" via the POST Board Misconduct Reporting System.

4. A chief law enforcement officer must update data within 30 days of final disposition of a complaint or investigation.

5. Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in Minn. Stat. 626.8457 Subd. 3 paragraph (b) to the Board. Any such confidentiality agreement is void as to the requirements of this section.

**ARTICLE #16**  
**COOPERATION AND MUTUAL AID**

**SECTION #1:**

It shall be this department's policy to cooperate fully with the public that we serve. It shall also be policy to cooperate with other law enforcement agencies whenever such request is of a reasonable nature.

- A) All officers of this department shall immediately provide assistance to any law enforcement agency that requests assistance. The officer will NOT leave his/her assigned area until requested to do so by the dispatcher or upon hearing a distress call from another officer.
- B) Officers responding into another jurisdiction shall comply with any and all orders of the senior officer in charge of that particular jurisdiction.
- C) Officers, who are requested to respond to another jurisdiction, shall at his/her earliest convenience contact the supervisor so that adequate coverage is maintained in his/her assigned area until his/her return to duty.
- D) All officers shall return to their assigned area as quickly as possible upon the completion of the requested assistance. Officers are to keep in mind that the City of Kasson is their primary concern.
- E) All officers will provide written documentation of the request for assistance.

**ARTICLE #17**  
**CRIMINAL CONDUCT ON SCHOOL BUSES POLICY**  
*MN STAT 169.4581*

**POLICY**

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

**PROCEDURE**

This agency shall:

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

**ARTICLE #18**  
**PREDATORY OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION**  
**POLICY**

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

**POLICY**

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

**DEFINITIONS**

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

**B. *Offender Risk Levels*** means the level of notification is governed by the level of risk assigned by the DOC.

Three possible risk levels can be assigned to an offender. They are:

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

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

**REGISTRATION PROCEDURES**

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

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

If the offender is required to register, contact the BCA POR to verify the offender is already registered and a DNA sample has been submitted.

- If the offender is already registered, complete a *Change of Information Form* included on the BCA's website at [www.dps.state.mn.us/bca](http://www.dps.state.mn.us/bca).
- If the offender is not registered, complete a *Predatory Offender Registration Form* included on the BCA's website at [www.dps.state.mn.us/bca](http://www.dps.state.mn.us/bca).
- If the offender is from another state, contact the state (information for each state is listed on the BCA's website at [www.dps.state.mn.us/bca](http://www.dps.state.mn.us/bca)) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.

It is recommended the agency verify the address of offenders living in their community.

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

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

## **COMMUNITY NOTIFICATION PROCEDURES**

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

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

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

**A. Notification Process**

Law enforcement agencies receive information from the BCA and DOC pertaining to the risk levels of offenders. The duty of law enforcement to provide notification depends on the risk level assigned as described below. Public notification must not be made if an offender is placed or resides in one of the DOC licensed residential facilities (halfway houses) operated by RS-Eden, Alpha House, 180 Degrees, Damascus Way, or Bethel Work Release. Do NOT disclose any information until the law enforcement agency is notified the offender will move to a residential location.

**Level 1** – Information maintained by law enforcement and may be subject to limited disclosure. *See attachment 1: Confidential Fact Sheet – For Law Enforcement Agency Use Only.*

- Mandatory disclosure
  - Victims who have requested disclosure
- Discretionary disclosure
  - Other witnesses or victims
  - Other law enforcement agencies.

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



- In addition to Level 1 disclosures, the law enforcement agency may disclose information to:
  - Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.
  - Individuals likely to be victimized by the offender.
- Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by DOC or DHS.

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

- In addition to Level 2 disclosures, law enforcement shall disclose information to other members of the community whom the offender is likely to encounter, unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.
- A good faith effort must be made to complete the disclosure within 14 days of receiving documents from DOC.
- The process of notification is determined by the agency. The current standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary information. Assistance is available from DOC RA/CN Unit.

## **B. Health Care Facility Notification**

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

## **C. Specialized Notifications**

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

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

## **2. Victim Notification**

Law enforcement agencies in the area where a predatory offender resides, expects to reside, is employed, or is regularly found shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and counteract the offender's dangerousness.

DOC will provide victim contact information to the law enforcement agency when there is a victim who has requested notification. *See attachment 6: VICTIM DATA – CONFIDENTIAL – For Law Enforcement Agency Use Only.*

Law enforcement personnel may directly contact the victim. Community victim advocacy resources may also be available to assist with locating a victim and with providing notification. Assistance is also available from the DOC Victim Services staff.

Law enforcement also may contact other victims or witnesses as well as other individuals who are likely to be victimized by the offender.

## **3. Homeless Notification Process**

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

**ARTICLE #19**  
**SUPERVISION OF PART-TIME PEACE OFFICERS POLICY**  
*MN RULES 6700.1110*

**POLICY**

It is the policy of the Kasson Police Department to protect lives while enforcing the law. In addition, it is the responsibility of this agency to guide its officers in the safe and reasonable performance of their duties. To accomplish these goals the following policy is provided to assist in the regulation of part-time peace officers as required under MN STAT 626.8465 and MN RULES 6700.1101-6700.1300. Part-time peace officers are most effectively utilized as a supplement to regular, fully trained peace officers. The use of part-time peace officers when the need for services would otherwise justify the use of peace officers is discouraged.

**DEFINITIONS**

- A. *Part-time Peace Officer:*** “Part-time peace officer” has the meaning given it in MN STAT 626.84, subd. 1 (d).
  
- B. *Appointment:*** means the official declaration provided by the agency to the POST Board which indicates that the agency has engaged the services of a peace officer or part-time peace officer beginning on a specified date.
  
- C. *Active Duty Status:*** means when a peace officer or part-time peace officer is authorized by agency policy to act as an agent of the appointing authority with power to arrest and authority to carry a firearm.
  
- D. *Hours Worked:*** means the actual number of hours served while the part-time peace officer is on active duty status. All active duty hours must be documented regardless of compensation.
  
- E. *Supervision of Part-time Peace Officer:*** means the part-time peace officer and the designated supervising peace officer are aware of their respective identities; the part-time peace officer has the ability to directly contact the designated peace officer, and the part-time or designated peace officer can achieve direct personal contact within a reasonable period of time.

**PROCEDURES**

It is this agency’s policy that supervision be provided to part-time peace officers by peace officers as required under MN RULES 6700.1110. This policy minimally addresses the following requirements found within the rule including:

- A. When designating a peace officer to supervise a part-time peace officer an agency shall establish written procedures which at a minimum include:
  - 1. how the designated peace officer is to be notified of the designated peace officer's responsibility for assuming supervision of a part-time peace officer;
  - 2. the duties and responsibilities of the designated peace officer in exercising supervisory responsibility for a part-time peace officer;
  - 3. the means by which the part-time peace officer is to notify the designated supervising peace officer that the part-time peace officer is on active duty status; and
  - 4. the means by which the designated supervising peace officer is to be notified when the part-time peace officer is no longer on active duty status.
  
- B. An agency that agrees to designate a peace officer to supervise a part-time peace officer who is not employed by the same agency shall establish at a minimum:
  - 1. all policies required under *MN RULES* 6700.1105, Subpart 2;
  - 2. all policies required under *MN RULES* 6700.1110; and
  - 3. a written joint powers agreement which confers upon the designated supervising peace officer full power and authority within the jurisdiction of the part-time peace officer to be supervised.

## **RESPONSIBILITIES OF THE PART-TIME PEACE OFFICER**

- A. The hours of active duty status during the calendar year of a part-time peace officer are limited to no more than 1,040 hours.
  
- B. A part-time peace officer shall record all active duty hours worked either on the *Part-time Peace Officer Monthly Hour Log* provided by the POST Board, or in an electronic format that includes the same information for each agency by whom the part-time peace officer is appointed. The part-time peace officer shall record the date, time, and total hours of active duty, the name of the agency for which the hours were worked and the name of the designated supervising peace officer assigned for each shift or time entry on the log.
  
- C. On the last day of every month the part-time peace officer shall provide the chief law enforcement officer of every agency for whom the part-time peace officer worked a written notice of the total number of hours worked for all agencies. The notice may be provided on the *Part-time Peace Officer Monthly Hour Log* provided by the POST Board or in an electronic format that includes the same information.

- D. The part-time peace officer shall keep and maintain copies of active duty reporting forms for five years and shall make the forms available to the POST Board upon request.

**POLICY DISTRIBUTION**

Copies of policies required under *MN RULES* 6700.1105 to 6700.1130, must be provided to all part-time peace officers before they are authorized to exercise part-time peace officer authority on behalf of a unit of government. Copies of these policies shall also be distributed to all designated peace officers.

**ARTICLE #20**  
**RESPONSE TO REPORTS OF MISSING AND ENDANGERED PERSONS**  
**POLICY**

*MN STAT 299C.51-299C.5655, 390.25 and 626.8454*

**POLICY**

It is the policy of the Kasson Police Department to establish guidelines and responsibilities for the consistent response to, and investigation of, all reports of missing and endangered persons as defined in MN STAT Chapter 299C.52, subd. 1 (c) and (d) (“Minnesota Missing Children and Endangered Persons’ Program” referred to as Brandon’s Law).

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

The Kasson Police Department recognizes there is a critical need for immediate and consistent response to reports of missing and endangered persons. The decisions made and actions taken during the preliminary stages may have a profound effect on the outcome of the case. Therefore, this agency has established the following responsibilities and guidelines for the investigation of missing and endangered persons. All peace officers, employed by this agency, will be informed of and comply with the procedures contained in this Model Policy.

**DEFINITIONS**

- A. **Missing** has the meaning given it in MN STAT 299C.52, subd. 1 (d), “The status of a person after a law enforcement agency has received a report of a missing person, has conducted a preliminary investigation, and determined that the person cannot be located”.
  
