

RESPONSE TO REPORTS OF MISSING AND ENDANGERED PERSONS [MODEL POLICY]

POLICY

(Name of law enforcement agency) personnel shall respond to and investigate all reports of missing and endangered persons as defined in MN Statute 299C.52, subdivision 1(c) and (d) (Minnesota Missing Children and Endangered Persons Program or Brandon's Law). This policy addresses investigations of persons who are missing and endangered, and includes the procedures required by MN Statute 299C.52.

The *(name of law enforcement agency)* 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. 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 this policy.

DEFINITIONS

Child: has the meaning given it in MN Statute 299C.52, subdivision 1(a).

DNA: has the meaning given it in MN Statute 299C.52, subdivision 1(b).

Endangered: has the meaning given to it in MN Statute 299C.52, subdivision 1(c). Any of the following circumstances indicate that a missing person is at risk of physical injury or death, and therefore endangered:

- Missing because of a confirmed abduction, or under circumstances that indicate that the person's disappearance was not voluntary.
- Missing under known dangerous circumstances.
- Missing more than 30 days.
- Under the age of 21 and at least one other factor in this paragraph is applicable.
- Evidence the person needs 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.
- Does not have a pattern of running away or disappearing.
- Mentally impaired (has an intellectual disability or substantial psychotic disorder).
- Evidence the person may have been abducted by a noncustodial parent.
- Has been the subject of past threats or acts of violence.
- Evidence the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate, effective investigation and search and rescue efforts are critical.

Any other factor this agency has determined indicates 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 (this may include information that the missing person suffers from anxiety, depression, PTSD, mental impairment, or an active addiction to or abuse of alcohol, prescribed medications, or controlled substances.

MMBWG: refers to the Missing and Murdered Black Women and Girls Office of the Minnesota Department of Public Safety.

MMIR: refers to the Missing and Murdered Indigenous Relatives Office of the Minnesota Department of Public Safety.

Missing: has the meaning given to it in MN Statute 299C.52, subdivision 1(d).

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

Unmanned Aerial Vehicles or UAV: has the same meaning given to it in MN Statute 626.19, subdivision 1(a)(3).

PROCEDURE

This agency will respond according to the following six types of general procedures (when relevant):

- Initial Response
- Initial Investigation
- Investigation
- 30-day Benchmark
- Prolonged Investigation
- Recovery / Case Closure

INITIAL RESPONSE

As required by MN Statute 299C.53, subdivision 1(a), "A law enforcement agency shall accept without delay any report of a missing person" when the report is made in person. An agency may also accept reports by telephone or other electronic means to the extent the reporting is consistent with the agency's policies or practices. A report shall be accepted regardless of where the person was last seen, where the person resides, or any question of jurisdiction. When taking a missing person report, [officers] shall complete the tasks listed below as applicable.

- An [officer] shall conduct a preliminary investigation to determine whether the person is missing and/or endangered.
- When necessary, obtain interpretative services.
- Interview the person who made the initial report. If that person is a child, interview the child's parent(s) or guardian(s).
- Determine when, where, and by whom the missing person was last seen.
- Interview the individual(s) who last had contact with the missing and/or endangered person.
- Obtain a detailed description of the missing and/or endangered person, abductor, vehicles, etc., and ask for a recent photo of the person and any other persons or items of importance.
- Obtain cell phone number(s) for the missing person and suspect(s).
- Collect and preserve the missing and/or endangered person's cellphone(s), tablet(s), and computer(s).
- Broadcast an "Attempt to Locate" (ATL) or similar alert if the person is under the age of 18 years and/or there is evidence that the missing person is endangered, and the broadcast would not further endanger the missing person. The alert should be broadcast as soon as is practical but in no event more than one hour after determining the missing person is under the age of 18 years or may be endangered.
- Immediately enter the missing person's complete descriptive and critical information into the appropriate category of the National Crime Information Center's (NCIC) Missing Person File.
 - As required by 34 U.S.C. 41307, law enforcement shall, as soon as possible, enter missing children less than 21 years of age into the NCIC and NamUs databases.
 - As required by MN Statute 299C.53, subdivision 1(b), if the person is determined to be missing and endangered, the agency shall as soon as possible enter identifying and descriptive information about the person into the NCIC.
- Enter complete descriptive information regarding suspects/vehicle in the NCIC system.
- If needed, request investigative and supervisory assistance as soon as practical.
- Update additional responding personnel.
- Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. Use the International Justice & Public Safety Network (Nlets), the Minnesota Crime Alert Network, and MNJIS KOPS Alert to alert regional, state and federal law enforcement agencies.
- Notify the family of services available through the Minnesota Missing/Unidentified Persons Clearinghouse.
- Secure the crime scene and/or last known location of the missing person and attempt to identify and interview persons in the area at the time of the incident.

- Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
- Activate protocols for working with the media (AMBER Alert, Minnesota Crime Alert Network).
- As required by MN Statute 299C.53, subdivision 1(b), consult with the Minnesota Bureau of Criminal Apprehension (BCA) if the missing person is determined to be endangered. Request assistance as necessary.
- Implement multi-jurisdictional coordination/mutual aid plan when:
 - the primary agency has limited resources,
 - the investigation crosses jurisdictional lines, or
 - jurisdictions have pre-established task forces or investigative teams.
- Based on the preliminary investigation, determine whether a physical search is required.

INITIAL INVESTIGATION

During the initial investigation, an investigator or [officer] should be assigned to the case for the purposes of coordinating and overseeing the investigation/search. The investigator or [officer] shall ensure the following steps are taken.