- B. **Endangered** has the meaning given in MN STAT 299C.52, subd. 1, (c), “A law enforcement official has recorded sufficient evidence that the missing person is at risk of physical injury or death. The following circumstances indicate that a missing person is at risk of physical injury or death:
  - 1) the person is missing as a result of a confirmed abduction or under circumstances that indicate that the person’s disappearance was not voluntary;
  - 2) the person is missing under known dangerous circumstances;
  - 3) the person is missing more than 30 days;
  - 4) the person is under the age of 21 and at least one other factor in this paragraph is applicable;

- 5) there is evidence the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication;
- 6) the person does not have a pattern of running away or disappearing;
- 7) the person is mentally impaired;
- 8) there is evidence that the person may have been abducted by a noncustodial parent;
- 9) the person has been the subject of past threats or acts of violence;
- 10) there is evidence the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate and effective investigation and search and rescue efforts are critical; or
- 11) any other factor that the law enforcement agency deems to indicate that the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.

C. **Child** has the meaning given in MN STAT 299C,52, subd. 1 (a), "Any person under the age of 18 years or any person certified or known to be mentally incompetent".

D. **NCIC** means The National Crime Information Center.

E. **CJIS** means The Criminal Justice Information System.

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

## **PROCEDURES**

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

- Initial Response
- Initial Investigation
- Investigation
- 30 Day Benchmark
- Prolonged Investigation, and
- Recovery/ Case Closure

### A. INITIAL RESPONSE

1. As required by MN STAT 299C.53, subd. 1(a), Law Enforcement shall accept, without delay, any report of a missing person. Law enforcement shall not refuse to accept a missing person report on the basis that:

- a. the missing person is an adult;
  - b. the circumstances do not indicate foul play;
  - c. the person has been missing for a short amount of time;
  - d. the person has been missing for a long amount of time;
  - e. there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
  - f. the circumstances suggest that the disappearance may be voluntary;
  - g. the reporting person does not have personal knowledge of the facts;
  - h. the reporting person cannot provide all of the information requested by the law enforcement agency;
  - i. the reporting person lacks a familial or other relationship with the missing person; or
  - j. for any other reason, except in cases where the law enforcement agency has direct knowledge that the person is, in fact, not missing, and the whereabouts and welfare of the person are known at the time the report is filed.
2. Dispatch an officer, to the scene, to conduct a preliminary investigation to determine whether the person is missing, and if missing, whether the person is endangered. The officer shall:
- a. Obtain interpretive services if necessary.
  - b. Interview the person who made the initial report, and if the person is a child, the child's parent(s) or guardian(s).
  - c. Determine when, where, and by whom the missing person was last seen.
  - d. Interview the individual(s) who last had contact with the person.
  - e. Obtain a detailed description of the missing person, abductor, vehicles, etc. and ask for a recent photo of the missing person.
  - f. Immediately enter the complete descriptive and critical information, regarding the missing and endangered person, into the appropriate category of the NCIC Missing Person File.
    - As required by 42 U.S.C. 5779(a) (Suzanne's Law) law enforcement shall immediately enter missing children less than 21 years of age into the NCIC.
    - As required by MN STAT 299C.53, subd. 1(b), if the person is determined to be missing and endangered, the agency shall immediately enter identifying and



descriptive information about the person into the NCIC.

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

## **B. INITIAL INVESTIGATION**

1. Conduct a canvas of the neighborhood and of vehicles in the vicinity.
2. Arrange for use of helpful media coverage.
3. Maintain records of telephone communications/messages.
4. Ensure that everyone at the scene is identified and interviewed separately.

5. Search the home, building or other area/location where the incident took place and conduct a search including all surrounding areas. Obtain consent or a search warrant if necessary.
6. Assign an investigator or officer whose duties will include coordination of the investigation.

### **C. INVESTIGATION**

1. Begin setting up the Command Post/Operation Base away from the person's residence. Know the specific responsibilities of the Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communication Officer, Support Unit Coordinator, and two liaison officers (one at the command post and one at the victim's residence). The role of the liaison at the home will include facilitating support and advocacy for the family.
2. Establish the ability to "trap and trace" all incoming calls. Consider setting up a separate telephone line or cellular telephone for agency use and follow up on all leads.
3. Compile a list of known sex offenders in the region.
4. In cases of infant abduction, investigate claims of home births made in the area.
5. In cases involving children, obtain child protective agency records for reports of child abuse.
6. Review records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
7. Obtain the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.
8. Create a Missing Persons' Profile with detailed information obtained from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.
9. Update the NCIC file, as necessary with any additional information, regarding the missing person, suspect(s) and vehicle(s).
10. Interview delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
11. For persons' under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
12. Determine if outside help is needed and utilize local, state and federal resources related to specialized investigative needs, including:
  - a) Available Search and Rescue (SAR) resources
  - b) Investigative Resources

- c) Interpretive Services
  - d) Telephone Services (traps, traces, triangulation, etc.)
  - e) Media Assistance (Local and National)
13. Secure electronic communication information such as the missing person's cell phone number, email address(s) and social networking site information.
  14. Appoint an officer who shall be responsible to communicate with the family/reporting party or their designee and who will be the primary point of contact for the family/reporting party or designee. Provide contact information and the family information packet (if available) to the family/reporting party or designee.
  15. Provide general information to the family/reporting party or designee about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute any person(s) criminally in the disappearance.

**\*\*\*MISSING FOR OVER 30 DAYS\*\*\***

If the person remains missing after 30 days from entry into NCIC the local law enforcement agency will be contacted by the BCA Missing and Unidentified Persons Clearinghouse to request the following information (if not already received):

- a. DNA samples from family members and, if possible, from the missing person.
- b. Dental information and x-rays.
- c. Additional photographs and video that may aid the investigation or identification.
- d. Fingerprints.
- e. Other specific identifying information.

This information will be entered into the appropriate databases by BCA Clearinghouse personnel. If the person is still missing after 30 days, review the case file to determine whether any additional information received on the missing person indicates that the person is endangered and update the record in NCIC to reflect the status change.

**D. PROLONGED INVESTIGATION**

1. Develop a profile of the possible abductor.

2. Consider the use of a truth verification device for parents, spouse, and other key individuals.
3. Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videotapes, re-interview key individuals and re-examine all physical evidence collected.
4. Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified in the investigation.
5. Periodically check pertinent sources of information about the missing person for any activity such as phone, bank, internet or credit card activity.
6. Develop a time-line and other visual exhibits.
7. Critique the results of the on-going investigation with appropriate investigative resources.
8. Arrange for periodic media coverage.
9. Consider utilizing rewards and crime-stoppers programs.
10. Update NCIC Missing Person File information, as necessary.
11. Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.
12. Maintain contact with the family and/or the reporting party or designee as appropriate.

## **E. RECOVERY/CASE CLOSURE**

### **Alive**

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

## **Deceased**

1. Secure the crime scene.
2. Contact coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
3. Collect and preserve any evidence at the scene.
4. Depending upon the circumstances, consider the need for intervention, counseling or other services for the family/reporting party or designee.
5. Cancel alerts and remove the case from NCIC and other information systems, remove posters and other publications from circulation.
6. Perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate.

**ARTICLE# 21**  
**AVOIDING RACIAL PROFILING AND IMPARTIAL POLICING POLICY**

*MN STAT 626.8471, subd.4* (Post Board Revised 07/2022)

Kasson Police Policy Adopted 08/18/2022

**I. POLICY**

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

**II. DEFINITION**

Racial profiling has the meaning given to it in Minn. Stat. 626.8471, Sub. 2. Which states:

"Racial profiling," means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:

- (1) The behavior of that individual; or
- (2) Information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

**III. PROCEDURES**

**A.** Policing impartially, not racial profiling, is standard procedure for this agency meaning:

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

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

3. Peace officers may take into account the descriptors in paragraph 2. Based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals and this information may be used in the same manner officers use specific information regarding age, height, weight, or other physical characteristics about specific suspects.

**B.** In an effort to prevent the perception of biased law enforcement peace officers shall:

1. Be respectful and professional;
2. Introduce or identify themselves to the citizen and state the reason for the contact as soon as practical unless providing this information will compromise officer or public safety;
3. Ensure the detention is no longer than necessary to take appropriate action for the known or suspected offense;
4. Attempt to answer any relevant questions the citizen may have regarding the citizen/officer contact including relevant referrals to other agencies when appropriate;
5. Provide their last name or badge number when requested.
6. Explain and/or apologize if it is determined the reasonable suspicion was unfounded (e.g. after an investigatory stop).

**C.** Supervisors shall ensure all personnel in their command are familiar with the content of this policy and are in compliance.

#### **IV. DUTY TO REPORT**

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

## **V. VIOLATIONS**

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



**ARTICLE #22**  
**LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES POLICY**  
*MN STAT 169.541*

**POLICY**

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

**DEFINITIONS**

For the purpose of this policy the following definitions apply:

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

**PROCEDURE**

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

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

**ARTICLE #23**  
**Tow/Impound/Inventory Procedure**  
*MN Stat. 168B.035 and 168B.04*  
Kasson Police Policy Adopted 05/29/2020

**PURPOSE**

To establish procedures to be used by Kasson Police Department personnel when towing and/or impounding a vehicle.

**DEFINITIONS**

**Vehicles which may be towed:**

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including but not limited to semi-trailers, tractors, straight trucks, passenger automobiles, motorcycles, scooters, ATV's, trailers and snowmobiles and any device which requires the use of a winch truck or flatbed truck for transportation.

**AUTHORIZATION TO TOW**

To impound a vehicle means to "seize it and retain it in legal custody." Impoundment decisions are governed by state statutes. The legal reasons for impounding vehicles fall into three main categories:

1. To eliminate traffic hazards and threats to public safety or convenience;
2. To safeguard the vehicle and the property contained therein; and
3. Because the vehicle is stolen, or constitutes or contains evidence of a crime.