- Seek assistance from the BCA, Missing and Murdered Black Women and Girls Office, Missing and Murdered Indigenous Relatives Office or other state agencies.
- Seek assistance from culturally based community organizations.
- Assign an investigator as a family liaison and primary point of contact for the family and create a communication plan for keeping the family updated.
- Provide general information to the family/reporting party or designee about the investigation; only to the extent that disclosure would not adversely affect locating and protecting the missing person, apprehending a suspect, and future prosecution.
- Conduct a canvas of the neighborhood and of vehicles in the vicinity.
- Send emergency phone subpoenas to phone providers for the missing person's and suspect's phone(s).
- Arrange for news media and social media coverage.
- Maintain records of all communications/messages.
- Ensure that everyone at the scene is identified and interviewed separately.
- Search the home/building/property where the incident took place, and conduct a search of all surrounding areas. Obtain consent or a search warrant as necessary.

INVESTIGATION

If the missing and/or endangered person is not located during the initial investigation, the investigator or [officer] overseeing the investigation shall ensure the following steps are taken (as applicable).

- Set up the command post/operation base in an appropriate location (i.e., away from the person's residence). assign responsibilities to personnel such as Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communication Officer, and Support Unit Coordinator. Consider appointing two liaison officers; one will remain at the command post and one at the victim's residence. The role of the liaison officer at the victim's residence will include facilitating support and advocacy for the family.
- Establish the ability to "trap and trace" all incoming calls.
- Set up a tip line (phone line, website, app, etc.) for developing and investigating leads.
- Attempt to determine the missing person's location through GPS-enabled devices and any social media accounts they may have.
- Establish a geo-fence at any potential last known time and location points or crime scene to identify any devices that were in that geographic area during that time.
- Identify, secure, and collect all home/business/public surveillance video from last known location and crime scene sites.
- Compile a list of known sex offenders in the region.
- In cases of infant abduction, investigate claims of home births made in the area.
- In cases involving children, obtain child protective agency records for reports of child abuse.
- Review records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
- Obtain the missing person's medical and dental records, fingerprints, and DNA when practical or within 30 days.
- Create a Missing Person Profile with detailed information from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.
- Update the NCIC file with any additional information regarding the missing person, suspect(s), and/or vehicle(s).
- Interview delivery personnel, utility company employees, taxi drivers, post office personnel, sanitation workers, etc.
- For persons under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
- If the missing person is believed to be a Black female, contact the Missing and Murdered Black Women and Girls Office for assistance and to utilize their available resources.
- If the missing person is believed to be an Indigenous person, contact the Missing and Murdered Indigenous Relatives Office for assistance and to utilize their available resources.
- Determine if outside help is needed and utilize local, state, and federal resources related to specialized investigative needs including:
 - available Search and Rescue (SAR) resources,
 - investigative resources,

- interpretative services,
- telephone services (traps, traces, triangulation, etc.), and
- media assistance (local and national).
- Secure electronic communication information such as the missing person's cell phone number, email address, and social networking accounts.

MISSING FOR OVER 30 DAYS

If the person is still missing 30 days after being entered 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):

- DNA samples from family members and, if possible, from the missing person,
- dental information and x-rays,
- additional photographs and video that may aid the investigation or identification,
- fingerprints, and
- other specific identifying information.

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

PROLONGED INVESTIGATION

During a prolonged missing and/or endangered person investigation, the primary investigator or [officer] assigned shall, when practical, do the following to maintain transparency and further develop the investigation.

- Maintain contact with the family and/or the reporting party or designee.
- Use truth verification devices with parents, spouse, and other key individuals.
- Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videos, re-interview key individuals and re-examine all physical evidence collected.
- Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified during the investigation.
- Periodically check pertinent sources of information about the missing person for any activity such as phone, bank, internet, or credit card activity.
- Develop a timeline and other visual exhibits.
- Critique the results of the on-going investigation with appropriate investigative resources.
- Arrange for periodic media coverage.
- Utilize rewards and crime-stoppers programs.
- Update NCIC Missing Person File information.

- Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.

RECOVERY/CASE CLOSURE

Alive. When a missing and/or endangered person is located and alive, personnel shall ensure the following steps are taken when applicable.

- Verify that the located person is the reported missing person.
- If appropriate, arrange for a comprehensive physical examination of the person.
- Conduct a careful interview of the person, document the results of the interview, and involve all appropriate agencies.
- 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.)
- Consider the need for reunification assistance, intervention, counseling, or other services for either the found person or family/reporting party.
- Cancel alerts (Minnesota Crime Alert, AMBER Alert, etc.); remove case from NCIC (as required by MN Statute 299C.53. subdivision 2), NamUs and other information systems; and remove posters and other publications from circulation.
- Perform a constructive post-case critique. Assess the procedures used and update the department's policy and procedures as appropriate.

Unidentified Persons. Agency personnel investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves shall ensure the following steps are taken when applicable.

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

Deceased. When an unidentified or potential missing and/or endangered person is recovered and deceased, agency personnel shall ensure the following steps are taken when applicable.

- Secure the crime scene.
- Contact the coroner, medical examiner, or forensic anthropologist to arrange for body recovery and examination.
- Collect and preserve any evidence at the scene.
- Consider the need for intervention, counseling, or other services for the family/reporting party or designee.
- Cancel alerts and remove the case from NCIC, NamUs and other information systems, and remove posters and other publications from circulation.

- Perform constructive post-case critique. Assess the procedures used and update the department's policy and procedures as appropriate.

UNMANNED AERIAL VEHICLES

UAVs may be used without a search warrant during a search for a missing and/or endangered person so long as one of the exceptions listed in MN Statute 626.19, subdivision 3 applies to the circumstances of the case.

TRAINING

All personnel shall receive training on this agency's missing and endangered persons policy and procedures during field training (or upon initial hire) and as updates occur.

STATUTORY REFERENCES

- MINNESOTA MISSING PERSONS ACT
 - MN STATUTE 299C.51 – Citation
 - MN STATUTE 299C.52 – Minnesota Missing Children and Endangered Persons Program
 - MN STATUTE 299C.53 – Missing Persons Report; Duties of Commissioner and Law Enforcement Agencies
 - MN STATUTE 299C.535 – Request for Additional Information on Missing Person
 - MN STATUTE 299C.54 – Missing Children Bulletin
 - MN STATUTE 299C.55 – Training
 - MN STATUTE 299C.56 – Release of Medical Data
 - MN STATUTE 299C.565 – Missing Person Report
 - MN STATUTE 299C.5655 – Missing Persons; Standardized Reports and Procedures
- MN STATUTE 390.25 – Unidentified Deceased Persons
- MN STATUTE 626.8454 – Manual and Policy for Investigating Cases Involving Children Who are Missing and Endangered
- MN STATUTE 626.19 – Use of Unmanned Aerial Vehicles
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies
- 34 U.S.C. 41307 – Reporting Requirements for Missing Children

Revision approved by the POST Board on _____.

RESPONSE TO REPORTS OF MISSING AND ENDANGERED PERSONS

[MODEL POLICY]

POLICY

(Name of law enforcement agency) personnel shall respond to and investigate all reports of missing and endangered persons as defined in MN Statute 299C.52, subdivision 1 (c) and (d) ("Minnesota Missing Children and Endangered Persons' Program", referred to as Brandon's Law). This policy addresses investigations of persons who are missing and endangered, and includes the procedures required by MN Statute 299C.52.

The *(name of law enforcement agency)* 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. 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 contents of this policy.

DEFINITIONS

Child: has the meaning given it in MN Statute 299C.52, subdivision 1 (a). ~~—"Any person under the age of 18 years or any person certified or known to be mentally incompetent."~~

DNA: has the meaning given it in MN Statute 299C.52, subdivision 1 (b). - ~~"Deoxyribonucleic acid from a human biological specimen."~~

Endangered: has the meaning given to it in MN Statute 299C.52, subdivision 1 (c). ~~—"A law enforcement official has received sufficient evidence that the missing person is at risk of physical injury or death."~~ Any of the following circumstances indicate that a missing person is at risk of physical injury or death, and therefore endangered:

- Missing because of a confirmed abduction, or under circumstances that indicate that the person's disappearance was not voluntary.
- Missing under known dangerous circumstances.
- Missing more than 30 days.
- Under the age of 21 and at least one other factor in this paragraph is applicable.
- Evidence the person needs 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.
- Does not have a pattern of running away or disappearing.
- Mentally impaired (has an intellectual disability or substantial psychotic disorder).
- Evidence the person may have been abducted by a noncustodial parent.
- Has been the subject of past threats or acts of violence.

- Evidence the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate, effective investigation and search and rescue efforts are critical.

Any other factor this agency has determined indicates 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 (this may include information that the missing person suffers from anxiety, depression, PTSD, mental impairment, or an active addiction to or abuse of alcohol, prescribed medications, or controlled substances.

MMBWG: refers to the Missing and Murdered Black Women and Girls Office of the Minnesota Department of Public Safety.

MMIR: refers to the Missing and Murdered Indigenous Relatives Office of the Minnesota Department of Public Safety.

Missing: has the meaning given to it in MN Statute 299C.52, subdivision 1 (d). ~~“The status of a person after a law enforcement agency that has received a report of a missing person has conducted a preliminary investigation and determined that the person cannot be located.”~~

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

Unmanned Aerial Vehicles or UAV: has the same meaning given to it in MN Statute 626.19, subdivision 1(a)(3).

PROCEDURES

This agency will respond according to the following six types of general procedures (when relevant):

- Initial Response
- Initial Investigation
- Investigation
- 30-day Benchmark
- Prolonged Investigation
- Recovery / Case Closure

INITIAL RESPONSE

~~Complete the following when appropriate.~~

As required by MN Statute 299C.53, subdivision 1 (a), "A law enforcement agency shall accept without delay any report of a missing person" when the report is made in person. An agency may also accept reports by telephone or other electronic means to the extent the reporting is consistent with the agency's policies or practices. A report shall be accepted regardless of where the person was last seen, where the person resides or any question of jurisdiction. When taking a missing person's report, [officers] shall do the following.