Minn. **Stat.168B.035, subd. 3(b)** identifies several different circumstances that constitute grounds for officers to tow vehicles. In turn, section **168B.04, subd. 2(a)** provides that officers may take into custody and impound any vehicles found in the circumstances specified under section 168B.035. Thus, if officers are authorized to tow a vehicle under section 168B.035, they are authorized to impound it under section 168B.04.

Following are the circumstances outlined in [Sec. 168B.035](#) that could pertain to the Kasson Police Department and authorize an officer to tow a vehicle:

- (1) the vehicle is parked in violation of snow emergency regulations;

- (2)** the vehicle is parked in a rush-hour restricted parking area;
- (3)** the vehicle is blocking a driveway, alley, or fire hydrant;
- (4)** the vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;
- (5)** the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
- (6)** the vehicle is parked in a disability transfer zone or disability parking space without a disability parking certificate or disability license plates;
- (7)** the vehicle is parked in an area that has been posted for temporary restricted parking (i) at least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or (ii) at least 24 hours in advance in another political subdivision;
- (8)** the vehicle is parked within the right-of-way of a controlled-access highway or within the traveled portion of a public street when travel is allowed there;
- (9)** the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
- (10)** a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
- (11)** the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
- (12)** a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;
- (13)** the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;
- (14)** the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;

(15) the vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or

(16) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section [168B.011](#), and subject to immediate removal under this chapter.

**Please Note:**

Following are examples of situations where, in and of themselves, towing a vehicle is not allowed:

- Uninsured vehicle.\*
- Driver unable to prove ownership of vehicle.\*
- Unlicensed driver.
- The driver has been arrested. (If requested, the driver must be given a reasonable amount of time to find a third party, licensed or unlicensed, who can take responsibility for the vehicle. An arrest does not mean the vehicle is automatically towed.)

***\*When a vehicle's presence on the road is unlawful because of insurance or registration problems, it may only be impounded if left unattended and at least 4 hours have gone by since the citation was issued.***

**TOW LOCATIONS:**

Vehicles may be taken to the following locations as specified:

- ***Towing Agency Facilities:***

Recovered stolen vehicles to be returned to the owner, vehicles towed as the result of an arrest, vehicles towed as the result of an ordinance violation, abandoned vehicles.

- ***Kasson Police Department/Impound Lot:***

Vehicles held for evidence, vehicles to be searched, stolen vehicles held as part of an investigation, vehicles that have been seized for forfeiture.

- ***Private Locations:***

Vehicles with no holds or vehicles directly released to another.

**TOWED VEHICLE/INVENTORY REPORTS**

When a vehicle is towed or impounded, a Towed Vehicle/Inventory Report will be filled out completely according to report writing procedures. The Towed Vehicle/Inventory Report shall be filled out whenever a stolen vehicle is recovered, even if turned over to the owner and in all cases when a vehicle comes under the direct control of the Kasson Police Department. Vehicle keys shall be kept in the designated key box. The impound sheet and tow bill shall be uploaded into the designated records management system either by the officer or administrative assistant. The tow bill will then be forwarded to the Chief.

## **INVENTORY**

Prior to towing the vehicle to a towing agency impound lot the Kasson Police Department officer(s) or authorized personnel from a private agency shall complete an inventory of the vehicle contents. The purpose of the inventory is to:

- 1) Protect property;
- 2) Protect the Kasson Police Department and City of Kasson against disputes over lost or stolen property;
- 3) Protect the Officers and other authorized personnel from potential hazards.

An inventory shall be conducted on all impounded vehicles and officers shall complete, as fully as possible, the Towed Vehicle/Inventory Report. Normally the inventory will be completed at the scene, however, the inventory may be done after the vehicle is moved if it is not safe or practical to do so. If a vehicle is locked and inaccessible (i.e. snow removal tows), the impounding officer shall take pictures of both the interior and exterior of the vehicle to document it's condition and any possessions or valuables that can be seen inside the vehicle. It is strongly encouraged that officers take pictures of vehicles prior to towing whenever possible.

An inventory must only be performed pursuant to a valid impound or tow. An inventory may not be used as an exploratory search for evidence in order to avoid more stringent requirements of criminal investigative searches.

The scope of the inventory shall include all accessible areas including the trunk and engine compartment. Any containers discovered during the inventory may be opened if the officers are unable to determine what's inside the container. All valuables found in the inventory shall be listed on the Towed Vehicle/Inventory Report.

## **TOW AND STORAGE CHARGES**

- Vehicles that are towed and under the control of the Kasson Police Department will be charged a storage fee in the amount found under the City of Kasson fee schedule.
- Before an impounded vehicle is returned to the owner, the owner will pay the tow bill and all storage fees incurred through the day of release.
- Before any property can be removed from an impounded vehicle, that is not subject to forfeiture, the tow fee needs to be paid.
- Only the Chief, Investigator or Sergeant is authorized to forgive any part of towing, storage, or other related fees or charges.

### **VEHICLE RELEASE**

Before the release of any vehicle the Kasson Police Department shall require proof of ownership, along with proof of insurance and a valid driver if the vehicle is not being towed.

Arrangements for the release of a vehicle must be made with the Chief, Investigator, Sergeant or designee during normal Monday through Friday business hours, excluding holidays.

**ARTICLE #24**  
**PROCEDURES FOR DEALING WITH CONTROLLED SUBSTANCE ARRESTS**

Kasson Police Policy Adopted 10/02/2020

**Types of Controlled Substance Arrests**

- Traffic Stops
- Residence
- Arrest / Search Warrants (public, private)

**Seizure Issues**

When a seizure of money or property is established the following criteria will be followed:

- Seizure form filled out, served to suspect as soon as possible (yellow copy).
- Report (complete) and seizure forms (white and pink) placed in the Investigator's box.
- Residences may be seized in some cases so notifications on cases like this need to happen.
- Only seize whole dollar amounts (i.e. \$345.67, only seize the \$345)
- Only seize currency in the amount of \$300 or higher.
- Only seize US currency, unless it is a large quantity. For a large quantity of non-US currency, call the Investigator or one of the other supervisors for guidance.

**BCA Referral's - Drugs to BCA**

- When you have drugs that need to go to the BCA for testing, the officer is responsible for filling out the BCA referral form.
- Once the BCA referral form is complete, put it in the investigators mailbox.
- Less than 42.5 grams of marijuana will only warrant a ticket and no BCA referral. If you are over, call the Investigator or one of the other supervisors and they will give you further instructions.

**Evidence**

- Weigh all drug evidence prior to testing and note the weight with packaging on the evidence bag.
- Test the evidence using a NIK kit test, use very small amount of substance (grain)
- Seal the evidence in a heat-sealed evidence bag and initial all seals.
- Note in your report that you tested the evidence and weighed it.

- Large size of evidence or evidence on someone you may have questions about please call the Investigator.
- Do not transport any unknown liquids or chemicals in a closed vehicle or store them in a closed area (again call for assistance)
- **Officers are discouraged from accepting/collecting syringes for safety reasons. Syringes shall not be placed into evidence unless they are vital to a case. If a syringe must be placed into evidence, USE SHARPS PRECAUTIONS and adhere to the following procedures:**
  1. Protective disposable gloves should be worn for touching blood and bodily fluids and should be changed after each contact.
  2. It is the responsibility of the inventory officer to assure the syringe is properly packaged and clearly marked for safe handling by subsequent personnel.
  3. Photograph the syringe and put the picture in the case file.
  4. Use protective plastic syringe tubes. These tubes can be found in the evidence processing area.
  5. If the syringe has a visible amount of liquid, transfer the contents of the syringe into a plastic evidence bottle as follows:
    - Remove the cap and cover the opening of the bottle with a small piece of red evidence tape. This forms a barrier to prevent the liquid from spraying back at you as you transfer it into the bottle.
    - Insert the needle through the evidence tape and push the plunger. Use caution to make sure you don't stick yourself with the needle or excessively rip the tape.
    - Remove the needle and put the empty syringe into the red biohazard box found in the evidence processing area.
    - Leave the evidence tape in place and seal the bottle with the cap. The cap will fit over the tape and will screw down without issue.
    - Place the bottle in heat-sealed evidence packaging. Initial the seals and secure the item in an evidence locker.
  6. The BCA will not accept syringes with needles for testing. If testing needs to be done on residue inside a syringe, clip the entire needle and turn the syringe into evidence using a plastic syringe tube. Make sure the clipped needle is placed in the red biohazard box.
  7. Needles should not be recapped, bent or broken by hand.
  8. Syringes for destruction should be placed in the red biohazard box. New and unused syringes, in their original sealed containers, may be taken and also placed in the red biohazard box for destruction.



## **ARTICLE #25** **Canine Policy**

### **Purpose**

The purpose of this order is to designate responsibilities and implement procedures for the organization, operation, supervision, training, and utilization of the Kasson Police Department Canine Unit.

### **Discussion**

The use of the canines has proven to be a valuable asset to the law enforcement community. The Kasson Police Department maintains a canine unit to support patrol operation units of this agency. The canine teams are also available to assist other agencies upon request.

### **Policy**

It shall be the policy of the Kasson Police Department to utilize the canine unit to search buildings, track persons, apprehend criminal suspects, locate evidence or contraband, and to assist in crowd control.

## **OPERATIONAL PROCEDURE**

### **I. Organizational Structure:**

- The overall administration of the canine unit shall be the responsibility of the Chief of Police.
- The canine unit shall be operationally subordinate to the Sergeants.
- Tactical use and application of the canine unit shall be at the discretion of the individual canine officer.
- The supervisor on duty shall have the discretion to call out the canine unit when the unit is not on duty.

### **II. Supervision:**

The Chief of Police shall oversee the operations of the canine division, including:

- Overall handler selection and supervision.
- Coordinating activities with other officers and law enforcement agencies.
- Public relations.
- Veterinary service.
- Equipment and supplies for the canine unit.

Supervising Sergeant shall be responsible for the normal duty activities of the canine unit to include:

- Consultation, when practical, with canine handlers prior to directing the tactical use of the canine unit.
- When the need for a canine unit is anticipated, a supervisor should be notified and be informed of the incident and the plan for scene security.
- Whenever the use of a police canine causes injury to any person, including members of this or another department, the supervisor shall evaluate the need for medical attention and ensure that the required incident reports are submitted.

### **III. Training:**

- Canine and handler training will be in conformance with standards set forth by the United States Canine Association (USPCA)
- Canine training records shall be maintained and submitted to the Chief of Police
- Canine handlers shall complete training and use logs. These logs will document the dates, times and types of activities they are involved in. All training shall be consistent with USPCA PD-1 requirements.
- Eight hours of duty training is authorized per month. The Chief of Police will approve any special training. All other training will be completed on duty at the City of Kasson facility.

### **IV. Canine Utilization:**

The utilization of departmental canine units is authorized for the following purposes.

- A. Building searches where the search of such by officers would create an unnecessary risk provided that:
  - The canine officer has made reasonable efforts to determine if innocent people are present.
  - The canine officer has given a verbal warning that a canine will enter the area and will locate and may physically apprehend anyone found in the area.
  - Adequate time is given to respond to that warning.
  - Subsequent warnings should be issued for each floor or section of a multi-level building, unless tactically unsound.
  
- B. Tracking and area searches for suspects that have fled from the scene of a crime and are actively engaged in efforts to elude capture. Canines are also available to search for other individuals such as lost children or adults.

C. Apprehension of fleeing or resisting subjects:

- This apprehension refers to a canine handler intentionally releasing or directing a canine to apprehend a criminal suspect.
- This type of apprehension is considered use of force.

D. Protecting police officers and other persons from injury or death.

E. Utilization for crowd control is authorized in the following circumstances:

- To prevent serious injury to a citizen or police officer.
- To prevent a criminal act.
- When specifically requested by a supervisor.

General rules for deployment in crowd control are:

- The on-scene supervisor shall assume authority and responsibility for the canine team deployed.
- Canines shall be leashed at all times unless no other means are available to protect an individual from serious bodily harm.
- Canines should always be used in conjunction with other department members in a coordinated effort.

F. Public relations-oriented demonstrations provided that departmental approval has been given prior to the demonstration.

G. Narcotics detection

**V. Canine Handlers Shall Be Responsible For:**

- The tactical use of their assigned canine, unless acting upon the direction of a supervisor.
- Submitting written reports of canine physical apprehensions and any other injury or any damage to a person's clothing or personal effects as a result of any action on the part of the canine. Immediately notifying a supervisor when their assigned canine physically apprehends or causes any injury to any person whether on duty or off duty, regardless of the location of the incident. If such injury requires treatment at a medical facility, the handler shall also notify the Chief of Police.
- Report any injuries or illnesses suffered by their assigned canine to the Chief of Police.
- Report any death, injuries, or illnesses of an emergency nature to the department's approved veterinarian.
- Maintain a kennel at their residence that complies with all City ordinances that is free of hazards and kept in a sanitary condition.

## **VI. Miscellaneous Provisions:**

- Handlers shall not enter their canine in any show, trial, or exhibition without prior approval from the Chief of Police.
- Handlers shall not use their canine for breeding purposes without prior approval of the Chief of Police.
- All canine inoculations shall be kept current.
- All canines shall be assigned a permanent number to be used for identification purposes.

## **Article #26 Critical Incident**

### **POLICY**

The City of Kasson recognizes that employees involved in critical incidents may be subject to stress reactions both during and post incident. Knowing that these stress reactions may have a corrosive effect on the employee, potentially leading to long term professional and personal problems, the policy of the City will be to provide immediate follow up care to involved employees as the City deems necessary.

### **PURPOSE**

To clearly establish for agency personnel:

- Events which are critical incidents.
- Reporting responsibilities for supervisors.
- Departmental level response to critical incidents.
- Involved employee responsibilities.

### **SCOPE**

This section should be applicable to employees involved in critical incidents directly and may extend to employees with indirect involvement. This policy applies to incidents that occur while the employee is on-duty, at work acting within their capacity as an employee of the City of Kasson.

### **STANDARDS**

#### **DEFINITIONS:**

##### **A. Administrative leave:**

Paid leave granted to an employee that does not affect or reduce the employee's annual/vacation or sick leave balance.

##### **B. Critical incident:**

1. An incident in which deadly force, as defined in MS. 609.066, s1 is used by an officer.
2. An incident resulting in death, great bodily harm, or substantial bodily to an employee of the City of Kasson or to a member or members of the public.
3. Particularly gruesome suicides or homicides, brutal child abuse cases, or several difficult incidents occurring within a short time frame.

4. A life threatening event or an employee involved with a life or death struggle with another.
5. Additional examples of critical incidents may include, but are not limited to:
  - a. Hostage situations
  - b. Pursuits
  - c. Sudden death or serious injury to a child
  - d. Difficult rescue efforts
  - e. A victim and family known by the responder
  - f. A victim with overwhelming traumatic injuries
  - g. Natural disasters or mass casualty incidents
  - h. Significant unfavorable media coverage of an event

**C. Immediate Family Members:**

The employee's spouse, child or stepchild.

**D. Involved Employee:**

An employee of the City of Kasson, or department support personnel who are directly or indirectly involved in a critical incident. This includes but is not limited to; Police Officers, Police Reserves, Records/Clerical Staff, and Police Student Interns.

**REPORTING AND RESPONSIBILITIES**

- A. The senior on-duty officer or department head shall determine if an event is a critical incident as defined by this policy. Occurrences determined to be critical incidents are to be reported immediately to the Chief of Police or City Administrator. Through knowledge of the incident, observation of and discussion with involved employees, the Chief of Police or City Administrator will assess whether or not involved employees will be granted immediate leave from the work place, or continue their respective shifts.
- B. The Chief of Police or City Administrator may grant employees demonstrating an emotional reaction to the incident administrative leave up to three working days in length.
- C. The Chief of Police or City Administrator may extend administrative leave for up to two weeks in duration. Employees seeking administrative leave beyond three days must be engaged in a treatment or counseling program intended to alleviate the effects of the critical incident upon the employee.

## **DUTY OFFICERS OR DEPARTMENT HEAD DOCUMENTATION**

In addition to immediate notification of the Chief of Police or City Administrator the senior on-duty officer or Department Head shall prepare written documentation of the incident prior to completion of the work shift. This report may be a narrative supplemental report or, in the absence of a narrative, a memorandum to the Chief or City Administrator. The Chief of Police or City Administrator may waive this requirement at his/her discretion.

## **CHIEF OF POLICE/DEPARTMENT HEAD RESPONSIBILITIES**

The Chief of Police or Department Head may order debriefings or visits with an experienced licensed psychologist or mental health professional as soon as possible, but no later than 72 hours after the incident. The Chief of Police or City Administrator retains the authority to require attendance by employees involved in a critical incident. Employees required or electing to attend de-briefings or professional visit shall be compensated per contract language or City personnel policy as appropriate.

## **EXTENDING SERVICES TO FAMILY**

Critical incidents not only affect the employee but immediate family members as well. If requested, and at the Chief's or Administrator's discretion, the Police Department or City may assist with arranging professional counseling and follow up care by an experienced licensed psychologist or mental health professional for immediate family members affected by the aftermath of the incident.

## **POST-TRAUMATIC STRESS SYNDROME BENEFIT**

Minnesota State Statute 299A.411 requires law enforcement agencies to provide certain benefits to officers who have been clinically diagnosed as suffering from Posttraumatic Stress Syndrome as a result of the lawful taking of a life and are unable to perform other peace officer job duties provided by the employer. Officers involved in incidents covered by this legislation will be afforded the benefits as required by State Statute.

## **RETURN TO WORK**

Employees placed on leave following involvement in a critical incident may be required to meet with an experience licensed psychologist or

mental health professional to assure that the employee is prepared for return to work.



**Article #27**  
**PROCESSION OF PROPERTY SEIZED FOR ADMINISTRATIVE FORFEITURE**  
*MN STAT 609.531*

Kasson Police Policy Adopted 10/02/2020

**POLICY**

It shall be the policy of the Kasson Police Department that all employees of the agency, all employees assigned to another law enforcement agency's task force and all employees assigned from an outside law enforcement agency to a task force in which this agency serves as the fiscal agent, shall follow all state and federal laws pertaining to the processing of property seized for forfeiture. Training will be provided by the employing law enforcement agency in consultation with the prosecuting authority to officers who may exercise the use of administrative forfeiture in the performance of their assigned duties. Such training to be conducted whenever the agency policy is changed or modified based upon administrative directives, legislative statutes changes and/or relative court decisions. Training may include but not limited to agency policy, directives, electronic or traditional classroom education.

**DEFINITIONS**

**Cash:** money in the form of bills or coins, traveler's checks, money orders, checks or other forms of electronic money or stored value cards, including but not limited to gift cards, debit cards, gift cards/certificates or other negotiable financial instruments.

**Conveyance Device:** a device used for transportation and includes but is not limited to a motor vehicle, trailer, snowmobile, airplane or vessel and any equipment attached to it. The term "conveyance device" does not include property, which is, in fact, itself stolen or taken in violation of the law.

**Firearms/ammunition/firearm accessories:** a device that projects either single or multiple projectiles at high velocity. Ammunition is a term meaning the assembly of a projectile and its propellant. Accessories include but are not limited to holsters, gun cases, firearm optics, suppression devices, cleaning supplies, etc.

**Forfeiture:** the process by which legal ownership of an asset is transferred to a government or other authority.

**Jewelry/Precious Metals/Precious Stones:** The term "precious metals/precious stones" includes items of jewelry such as rings, necklaces and watches 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.