- An [officer] shall conduct a preliminary investigation to determine whether the person is missing and endangered.
- When necessary, obtain interpretative services.
- Interview the person who made the initial report. If the person is a child, interview the person's parent(s) or guardian(s).
- Determine when, where, and by whom the missing person was last seen.
- Interview the individual(s) who last had contact with the person.
- Obtain a detailed description of the missing person, abductor, vehicles, etc., and ask for a recent photo of the missing person and any other person or item of importance.
- Obtain cell phone number(s) for the missing person and suspect(s).
- Collect and preserve the missing person's cellphone(s), tablet(s), and computer(s).
- Broadcast an "Attempt to Locate" (ATL) or similar alert if the person is under the age of 18 years and/or there is evidence that the missing person is endangered, and the broadcast would not further endanger the missing person. The alert should be broadcast as soon as is practical but in no event more than one hour after determining the missing person is under the age of 18 years or may be endangered.
- Immediately enter the missing person's complete descriptive and critical information into the appropriate category of the NCIC Missing Person File.
 - As required by 34 U.S.C. 41307, law enforcement shall as soon as possible enter missing children less than 21 years of age into the NCIC and NamUs databases.
 - As required by MN STAT 299C.53, subdivision 1(b), if the person is determined to be missing and endangered, the agency shall as soon as possible enter identifying and descriptive information about the person into the NCIC.
- Enter complete descriptive information regarding suspects/vehicle in the NCIC system.
- If needed, request investigative and supervisory assistance as soon as is practical.
- Update additional responding personnel.
- Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. Use the International Justice & Public Safety Network (NLETS), the Minnesota Crime

Alert Network, and MNJIS KOPS Alert to alert regional, state and federal law enforcement agencies.

- Notify the family of services available through the Minnesota Missing/Unidentified Persons Clearinghouse.
- Secure the crime scene and/or last known location of the missing person and attempt to identify and interview persons in the area at the time of the incident.
- Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
- Activate protocols for working with the media (AMBER Alert, Minnesota Crime Alert Network).
- As required by MN Statute 299C.53, subdivision 1 (b), consult with the Minnesota Bureau of Criminal Apprehension if the missing person is determined to be endangered. Request assistance as necessary.
- Implement multi-jurisdictional coordination/mutual aid plan when:
 - the primary agency has limited resources,
 - the investigation crosses jurisdictional lines, or
 - jurisdictions have pre-established task forces or investigative teams.
- Based on the preliminary investigation, determine whether a physical search is required.

INITIAL INVESTIGATION

~~Complete the following when appropriate.~~

During the initial investigation, an investigator or [officer] should be assigned to the case for the purposes of coordinating and overseeing the investigation/search. The investor or [officer] shall ensure the following steps are taken. ~~Assign an investigator or (peace officer) whose duties will include coordination of the investigation.~~

- Seek assistance from the Bureau of Criminal Apprehension, Missing and Murdered Black Women and Girls Office, Missing and Murdered Indigenous Relatives Office or other state agencies.
- Seek assistance from culturally based community organizations.
- Assign an investigator as a family liaison and primary point of contact for the family and create a communication plan for keeping the family updated.
- Provide general information to the family/reporting party or designee about the investigation; only to the extent that disclosure would not adversely affect locating and protecting the missing person, apprehending a suspect and future prosecution.
- Conduct a canvas of the neighborhood and of vehicles in the vicinity.
- Send emergency phone subpoenas to phone providers for the missing person's and suspect's phone.
- Arrange for news media and social media coverage.
- Maintain records of all communications/messages.
- Ensure that everyone at the scene is identified and interviewed separately.

- Search the home/building/property where the incident took place, and conduct a search of all surrounding areas. Obtain consent or a search warrant, if necessary.

INVESTIGATION

~~Complete the following when appropriate.~~

If the missing and/or endangered person is not located during the initial investigation, the investigator of [officer] overseeing the investigation shall ensure the following steps are taken (as applicable).

- Set up the Command Post/Operation Base where appropriate (i.e., away from the person's residence). Know and assign 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.
- Establish the ability to "trap and trace" all incoming calls.
- Set up a tip line (phone line, website, app, etc.) for developing and investigating leads.
- Attempt to determine the missing person's location through GPS-enabled devices and social media accounts they may have.
- Establish a geo-fence at any potential last known time and location points or crime scene to identify any devices that were in that geographic area during that time.
- Identify, secure, and collect all home/business/public surveillance video from the area of last known location and crime scenes.
- Compile a list of known sex offenders in the region.
- In cases of infant abduction, investigate claims of home births made in the area.
- In cases involving children, obtain child protective agency records for reports of child abuse.
- Review records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
- Obtain the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.
- Create a Missing Persons' Profile with detailed information from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.
- Update the NCIC file with any additional information regarding the missing person, suspect(s) and vehicle(s).
- Interview delivery personnel; employees of gas, water, electric and cable companies; taxi drivers; post office personnel; sanitation workers; etc.
- For persons under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.

- If the missing person is believed to be a black female, contact the Missing and Murdered Black Women and Girls Office for assistance and to utilize their available resources.
- If the missing person is believed to be an indigenous person, contact the Missing and Murdered Indigenous Relatives Office for assistance and to utilize their available resources.
- Determine if outside help is needed and utilize local, state and federal resources related to specialized investigative needs, including:
 - available Search and Rescue (SAR) resources,
 - investigative resources,
 - interpretative services,
 - telephone services (traps, traces, triangulation, etc.), and
 - media assistance (local and national)
- Secure electronic communication information such as the missing person's cell phone number, email address(s) and social networking site information.

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):

- DNA samples from family members and, if possible, from the missing person,
- dental information and x-rays,
- additional photographs and video that may aid the investigation or identification,
- fingerprints, and
- 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 shall be reviewed to determine whether any additional information received on the missing person indicates that the person is endangered, then update the record in NCIC to reflect the status change.

PROLONGED INVESTIGATION

~~Complete the following when appropriate.~~

During a prolonged missing and/or endangered person investigation, the primary investigator or [officer] assigned shall do the following to maintain transparency and further develop the investigation.

- Maintain contact with the family and/or the reporting party or designee.
- Use truth verification device for parents, spouse, and other key individuals.

- Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videos, re-interview key individuals and re-examine all physical evidence collected.
- Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified during the investigation.
- Periodically check pertinent sources of information about the missing person for any activity such as phone, bank, internet, or credit card activity.
- Develop a timeline and other visual exhibits.
- Critique the results of the on-going investigation with appropriate investigative resources.
- Arrange for periodic media coverage.
- Utilize rewards and crime-stoppers programs.
- Update NCIC Missing Person File information.
- Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.

RECOVERY/CASE CLOSURE

Alive. When a missing and/or endangered person is located and alive, personnel shall ensure the following steps are taken when applicable.

- Verify that the located person is the reported missing person.
- If appropriate, arrange for a comprehensive physical examination of the person.
- Conduct a careful interview of the person, document the results of the interview, and involve all appropriate agencies.
- 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.)
- Consider the need for reunification assistance, intervention, counseling, or other services for either the found person or family/reporting party.
- Cancel alerts (Minnesota Crime Alert, AMBER Alert, etc.); remove case from NCIC (as required by MN Statute 299C.53. subdivision 2), NamUs and other information systems; and remove posters and other publications from circulation.
- Perform a constructive post-case critique. Assess the procedures used and update the department's policy and procedures as appropriate.

Unidentified Persons. Agency personnel **Members** investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves ~~should~~ shall ensure the following steps are taken when applicable.

- Obtain a complete description of the person.
- Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.

- Use available resources, such as those related to missing persons, to identify the person.

Deceased. When an unidentified or potential missing and/or endangered person is recovered and deceased, agency personnel shall ensure the following steps are taken when applicable.

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

UNMANNED AERIAL VEHICLES

UAVs may be used without a search warrant during a search for a missing and/or endangered person so long as one of the exceptions listed in MN Statute 626.19, subdivision 3 applies to the circumstances of the case.

TRAINING

All personnel shall receive training on this agency's missing and endangered persons policy and procedures during field training (or upon initial hire) and as updates occur as well as once yearly.

~~Training on this policy and procedures is recommended at initial hiring, during field training, and when updates occur.~~

STATUTORY REFERENCES

- MINNESOTA MISSING PERSONS ACT
 - MN STATUTE 299C.51 – Citation
 - MN STATUTE 299C.52 – Minnesota Missing Children and Endangered Persons Program
 - MN STATUTE 299C.53 – Missing Persons Report; Duties of Commissioner and Law Enforcement Agencies
 - MN STATUTE 299C.535 – Request for Additional Information on Missing Person
 - MN STATUTE 299C.54 – Missing Children Bulletin
 - MN STATUTE 299C.55 – Training
 - MN STATUTE 299C.56 – Release of Medical Data

- MN STATUTUE 299C.565 – Missing Person Report
- MN STATUTE 299C.5655 – Missing Persons; Standardized Reports and Procedures
- MN STATUTE 390.25 – Unidentified Deceased Persons
- MN STATUTE 626.8454 – Manual and Policy for Investigating Cases Involving Children Who are Missing and Endangered
- MN STATUTE 626.19 – Use of Unmanned Aerial Vehicles
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies
- 34 U.S.C. 41307 – Reporting Requirements for Missing Children

Revision approved by the POST Board on _____.

PROFESSIONAL CONDUCT OF PEACE OFFICERS [MODEL POLICY]

POLICY

It is the policy of the (name of law enforcement agency) to investigate circumstances that suggest [an officer] has engaged in unbecoming conduct, and impose disciplinary action when appropriate. A criminal conviction is not required for the agency to impose disciplinary action on an officer who engages in conduct prohibited by this policy.

PROCEDURE

This policy applies to all agency personnel 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 State Constitution, and all applicable laws, ordinances, and rules enacted or established by a legal authority. Peace officers must understand and obey the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them. Peace officers shall obey the same laws they are entrusted to enforce.

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

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. 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.

- Peace officers shall carry out their duties with integrity, fairness, and impartiality.
- Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic, or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- Peace officers must obey lawful orders, but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the [officer] shall, if feasible, request the issuing [officer] to clarify the order. An [officer] refusing to obey an order shall be required to justify his or her actions.
- Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to an immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor committed the 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. 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 regarding public assistance, disability, sexual orientation, or age.

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

- 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.
 - Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the [officer] shall inquire of the prescribing physician whether the medication will impair the [officer] in the performance of the [officer's] duties. The [officer] shall immediately notify the [officer's] supervisor if a prescribed medication is likely to impair the [officer's] performance during the [officer's] next scheduled shift.
- Peace officers shall not consume alcoholic beverages to the extent the [officer] would be rendered unfit for the [officer's] next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the [officer's] breath.
- Peace officers, whether on or off duty, shall not engage in any conduct which the [officer] knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to: making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper procedures.
- Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting obscene behavior, except as permitted by department policy.
- Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the [officer] from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.
- Peace officers 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. 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.

- Peace officers shall exercise reasonable courtesy in their dealings with the public, other peace officers, superiors, and subordinates.
- No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

PRINCIPLE SIX

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

- Peace officers shall not use their official position, identification cards, or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.
- Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
- Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- Peace officers shall not authorize the use of their names, photographs, or titles in a manner that identifies them as an employee of this agency in connection with advertisements for any product, commodity, or commercial enterprise.
- Peace officers shall 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.
- Peace officers shall not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit peace 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, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists. 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.

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

PRINCIPLE EIGHT

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

- Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses, or complainants.
- Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN Statute 626.89 and MN Rules 6700.2000 to 6700.2600.