**Forfeiture/Seized Property Reviewer:** an Agency employee responsible for reviewing all forfeiture cases and is the liaison between the Agency and prosecutor's office.

**Seizure:** the act of law enforcement officials taking property, including cash, vehicles, etc. that has been used in connection with or acquired by illegal activities.

### **SEIZED PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE**

The following property may be seized and is presumed under MN STAT 609.5314 to be subject to administrative forfeiture if the item has a retail value of \$50,000.00 or less:

1. All money, precious metals and precious stones found in proximity to:
  - controlled substances;
  - forfeitable drug manufacturing or distributing equipment or devices; or
  - forfeitable records of manufacture or distribution of controlled substances.
2. All conveyance devices containing controlled substances with retail value of \$100 or more if possession or sale of the controlled substance would be a felony under MN STAT Chapter 152.
3. All firearms, ammunition and firearm accessories found:
  - in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
  - on or in proximity to a person from whom a felony amount of controlled substance is seized; or
  - on the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under MN STAT Chapter 152.

***Situations in which forfeiture should not be pursued:***

- Seizure of property not listed above must be processed, reviewed and approved by the unit supervisor.

## **PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When any property as described in the above section is seized, the peace officer making the seizure must prepare the following:

- The proper Notice of Seizure and Intent to Forfeit Property form. This form must be completed to include the following: a list describing each item seized, the name of the individual served with the Notice, location, and the date of seizure. Administrative forfeiture notices are NOT to be given for assets seized under MN STAT 609.5314 if the retail value of the asset exceeds \$50,000.00.
- A receipt for the item(s) seized.

The Notice form also contains information concerning the right to obtain judicial review and the procedure under MN STAT 609.5314 to follow to obtain it. The form must be dated and signed by the peace officer conducting the seizure. An agency case number must be included on the form. The individual from whom property is seized must be given an opportunity to sign the seizure notice form. If the person refuses, the peace officer conducting the seizure must check the appropriate box indicating the refusal to sign. If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the seizure form must be given to the individual served.

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

The peace officer conducting the seizure shall forward the original and pink copy of the seizure notices, seized property processing worksheets, property receipts and reports to the Forfeiture/Seized Property Reviewer within 10 days of seizure.

The peace officer conducting the seizure shall inform the Forfeiture/Seized Property Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

### **Cash**

Peace officers shall not seize cash having an aggregate value less than \$300.00 unless pre-recorded buy funds are included in the cash

seized. Cash shall be recounted and the amount verified by another employee of the Agency. The property bag and/or inventory receipt shall then be co-signed when cash is involved.

All forfeitable cash seized will be turned over to the Forfeiture/Seized Property Reviewer or property/evidence room as soon as practicably possible.

Prior to deposit with the Forfeiture/Seized Property Reviewer, peace officers shall examine all cash seized to determine whether it contains any buy funds. Peace officers shall document the recovery of all buy funds and deposit those funds with the Forfeiture/Seized Property Reviewer to be returned to the appropriate unit's buy fund account.

Peace officers seizing cash shall also prepare a property inventory. If cash is seized from multiple individuals, a property inventory receipt will be completed for each individual. The property inventory receipt shall specify the total amount of cash seized from each individual. The agency property inventory shall also contain a detailed description of all checks, money orders and/or travelers checks or other financial instruments.

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

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

### **Jewelry/Precious Metals/Precious Stones**

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

Peace officers seizing jewelry, precious metals and/or precious stones shall deliver those items to the property/evidence room as soon as practicably possible.

### **Conveyance Device**

Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an agency approved impound facility.

Peace officers shall inventory the conveyance device and its contents in accordance with agency policy. Peace officers shall also complete applicable report forms and distribute them appropriately.

### **Firearms/Ammunition/Firearm Accessories**

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

### **CASE FILE STATUS**

The Forfeiture/Seized Property Reviewer shall forward all changes to forfeiture status to the supervisor who initiated the case.

### **REPORT WRITING**

Peace officers seizing property must complete a report. All reports must include a description of the items seized, where the property is turned-in/inventoried, the name of the individual served, the date the seizure form was served, the name of the serving peace officer and whether or not the individual signed the Notice of Seizure and Intent to Forfeit Property form.

All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible.

## **Article #28**

### **Civil Process: Child Custody Exchanges and Civil Stand-By**

Kasson Police Policy Adopted 03/29/2019

#### **Child Custody Exchange Policy**

The Kasson Police Department, with a few exceptions, will not get involved in child custody exchanges. Should a party contact the police department to request assistance getting a child back from a legal custodial parent, inform the requesting party that we will not remove a child from a custodial parent's home even if the other parent is refusing to follow Court ordered parenting arrangements. Additionally, instruct the requesting party to contact his/her attorney or case manager so the child custody issue can be more appropriately addressed in Court. Following are some exceptions to this policy:

- 1) If a Court order is in place that states Law Enforcement shall get involved if the order is not being followed. The Kasson Police Department will need to see a copy of the order to confirm the intentions of the Court.
- 2) If a requesting party wants an officer for a civil stand-by during a custody exchange at a neutral site, such as a local business. Officers will not respond to anyone's home for custody exchanges unless there is a concern for the safety of the party or child.
- 3) If the requesting party articulates that the child involved is in immediate danger of abuse or neglect. If the officer is unable to determine that the child is in immediate danger and the parents are refusing to compromise, inform all parties that it may be necessary to contact MNPrairie for a family assessment and/or emergency foster home placement.
- 4) If the requesting party articulates that the other parent is criminally depriving them of their parental rights. See MN Statute 609.26 for guidance.

#### **Civil Stand-By Policy**

The Kasson Police Department will do a one-time civil stand-by for parties who need to retrieve property from a residence. The stand-by should be limited to 15 minutes, which is long enough to retrieve items of immediate need such as a change of clothes, toiletries, medications, etc. Should the requesting party want an officer for a longer period of time, they will need to contact a KPD supervisor and make arrangements to hire an off-duty officer. The requesting party will pay a predetermined rate for this service and the officer will be compensated for a minimum of two hours at time and a half.

**Article #29**  
**INVESTIGATION OF SEXUAL ASSAULT**  
*(POST Rev. 02/16/2021)*  
Kasson Police Policy Adopted 02/16/2021

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

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

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

**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 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

## **ARTICLE #30**

### **EYEWITNESS IDENTIFICATION PROCEDURES**

Minn. Stat. 626.8433

Kasson Police Policy Adopted 10/02/2020

#### **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-up**

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.

## **2. Line-up and Photo Array Procedures**

### Basic Procedures for Conducting a Line-up or Photo Array

- a. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.
- b. Whenever possible, a blind presentation shall be utilized. In cases where a blind presentation is not feasible for a photo array, a blinded presentation should be used. Live line-ups must be conducted using a blind presentation.
- c. The line-up or photo array should consist of a minimum of six individuals or photographs. Use a minimum of five fillers and only one suspect.

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

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

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

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

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

*Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat or other changes in*

*appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.*

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

*The individuals are not configured in any particular order.*

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

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

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

- l. 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 the 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:

Sequential Photo Display Form

## ARTICLE #31

### **In-Car Cameras (ICC) Policy**

Kasson Police Policy Adopted 12/03/2020

#### **Purpose**

The primary purpose of In-Car Cameras (ICCs) is to capture information within the range of the recording system that has evidentiary value.

#### **Policy**

It is the policy of this department to authorize and require the use of ICCs as set forth below.

#### **Scope**

This policy governs the use of ICCs in the course of official duties. It does not apply to the use of Body-Worn Cameras (BWCs) or to surreptitious recording devices in undercover operations. The chief or chief's designee may supersede this policy by providing specific instructions for the use of ICCs by individual officers or for specific events or assignments.

#### **Definitions**

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

- A. **MGDPA or Data Practices Act** refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.
- B. **Records Retention Schedule** refers to the General Records Retention Schedule for Minnesota Cities.
- C. **Law enforcement-related information** means information captured or available for capture by use of an ICC that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.
- D. **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.

E. **General citizen contact** means an informal encounter with a citizen that is not and does not become law enforcement-related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation. Examples include, but are not limited to, assisting a motorist by providing directions or summoning a wrecker.

F. **Adversarial** means a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.

G. **Unintentionally recorded footage** is a video recording that results from an officer's inadvertance or neglect in operating the officer's ICC, 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 station house locker rooms, restrooms, and recordings made while officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded.

H. **Official duties**, for purposes of this policy, means that the officer is on duty and performing authorized law enforcement services on behalf of this agency.

### **Use and Documentation**

A. Officers may use only department-issued ICCs and recording devices in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department.

B. Officers shall operate ICC equipment consistent with this policy. Officers shall perform daily function checks of the ICC systems in their assigned vehicle, and shall promptly report any malfunctions to the officer's supervisor.

C. Officers must document ICC use and nonuse as follows:

1. Whenever an officer makes a recording, the existence of the recording shall be documented in an incident report or *[CAD record/other documentation of the event]*.
2. Whenever an officer fails to record an activity that is required to be recorded under this policy or captures only a part of the activity, the officer must document the circumstances and reasons for not recording in an incident report or *[CAD record/other documentation of the event]*. Supervisors shall review these reports and initiate any corrective action deemed necessary.

### **General Guidelines for Recording**

- A. The Department will configure ICCs to record when the vehicle's emergency lights or siren are activated.
- B. Officers shall activate their ICCs when anticipating that they will be involved in, become involved in, or witness other officers of this agency involved in a pursuit, stop of a motorist or pedestrian, search, seizure, arrest, use of force, or adversarial contact.
- C. Notwithstanding Parts (A) and (B), officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so, but such instances of not recording when otherwise required must be documented as specified in the Use and Documentation guidelines, part (C)(2) (above).
- D. Officers shall record all transports and all contacts with members of the public occurring in the officers' own vehicle.
- E. Officers have the discretion to record or not record general citizen contacts.
- F. Officers have no affirmative duty to inform people that an ICC is being operated or that they are being recorded.
- G. Once activated, the ICC 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 officer having charge of a scene shall likewise direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. Officers shall state the reasons for ceasing the recording on camera

before deactivating their ICC. If circumstances change, officers shall reactivate their ICCs as required by this policy to capture information having evidentiary value.

H. Officers shall not intentionally mute the ICC's audio or block the view of any ICC to defeat the purposes of this policy.

\*This provision should be read in conjunction with the statement of purpose set forth above, "to capture information within the range of the recording system that has *evidentiary value*." Circumstances may arise when it would be appropriate for officers to mute the audio recording functionality of their ICCs, such as when conferring about a tactical situation or arrest decision.

I. Notwithstanding any other provision in this policy, officers shall not use their ICCs to record other agency personnel during non-enforcement related activities, such as to make audio recordings during meal breaks or other private conversations, unless the recording is authorized as part of an administrative or criminal investigation.

J. Officers shall not intentionally edit, alter, or erase any ICC recording unless otherwise expressly authorized by the chief or the chief's designee.

### **Special Guidelines for Recording**

Officers may, in the exercise of sound discretion, determine:

A. To use their ICC to record any police-citizen encounter if there is reason to believe the recording would potentially yield information having evidentiary value unless such recording is otherwise expressly prohibited.

B. To use their ICC to take recorded statements from persons believed to be victims of and witnesses to crimes, and persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness, or suspect.

In addition,

C. Officers need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value. Officers may activate their ICCs when dealing with individuals believed to be experiencing a mental health crisis or event. ICCs shall be activated as

necessary to document any use of force and the basis therefore and any other information having evidentiary value, but need not be activated when doing so would serve only to record symptoms or behaviors believed to be attributable to the mental health issue.

### **Downloading and Labeling Data**

A. Each officer using an ICC is responsible for ensuring the proper transfer of the data from his or her ICC system to the Evidence Library system. However, if the officer is involved in a traffic accident, shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of the officer's ICC system and assume responsibility for transferring the data from it.

B. ICC data files shall be labeled at the time of capture or transfer to storage. Personnel should consult with a supervisor if in doubt as to the appropriate labeling.

1. **Traffic-Contact:** Traffic stops or contact with a person in which the information has no evidentiary value with respect to an actual or suspected criminal incident or charging decision.
2. **Traffic-Citation:** The information has evidentiary value with respect to an actual or suspected violation in which a citation was or may be issued.
3. **Evidence-Criminal:** The information has evidentiary value with respect to an actual or suspected criminal incident or charging decision.
4. **Evidence-Force:** Whether or not enforcement action was taken or an arrest resulted, the event involved the application of force by a law enforcement officer of this or another agency.
5. **Evidence-Other:** The recording has potential evidentiary value for reasons identified by the officer at the time of labeling. The incident involved an adversarial encounter. Whether or not enforcement action was taken or an arrest resulted, an officer seized property from an individual or directed an individual to dispossess property.

6. **Test-Not Evidence:** The recording does not contain any of the foregoing categories of information and has no apparent evidentiary value. The events or subject matter that was accidentally recorded.

C. In addition, officers shall flag each file as appropriate to indicate that it contains information about data subjects who may have rights under the MGDPA limiting public disclosure of information about them. These individuals include:

1. Victims and alleged victims of criminal sexual conduct.
2. Victims of child abuse or neglect.
3. Vulnerable adults who are victims of maltreatment.
4. Undercover officers.
5. Informants.
6. When the video is clearly offensive to common sensitivities.
7. Victims of and witnesses to crimes, if the victim or witness has requested not to be identified publicly.
8. Individuals who called 911, and services subscribers whose lines were used to place a call to the 911 system.
9. Mandated reporters.
10. Juvenile witnesses, if the nature of the event or activity justifies protecting the identity of the witness.
11. Juveniles who are or may be delinquent or engaged in criminal acts.
12. Individuals who make complaints about violations with respect to the use of real property.
13. Officers and employees who are the subject of a complaint related to the events captured on video.
14. Other individuals whose identities the officer believes may be legally protected from public disclosure.

D. Labeling and flagging designations may be corrected or amended based on additional information.

### **Access to ICC Data**

A. Personally owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access or view ICC data.

B. Officers may access and view stored ICC video only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. Officers may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident.

C. Officers may display portions of ICC footage to witnesses as necessary for purposes of investigation as allowed by Minn. Stat. § 13.82, subd. 15, as may be amended from time to time. Officers should limit these displays to protect against the incidental disclosure of individuals whose identities are not public.

D. Agency personnel are prohibited from accessing ICC data for non-business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to uploading ICC data recorded or maintained by this agency onto public and social media websites.

E. Officers shall refer members of the media or public seeking access to ICC data to the Police Chief, who will process the request in accordance with the MGDPA and other governing laws. Employees seeking access to ICC data for non-business reasons may make a request for it in the same manner as any member of the public. This provision shall not be construed, however, to permit any conduct that is unbecoming or otherwise prohibited

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

### **Agency Use of Data**

A. Supervisors and other assigned personnel may access ICC data for the purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about officer misconduct or performance. Supervisors may also access ICC data for review of officer performance or compliance with policies and procedures.



B. Nothing in this policy limits or prohibits the use of ICC data as evidence of misconduct or as a basis for discipline.

C. This agency may conduct an audit to check for the occurrence of unauthorized access to ICC data. Randomized sampling may be utilized for this process.

D. Officers should contact their supervisors to discuss retaining and using ICC footage for training purposes. Officer objections to preserving or using certain footage for training will be considered on a case-by-case basis. Field training officers may utilize ICC data with trainees for the purpose of providing coaching and feedback on the trainee's performance.

### **Data Retention**

A. Evidentiary data shall be retained for the period specified in the General Records Retention Schedule for Minnesota Cities. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable retention period.

B. Unintentionally recorded footage shall not be retained.

C. ICC footage that is classified as non-evidentiary, or becomes classified as non-evidentiary, shall be retained for a minimum of 30 days following the date of capture. If information comes to light indicating that non-evidentiary data has evidentiary value or value for training, it may be reclassified and retained for a longer period.

D. The department shall maintain an inventory of ICC recordings.

## ARTICLE #32

### CONFIDENTIAL INFORMANTS POLICY

Minn. Stat. 626.8476

Kasson Police Policy Adopted 06/01/2022

#### I. POLICY

It is the policy of the Kasson police department 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 circumstances 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.

## ARTICLE #33

### LESS LETHAL, CONDUCTIVE ENERGY WEAPONS (CEW), & NON-LETHAL PEPPERBALL

Kasson Police Policy Adopted 11/16/2022

#### **Purpose**

The purpose of this policy is to provide guidelines for the use of non and less lethal control devices and Conductive Energy Weapons (CEW) such as the Taser. Non and less lethal control devices and CEWs have been determined to be effective, less-than-lethal means of gaining compliance from uncooperative subjects who pose an immediate risk of injury or death to officers or bystanders.

#### **Scope**

All officers of the Kasson Police Department will be trained to deploy the department-issued non and less lethal control devices, CEWs, and PepperBall Systems.

#### **Definitions**

Less lethal devices – fire less-lethal kinetic energy munitions that are intended to gain compliance of an uncooperative subject through less lethal means.

Taser/CEW – A battery-operated conductive energy device that uses compressed gas to propel probes.

37/40mm gas launcher - Capable of launching less lethal kinetic energy munitions and/or irritants.

Pepperball Launcher – is a NON-LETHAL system that uses HIGH-PRESSURE AIR (large capacity hoppers) and CO2 (limited capacity magazines) to deliver PAVA powder-filled projectiles from a SAFE DISTANCE.

Pepperball Projectile – a hard plastic frangible (breakable) sphere visually resembling a paintball and designed to immediately burst upon impact (kinetic energy).

PAVVA – A powder based on one of the hottest of the six Capsaicinoids found in pepper plants.

Distraction Round – a loud blast for training and distraction purposes.

#### **Policy:**

#### **A: Application:**

1. The kinetic energy munitions, PepperBall, and CEWs may be used in situations where non-deadly or deadly force is justified to control aggressive and/or combative subjects who pose an active threat to themselves or others, therefore reducing the likelihood of serious injury to

subjects, officers and innocent bystanders.

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

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

ii. The suspect has made credible threats to harm themselves or officers/bystanders.

iii. The suspect or suspects are engaged in riotous behavior and/or throwing dangerous objects at people and officers.

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

2. The need to immediately incapacitate the subject must be weighed against the risk of causing injury or death.

3. Officers are not required or compelled to use approved munitions, PepperBall, and CEWs in lieu of other reasonable tactics if the officer involved determines these munitions, PepperBall, or CEWs cannot be used safely.

4. Verbal warnings of intent to use the device should precede its application unless such warnings would endanger the safety of officers or are not practical. The purpose of the warning is to give the subject a chance to comply, inform other officers of its intended use, and allow innocent bystanders to leave the area.

5. Kinetic energy munitions and CEWs are deployed by aiming at a subject's major muscle groups such as thighs or abdomen.

6. PepperBall systems should primarily target center mass or the ground near the target for area disbursement. If the deployment is ineffective, an alternative targeting location based on training may be used. The head, neck, and spine should be avoided with PepperBall deployments.

7. The head and neck should not be targeted by kinetic munitions, CEWs, and PepperBall solid projectiles unless the suspect poses an imminent threat of serious bodily injury or death, and deadly force would be justified.

8. The kinetic munitions, PepperBall, or CEW may be deployed multiple times, according to training, until control of the subject is obtained.

9. Once munitions, PepperBall, or a CEW are deployed officers should safely move in and restrain the subject as soon as possible.