STATUTORY REFERENCES

- MN STATUTE 609.43 – Misconduct of Public Officer or Employee
- MN STATUTE 626.8457 – Professional Conduct of Peace Officers
- MN STATUTE 626.863 – Unauthorized Practice
- MN STATUTE 626.89 – Peace Officer Discipline Procedures Act
- ADMINISTRATIVE RULE 6700.1600 – Standards of Conduct
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies
- ADMINISTRATIVE RULE 6700.2000 – Definitions
- ADMINISTRATIVE RULE 6700.2100 – Scope
- ADMINISTRATIVE RULE 6700.2200 – Development of Written Procedures
- ADMINISTRATIVE RULE 6700.2300 – Affirmation of Compliance
- ADMINISTRATIVE RULE 6700.2400 – Copies of Procedures
- ADMINISTRATIVE RULE 6700.2500 – Documentation of Complaints
- ADMINISTRATIVE RULE 6700.2600 – Processing of Complaints

Revision approved by the POST Board on _____.

PROFESSIONAL CONDUCT OF PEACE OFFICERS [MODEL POLICY]

POLICY

It is the policy of the (name of law enforcement agency) to investigate circumstances that suggest [an officer] has engaged in unbecoming conduct, and impose disciplinary action when appropriate. A criminal conviction is not required for the agency to impose disciplinary action on an officer who engages in conduct prohibited by this policy.

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. Peace officers must understand and obey the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them. Peace officers shall obey the same laws they are entrusted to enforce.

~~**Rationale:** Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.~~

Rules

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

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. ~~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.~~

~~1. Rationale: (text moved)~~

Rules

- Peace officers shall carry out their duties with integrity, fairness and impartiality.
- Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- Peace officers must obey lawful orders, but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the [officer] shall, if feasible, request the issuing [officer] to clarify the order. An [officer] refusing to obey an order shall be required to justify his or her actions.
- Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to ~~the officer's~~ an immediate supervisor who shall forward the information to the CLEO. If the ~~officer's~~ immediate supervisor ~~commits~~ committed the 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. 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 regarding ~~with regard to~~ public assistance, disability, sexual orientation or age.

~~Rationale: (text moved)~~

2. Rules

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

Rationale:- (text moved)

Rules

- Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform.; ~~except as provided for in c).~~
 - Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the [officer] shall inquire of the prescribing physician whether the medication will impair the [officer] in the performance of the [officer's] duties. The [officer] shall immediately notify the [officer's] supervisor if a prescribed medication is likely to impair the officer's performance during the [officer's] next scheduled shift.
- Peace officers shall not consume alcoholic beverages to the extent the [officer] would be rendered unfit for the [officer's] next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the [officer's] breath.
- Peace officers, whether on or off duty, shall not engage in any conduct which the [officer] knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper ~~police~~ procedures.
- Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the [officer] from committing an act of domestic abuse or harassment, having contact

with the petitioner, or excluding the peace officer from the petitioner's home or workplace.

- Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior ~~including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person,~~ except as pursuant to a written policy of the agency.
- Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the [officer] or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

PRINCIPLE FIVE

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

Rationale: (text moved)

Rules

- Peace officers shall exercise reasonable courtesy in their dealings with the public, other peace officers, superiors and subordinates.
- No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

PRINCIPLE SIX

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

Rationale: (text moved)

Rules

- Peace officers shall not use their official position, identification cards, or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining

privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.

- Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
- Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- Peace officers shall ~~not~~ authorize the use of their names, photographs, or titles in a manner that identifies them ~~as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;~~
- Peace officers shall 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;
- Peace officers shall not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit peace 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, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists. 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.

Rationale: (text moved)

Rules

- Unless required by law or policy, a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
- Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any

purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.

- A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the [officer's] ability to impartially perform the [officer's] official duties.

PRINCIPLE EIGHT

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

Rationale: (text moved)

Rules

- Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses, or complainants.
- Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

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~~ and MN RULES 6700.2000 to 6700.2600.

STATUTORY REFERENCES

- MN STATUTE 609.43 – Misconduct of Public Officer or Employee
- MN STATUTE 626.8457 – Professional Conduct of Peace Officers
- MN STATUTE 626.863 – Unauthorized Practice
- MN STATUTE 626.89 – Peace Officer Discipline Procedures Act
- ADMINISTRATIVE RULE 6700.1600 – Standards of Conduct
- ADMINISTRATIVE RULE 6700.2000 - Definitions
- ADMINISTRATIVE RULE 6700.2100 - Scope
- ADMINISTRATIVE RULE 6700.2200 – Development of Written Procedures
- ADMINISTRATIVE RULE 6700.2300 – Affirmation of Compliance
- ADMINISTRATIVE RULE 6700.2400 – Copies of Procedures

- ADMINISTRATIVE RULE 6700.2500 – Documentation of Complaints
- ADMINISTRATIVE RULE 6700.2600 – Processing of Complaints

Revision approved by the POST Board on _____.

ALLEGATIONS OF MISCONDUCT [MODEL POLICY]

PURPOSE

The purpose of this policy is to inform all personnel and members of the public of the procedures for reporting, receiving, investigating, and resolving misconduct complaints regarding licensed peace officers employed by the (*name of law enforcement agency*). The provisions of this policy are applicable to the investigation and disposition of allegations of administrative misconduct. This policy does not apply to criminal investigations.

POLICY

It is the policy of the (*name of law enforcement agency*) to accept and to fairly and impartially investigate all complaints of misconduct to determine the validity of allegations; and to impose any corrective action that may be justified in a timely and consistent manner.

DEFINITIONS

Administrative Investigation: means an internal investigation conducted in response to a complaint with the goal of determining whether a peace officer engaged in misconduct.

Chief Law Enforcement Officer (CLEO): has the same meaning given to it in Minnesota Administrative Rule 6700.0100, subpart 8.

Complainant: means a person who submits a complaint to the agency or CLEO alleging misconduct by a peace officer.

Complaint: means a statement alleging behavior that constitutes misconduct.

Discipline: means any of the following or a combination thereof:

- oral reprimand,
- written reprimand,
- suspension,
- demotion, and/or
- discharge.

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

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

Member: means all voluntary and compensated personnel of the agency.

Misconduct: means 1) a violation of an agency policy or procedure governing peace officer conduct or 2) conduct by a peace officer that would be a violation of the POST Standards of Conduct per Administrative Rule 6700.1600.

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

Policy Failure: means that the complaint revealed a policy failure. The allegation is factual, but the peace officer followed the agency's proper policy/procedure. The policy/procedure is proven to be deficient.

Policies and Procedures: refers to the administrative rules adopted by the agency regulating the conduct of agency personnel.

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

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

Sustained: means a fair preponderance of the evidence obtained in the investigation established that the peace officer's actions constituted misconduct.

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

PROCEDURE

ACCEPTANCE AND FILING OF COMPLAINTS

Complaint forms must be made available to members of the public through agency personnel, at designated public facilities, and online. Complaints may be received in person, by telephone, in writing, or via the internet. A complainant may remain anonymous but should be advised that remaining anonymous may affect the investigation of the complaint. 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. Personnel must provide assistance to individuals who express the desire to lodge a complaint. The complainant must be advised of the procedures for submitting the complaint and be provided with a copy of their submitted complaint. The complainant should be asked to verify and attest that their complaint is complete and accurate to the best of their knowledge by signing the complaint form. If the complainant elects not to sign, this fact shall be documented and the complaint processed according to department policy. 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. A CLEO or Receiving Authority may delegate the duties and responsibilities required of a CLEO by this policy to an appropriate designee(s).

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. The city administrator, manager, mayor, county attorney, county administrator, or board of county commissioners must refer investigations of alleged misconduct against a CLEO to a neutral, external investigative entity such as another law enforcement agency or a private investigative firm/organization. The external investigative entity shall not have a discernible conflict of interest.

INVESTIGATION OF A COMPLAINT

Upon receipt of the complaint, the CLEO must make an initial determination as to whether or not the facts alleged require an administrative investigation. The CLEO's determination needs to be based on current agency policies and MN Rule 6700.1600. 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 both be notified of this decision and the basis for the determination. If the complainant supplies additional information within thirty (30) days of that initial determination, the CLEO may re-review the complaint and choose to reverse the previous decision and order an administrative investigation.

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 a neutral, external investigative entity that has no discernible conflict of interest.

The complaint 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. 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. At the completion of the administrative investigation, the investigator shall prepare a report organized in the following manner:

- **Allegations.** The "allegations" section of the report should be an itemized summary of the acts of misconduct alleged in the complaint. The summary must also include all/any rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations were to be sustained.
- **Investigation.** The "investigation" section of the report should be a chronological summary of the investigation and include all pertinent facts obtained through interviews with the complainant, accused agency personnel, and all available witnesses. Written statements, descriptions, analysis of any physical evidence, and all other relevant information must be included in this section.
- **Conclusions.** The "conclusions" section of the report should detail the investigator's findings and conclusions as to whether any misconduct occurred. If misconduct did

occur, the report should state which provisions were violated and the underlying reasons for the investigator's findings and conclusions.

All agency personnel must cooperate with administrative investigations. When the respondent is a licensed peace officer, the investigation must comply with the requirements of MN Statute 626.89, the [officer's] collective bargaining agreement, and any other applicable laws, administrative rules, or policies. 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 given to the investigative process.

REVIEW AND DISPOSITION

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 make a request for additional investigative work or make one or more of the following determinations regarding the complaint:

- unfounded,
- exonerated,
- not sustained,
- sustained, and/or
- policy failure.

The CLEO or Receiving Authority may postpone making a decision until any related criminal charges are resolved. If a determination is postponed, the complainant and respondent must be informed of the decision.

If the decision is "unfounded," "exonerated," "not sustained," or "policy failure" the CLEO or Receiving Authority must notify the complainant and the respondent of the disposition as soon as practical. 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/or procedures violated,
- impose an appropriate remedial plan and/or disciplinary action, and
- advise the complainant of any public information regarding the disposition.

Prior to the implementation of any remedial and/or disciplinary action, the respondent must 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. When a "sustained" disposition is finalized, the respondent may appeal the disposition pursuant to the rules and law governing the accused member's employment.

An administrative complaint investigation may be re-opened by the CLEO or Receiving Authority at any time if substantial new evidence is discovered concerning the complaint.

MAINTENANCE AND DISCLOSURE OF DATA

The public disclosure of any data connected to a investigative complaint process created or received by the agency in connection with this policy and procedure is governed by the provisions of the MN Government Data Practices Act. All data collected, created, received, or maintained by the agency in connection with this policy must be retained in accordance with the agency's "Record Retention Schedule." Likewise, the placement of the disposition report or other data related to the complaint investigation in an employee's personnel file must be governed by the agency's personnel policy. The access to data collected, created, received, or maintained in connection with this policy may only be authorized by the CLEO, the "Responsible Authority," the "Minnesota Government Data Practices Act," or by a valid court order.