10. Kinetic munitions, PepperBall, and CEWs may be used to control aggressive animals.

11. Only department-approved kinetic munitions, PepperBall/Launchers, and CEWs shall be carried and deployed.

**B: Safety Considerations:**

1. Kinetic munitions and CEWs should not be used when the subject is in danger of falling from a significant height or when a subject is in water where drowning is a possibility.
2. The effective range of most munitions is between 20ft – 75 ft. Officers should keep in mind the manufacturer's recommendations and their training regarding deployment distances and target area. Pepperball round projectiles are most effective 0-60', shaped projectiles are most effective 3-150'
3. Before discharging munitions or a CEW, the officer should consider such factors as:
  - a. Distance and angle to the target.
  - b. Type of munitions employed.
  - c. Type and thickness of subject's clothing.
  - d. The subject's proximity to others, physical location, and surroundings.
  - e. Whether the subject's actions dictate the need for immediate use.
  - f. The level of a control device used is appropriate.
4. Before use and during monthly inspections, Officers will inspect devices to ensure they are in proper working order and loaded with only approved munitions.
5. Officers are to make every effort to avoid kinetic munitions and CEW probe placement in the face, soft tissue areas, the eyes, neck, groin or genital area, and head.

**C: Medical Treatment:**

- A. Officers must be aware of the possibility of injury that may result from the use of PepperBall, kinetic munitions or CEWs and provide immediate medical treatment if needed to subjects after deployment.
- B. Officers will consult with emergency medical personnel who will determine if the subject's injuries require further medical treatment.

**D: Restricted Uses:**

- A. The kinetic munitions and CEWs shall not be used on individuals exhibiting compliant or passive-resistive behavior.
- B. The kinetic munitions, PepperBall, and CEWs shall not be used on restrained individuals unless the actions of the subject present an immediate threat of bodily harm to themselves or any other person.
- C. The kinetic munitions, PepperBall, and CEWs should not be used on women known to be pregnant unless there is an immediate threat of serious harm or death to themselves or another person.
- D. The kinetic munitions, PepperBall, and CEWs shall not be used in any public or private setting for demonstration purposes except under the following circumstances:
  - (a) The use is specifically approved by the Chief of Police
  - (b) The use is part of an official training course.

**E: Documentation:**

- A. Officers must make every reasonable effort to have any impact areas on the subject's person photographed. When available, an officer of the same sex as the subject should take photographs of all injuries where genitals or breasts are exposed.
- B. Officers are required to fully document in a report the use of any kinetic munitions, PepperBall, and CEWs.
- C. Officers shall log the expended CEW cartridges into evidence after placing them in an appropriate sharps container.

**F: Training and Deployment:**

- A. All officers will be trained by a certified less-than-lethal/non-lethal and Taser/CEW trainer.
- B. Officers must demonstrate proficiency and knowledge once a year with assigned kinetic munitions, PepperBall, and CEW.

**G: Maintenance:**

- A. Officers shall report malfunctions or problems to certified repair personnel or a supervisor.
- B. Repairs will be performed by certified personnel. Cleaning and maintenance will be the responsibility of the assigned officer.
- C. Officers shall perform a monthly CEW function test and exchange/recharge the battery for data upload.

**ARTICLE #34**

# **Take Home Vehicle Policy**

Kasson Police Policy Adopted 03/01/2024

## **Purpose**

The primary consideration for having a city-owned take-home vehicle is based upon relevance to assignment and call-back potential. The purpose of a take-home vehicle is to allow for call back to duty without the requirement of first reporting to the office, along with increased police visibility in the community.

## **Policy**

All take-home vehicles use must be approved by the chief of police. Persons in assignments where take-home vehicles are authorized will not be required to take a vehicle home.

If the person lives outside the Kasson police department service area, they will be required to pay for the fuel consumed driving to and from their home when they report for their regularly scheduled shift. The fee will be set based on the miles the employee drives round trip outside the service area and the IRS mileage rate.

In general, take-home vehicles shall not be permitted for those living outside a 25-mile radius of the city of Kasson. The chief of police may make an exception based on the department's benefit.

Additional policy on take-home vehicle usage:

- City vehicles will not be taken out of state without prior departmental approval.
- No use of take-home squads for outside business.
- Take-home vehicles, except for commuting purposes, are specifically restricted to use within the course and scope of official duties.
- Any personal use of the vehicle, other than “de minimus” personal use, is prohibited.

## **ARTICLE #35**

### **Mental Health Crisis Data**



## Purpose

Minnesota law requires certain entities and mental health providers to supply information to law enforcement, upon proper request, to aid in safely addressing a pending mental health crisis. This policy establishes procedures for requesting, documenting, using, retaining, and safeguarding the privacy of such information.

## Policy

It is the policy of this department to encourage officers to seek and utilize information from mental health professionals, practitioners, and other care providers to aid in the safe resolution of individual crisis situations. Officers may initiate requests for this information when practicable and deemed advisable. Information obtained in response to such requests shall be documented, utilized, and retained in accordance with applicable laws and this policy.

## Definitions

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

- A. **Mental Health Crisis Data (MHCD)** means data on individual clients or patients that is sought and received from community mental health centers, mental health divisions of counties and providers under contract with them, or private sector mental health providers for the purpose of safely responding to a mental health crisis.
- B. **Person in Crisis (PIC)** refers to an individual who is experiencing or is suspected or reported to be experiencing a mental health crisis.
- C. **Requestee** refers to an entity or individual asked to supply Mental Health Crisis Data to a law enforcement agency.
- D. **Requestor** refers to an officer or employee of this agency who makes a request for Mental Health Crisis Data.

## When MHCD may be Sought

Provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.46, subd. 7) and the Minnesota Health Records Act (Minn. Stat. § 144.294, subd. 2) require mental health providers and certain entities to supply information to law enforcement when a client or patient is currently involved in a mental health crisis, and disclosure of the information is necessary to protect the health and safety of that person or another.

These laws use the definition of “mental health crisis” found in Minnesota Statutes, § 256B.0624, subdivision 2(j):

“Mental health crisis” is a behavioral, emotional, or psychiatric situation that, without the provision of crisis response services, would likely result in significantly reducing the recipient’s levels of functioning in primary activities of daily living, in an emergency situation under section 62Q.55, or in the placement of the recipient in a more restrictive setting, including but not limited to inpatient hospitalization.

A situation will qualify as a mental health crisis under this definition, thus enabling the agency to seek mental health data, if:

- A. The subject appears to be experiencing a behavioral, emotional, or psychiatric episode, and
- B. It would likely result in one of the following outcomes, absent the assistance of a mobile crisis provider:
  - 1. The person is unable to take care of basic functions like bathing, eating, dressing, and toileting; or
  - 2. The person needs to be transported to a hospital for an emergency medical condition; or
  - 3. The person being taken into custody for a transport hold; and
- C. The information being sought is necessary to protect the health or safety of the PIC or another.

## **Requesting and Obtaining MHCD:**

Officers should adhere to the following procedures in requesting MHCD:

- A. Officers responding to a mental health crisis may request information themselves or have another officer, a dispatcher, or an appropriate staff member contact requestees with information requests.

B. Entities and individuals that are obligated to respond to requests for information include community mental health centers, mental health divisions of a county, and mental health providers including psychiatrists, psychologists, therapists, mental health professionals, mental health practitioners, and case managers.

C. The purpose of making a request is to obtain information from a mental health provider, familiar with the PIC, about strategies for safely responding to and resolving the pending crisis. To that end, the requestee is obligated to provide a name and phone number for the PIC's psychiatrist, psychologist, therapist, mental health professional, practitioner, or case manager, if known; and strategies to address the mental health crisis.

D. Under the law, the requestee is to provide law enforcement with the minimum information necessary to safely respond to the mental health crisis. It may be necessary and appropriate for the requestor to share information with the requestee about the dynamics and circumstances of the crisis in order to demonstrate law enforcement's need for information. Requestors should not ask for information about the PIC's diagnosis.

E. Once obtained, MHCD may be shared with other officers and members of this agency as is reasonably necessary to safely address the crisis. The information may not be used for any other purpose.

## **Data Practices**

The following shall apply to mental health crisis data obtained by this agency:

A. **What to document.** The requestor shall document their own identity, the name of the PIC, and the identity of the person (or entity, if the name of the person is not available) that supplied data in response to the request for MHCD. In addition:

1. Information obtained about strategies for resolving crisis situations with the PIC, including any circumstances that call for particular approaches, should be documented.
2. Any information that the requestee provided about the PIC's diagnosis should not be documented.
3. The officer assigned as primary on the call shall ensure that the PIC is informed that mental health data was obtained and that this notification to the PIC is documented.

B. **How to label and store the information.** Incident reports that contain MHCD shall be labeled or flagged as such. This data may only be stored on and accessed through city-owned devices.

C. **Private data.** MHCD is and shall be administered as private data on the person in crisis.

D. **Accessing stored MHCD.** Officers and other agency personnel may access MHCD data only when their job assignment reasonably requires access to it. For a peace officer, a business need exists if it is foreseeable that the officer may be tasked in the future to respond to a mental health crisis involving the person who is the subject of the MHCD.

E. **Use of MHCD.** Mental Health Crisis Data may only be used for purposes of responding to mental health crisis situations involving the individual PIC. The data may not be used for any other purpose, such as furthering a criminal investigation or in connection with a charging decision.

F. **Retention of MHCD.** Mental Health Crisis Data may be maintained following the latest mental health crisis known to the agency involving the subject of the MHCD, after which it shall be disposed of in such a way as to prevent its contents from being determined.

## **ARTICLE #36**

### **Responses to Mental Health Crisis**

Kasson Police Policy Adopted 03/23/2023

## Purpose

Significant numbers of people in the United States are affected by mental illness and substance use disorders. This, combined with limited funding for services and treatment, has left law enforcement officers facing expanded responsibilities for addressing mental illness and responding to those in crisis. This policy establishes guidelines for officers responding to mental health crisis situations. However, because of the wide variation in circumstances and the unpredictable nature of human behavior, it will be necessary for officers to rely on their professional judgment and training to assess situations and determine an appropriate course of action.

## Policy

It is the policy of the Kasson police department to provide compassionate, professional, and effective responses to persons experiencing a mental health crisis. Responding officers shall strive to protect the safety of all concerned while respecting the rights and dignity of those in need of service.

## Definitions

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

A. **Emergent danger:** An emergent danger is one that can be expected to play out in the not-too-distant future unless action is taken. A danger need not be immediate or imminent to be emergent.

B. **Mental Health Crisis:** A situation in which an individual's coping mechanisms are overwhelmed, causing them to have an extreme physical, emotional, or behavioral response. A mental health crisis could arise in connection with a person's mental illness, personality disorder, intellectual disability, drug or alcohol use, traumatic brain injury, or extreme circumstances that are beyond the person's capacity to manage.

C. **Mobile Crisis Response Team (MCRT):** A team of mental health professionals and practitioners who provide psychiatric services to individuals within their own homes and at other sites outside the traditional clinical setting. When available, these teams will work to assess the individual, resolve crisis situations, and link persons in crisis to needed services with the goal of providing these services in the least restrictive setting. State laws regulate these teams and impose standards on the services they provide. The Mobile Crisis Response Team serving this area is [Crisis Response of Southeast Minnesota](#).

D. **Person in crisis:** An individual who is experiencing a mental health crisis.

E. **Transport hold:** A legal mechanism under the Minnesota Commitment and Treatment Act, [Minn. Stat. § 253B.051](#), that authorizes peace and health officers to bring people into custody and transport them to a care facility for emergency evaluation and treatment.

F. **988 Suicide & Crisis Lifeline:** A network of local- and state-funded crisis centers located across the United States. Calls to 988 are routed to crisis centers based on area code, to local counselors who are familiar with the resources in their area.

### **Priorities and Objectives**

Providing for the safety of all concerned is a constant, overarching priority when responding to mental health crisis situations. Officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect their ability to understand or comply with commands from peace officers. [Minn. Stat. § 609.066](#), subd. 1a (4). Officers should also demonstrate respect and compassion toward the person in crisis and their family and significant others. Other priorities may vary by situation. To the extent feasible, officers should:

A. Use communication and crisis intervention skills such as active listening to reduce tension, build rapport, and gain voluntary cooperation from the person in crisis.

B. Use strategies and tactics to limit opportunities for the person in crisis to escalate the situation. These may include, for example, containment, eliminating access to weapons, and maintaining distance and cover.

C. Use only the type and degree of force that is reasonably necessary under the circumstances, after efforts to achieve voluntary compliance have failed, appear futile, or when taking time to attempt such measures would involve unreasonable risk.

D. Strive to bring the crisis to a resolution such that the person is stable and safe or provide for the imposition of a transport hold.

### **Mobile Crisis Response Teams:**

A MCRT may be dispatched to a mental health crisis at the request of law enforcement, through 911, or through a 988 Suicide & Crisis Lifeline.

A. Officers may request an MCRT for any mental health crisis situation when the officer believes the team's involvement would be helpful. In determining whether to request an MCRT, officers should be mindful of the team's availability and response time.

B. MCRT members generally have more advanced training than peace officers in managing persons in crisis and assessing persons for risk. Accordingly, it will often be appropriate for officers to defer to determinations by the MCRT as to strategies for de-escalation and resolution, and whether the person in crisis poses a threat to self or others. Nevertheless, officers may respond as appropriate to any circumstances reasonably perceived as creating an immediate threat to officers or others.

C. Officers should remain on the scene with MCRT members until the team communicates to officers that they are no longer needed.

### **Referrals to Services**

Many persons whom officers encounter in crisis situations have unmet needs for mental health and other services and treatment. An important strategy for improving their quality of life and reducing their repeated involvement in crisis situations is to link these individuals with needed services and treatment.

- A. Officers should, if appropriate, make and document their efforts to contact the person who was in crisis following the call for service and offer a referral to services.
- B. Officers may contact service providers on the list to determine what referrals should be offered to individuals based on their individual circumstances.

### **Response, Discretion, and Disengagement**

Officers must rely on their experience, training, and professional judgment to assess the existing and potential risks involved in a mental health crisis situation and then gauge their response and level of involvement accordingly. It may be appropriate in some circumstances for officers to terminate their involvement in a crisis situation before it is resolved.

- A. Officers should respond to MHC calls promptly and without unreasonable delay.

B. Officers should prioritize calls from MCRT members, EMS personnel, or others who credibly report that a situation involves an immediate threat to life or safety.

C. In some circumstances, officer presence at the scene of a crisis could have a detrimental effect, such as by inflaming a particular individual or adding to the stigma experienced by a child or adolescent in a school setting. When a detrimental effect is anticipated and there is no known immediate threat to the safety of the person in crisis or others:

1. Officers may elect to monitor the situation from a distance or stage in the vicinity pending further information.
2. Officers should respond promptly if requested by on-scene MCRT members, school support personnel, EMS personnel, or other co-responders.

D. Where it reasonably appears from the circumstances that officers cannot make face-to-face contact with a person in crisis without a risk of significant escalation or injury, it may be appropriate for officers to disengage. Officers may remain at the scene and attempt contact with the person in crisis by phone or other remote means. Before departing from the scene, officers should consider the safety of bystanders and others and request other professionals to attempt contact with the person in crisis.

### **Transport Holds**

Transport holds may only be imposed as authorized by the Minnesota Commitment and Treatment Act, [Minn. Stat. § 253B.051](#), and the Fourth Amendment. In general, to impose a transport hold, an officer must have reason to believe that the person has a mental illness, developmental disability, or is chemically dependent or intoxicated in public. In addition, the officer must have probable cause to believe the person poses an emergent danger to self or others. The following guidelines also apply:

- A. Officers may rely on a health officer or examiner's written statement in compliance with the requirements of [Minn. Stat. § 253B.051, subd. 2](#), as a basis for taking a person into custody and transporting them to a care facility.
- B. An officer imposing or facilitating a transport hold may request an ambulance, if available, to transport the person to a care facility.



C. As far as practicable, officers should be in plain clothes and use an unmarked vehicle when driving persons to a care facility on a transport hold.

D. Officers making application to admit a person to a care facility shall complete the [Emergency Transport Hold Order](#) and give a copy to the transporting ambulance or officer transporting the person to the care facility.

### **Reports**

The primary officer assigned to a mental health crisis call shall ensure that a written report is completed on the incident if a transport hold is imposed. The report should identify the facility to which the person was taken and include a copy of the transport hold order for admission completed by the officer, or the health officer or examiner's written statement. If more than minimal force (for example, more than an escort hold or the placement of handcuffs) was used, the report shall detail the time and efforts devoted to de-escalating the situation and obtaining the person's voluntary compliance before force was utilized.

### **Training**

All officers will complete mental health and crisis intervention and safe interactions with persons having autism training as required by law, [Minn. Stat., § 626.8469](#).

### **Recordkeeping Requirements**

The chief law enforcement officer shall ensure the agency maintains records of compliance with the crisis intervention and mental illness crisis training requirements of [Minn. Stat., § 626.8469](#).

## **ARTICLE #37**

### **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](#)

Kasson Police Policy Adopted 06/15/2023

**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 Kasson police department supports all people's fundamental right to peaceably assemble and their right to freedom of speech and expression.

The purpose of this policy is to provide guidelines to the Kasson police department personnel regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment Activity.

**2) POLICY**

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

The policy of the Kasson police department 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

1. Chemical Agent Munitions: Munitions designed to deliver chemical agents from a launcher or hand thrown.
2. Control Holds: Control holds are soft empty hand control techniques as they do not involve striking.
3. 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.
4. Crowd Control: Techniques used to address unlawful public assemblies.
5. 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: Kasson police department use of force policy, MN Statutes [609.06 and 609.066](#))

6. Direct Fired Munitions: Less-lethal impact munitions that are designed to be direct fired at a specific target.
7. 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.

8. 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: Kasson police department Use of Force Policy, MN Statutes [609.06](#) and [609.066](#))
9. 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.
10. 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.
11. 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.

#### **A. 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 Kasson police department 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) or Conductive Energy Weapons (CEWs) must not be used for crowd control, crowd containment, or crowd dispersal.
4. Motorcycles and police vehicles must not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.
5. Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) may be used as a last resort if other crowd dispersal techniques have failed or have been deemed ineffective.
6. Direct Fired munitions may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.
  - a. Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of Direct Fired munitions. Direct Fired munitions must be used only against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to them self, officers, or the general public; or is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.
  - b. Officers shall not discharge a Direct Fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.
  - c. When circumstances permit, the on-scene supervisor/incident commander must make an attempt to accomplish the policing goal without the use of Direct Fired munitions as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.



7. Aerosol Hand-held Chemical Agents must not be used in a demonstration or crowd situation or other civil disorders without the approval of the on-scene supervisor/incident commander.
  - a. Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
  - b. Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
  - c. When possible, persons should be removed quickly from any area where hand held chemical agents have been used. Officers must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent.
  - d. A subject who has been sprayed with a hand-held chemical agent shall not be left lying on their stomach once handcuffed or restrained with any device.

8. Chemical munitions use in a crowd situation is subject to the following:

Chemical munitions must be used only when:

- a. 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,
- b. sufficient egress to safely allow the crowd to disperse exists, and the use of chemical munitions is approved by the on-scene supervisor/incident commander, and 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 Kasson police department use of force 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 arrestee's 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 observer 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 the Kasson police department of a public assembly or first amendment activity must be related only to:

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