POST BOARD REPORTING REQUIREMENTS

According to Administrative Rule 6700.1610, a licensed peace officer must self-report any Standards of Conduct violations to the POST Board. The rule also states that an unlicensed person with knowledge of peace officer misconduct constituting grounds for action under MN Statute, chapter 214, or Administrative Rule 6700.1600, may report the violation to the Board.

According to Administrative Rule 6700.1615, subpart 2, when a CLEO confirms that a peace officer employed by the agency has violated a board-required policy or the Standards of Conduct, the CLEO must report the violation to the POST board in a timely manner.

MN Statute 626.8457, subdivision 3, requires CLEOs to report to the POST Board any confirmed allegations of misconduct by a peace officer of their agency. CLEOs must report the incident to the board as soon as a determination has been made that a violation occurred. CLEOs must update the information submitted to the board within 30 days after the final disposition of a complaint or investigation has been issued. Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in MN Statute 626.8457, subdivision 3, paragraph (b) to the POST Board. Any such confidentiality agreement is void as to the requirements of this section.

MN Statute 626.8457, subdivision 4, requires CLEOs to cooperate with the POST Board after receiving written notification from the board that it is investigating an allegation of misconduct within its regulatory authority. Cooperation includes providing an individual peace officer's public and private data related to the allegation(s) of misconduct when requested by the board.

STATUTORY REFERENCES

- MN STATUTE 626.8457 – Professional Conduct of Peace Officers
- MN STATUTE 626.89 – Peace Officer Discipline Procedures Act
- MN STATUTES; CHAPTER 14 – Administrative Procedure
- ADMINISTRATIVE RULE 6700.1600 – Standards of Conduct
- ADMINISTRATIVE RULE 6700.1610 – Reporting Obligations and Cooperation

- ADMINISTTRATIVE RULE 6700.1615 – Required Agency Policies
- ADMINISTRATIVE RULE 6700.2200 – Development of Written Procedures
- ADMINISTRATIVE RULE 6700.2300 – Affirmation of Compliance
- ADMINISTRATIVE RULE 6700.2400 – Copies of Procedures
- ADMINISTRATIVE RULE 6700.2500 – Documentation of Complaints
- ADMINISTRATIVE RULE 6700.2600 – Processing of Complaints

Revision approved by the POST Board on ____.

DRAFT

ALLEGATIONS OF MISCONDUCT [MODEL POLICY]

~~MN RULES 6700.2200 through 6700.2600~~

PURPOSE

The purpose of this policy is to inform all employees personnel and members of the public of procedures for reporting, receiving, investigating, and disposition of complaints regarding the conduct of licensed peace officers of the (name of law enforcement agency). 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 investigations.

POLICY

It is the policy of the (name of law enforcement agency) 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:~~

Administrative Investigation: means an internal investigation conducted in response to a complaint with the goal of determining whether an employee a peace officer engaged in misconduct.

Chief Law Enforcement Officer (CLEO): ~~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.~~ has the same meaning given to it in Administrative Rule 6700.0100, subpart 8.

~~**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.~~

Complainant: means a person who submits a complaint to the agency or CLEO alleging misconduct by an agency member a peace officer.

Complaint: means a statement alleging behavior that constitutes misconduct.

Discipline: means any of the following or a combination thereof:

- oral reprimand,
- written reprimand,
- suspension,
- demotion, and/or
- discharge.

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

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

Member: means all voluntary and compensated personnel of the agency.

Misconduct: means 1) a violation of an agency policy or procedure governing personnel conduct ~~of agency members; or~~ 2) conduct by a peace officer that would be a violation of POST Standards of Conduct per ~~Minn. Rules~~ Administrative Rule 6700.1600.

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

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

Policies and Procedures: means s the administrative rules adopted by the agency regulating the conduct of agency members.

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

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

Sustained: means a fair preponderance of the evidence obtained in the investigation established that the ~~LEO's~~ peace officer's actions constituted misconduct.

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

PROCEDURE

ACCEPTANCE AND FILING OF COMPLAINTS

Complaint forms must be made available to members of the public through agency personnel, at designated public facilities, and online. Complaints may be received ~~either~~ in person, ~~over the~~ by telephone, in writing, or via the internet. A complainant may remain anonymous, ~~but The complainant~~ should be advised that remaining anonymous may affect the investigation of the complaint. 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. ~~Employees Personnel~~ must provide assistance to individuals who express the desire to lodge a complaints ~~against any employee of this agency~~. The complainant must be advised of the procedures for submitting the complaint and be provided with a copy of their submitted complaint. The complainant should be asked to ~~verify and~~ attest that their complaint is complete and accurate to the best of their knowledge by signing the complaint form. ~~signature if the complaint is a complete and accurate account.~~ If the complainant elects not

to sign, this fact ~~must shall~~ be documented and the complaint processed according to procedure department policy. 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~~. A CLEO or Receiving Authority may delegate the duties and responsibilities required of a CLEO by this policy to an appropriate designee(s).

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. 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.

INVESTIGATION OF A COMPLAINT

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 both be notified of this decision and the basis for the determination. If the complainant supplies additional information within thirty (30) days of that initial determination, the CLEO may re-review the complaint and choose to reverse that the previous decision and order an administrative investigation.

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.

The complaint 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. 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. At the completion of the administrative investigation, the investigator ~~must shall~~ prepare a report ~~that contains all relevant information~~ organized ~~into the following three (3) sections as follows~~:

- **Allegations.** ~~An~~ The “allegations” section of the report should be an itemized summary of the acts of misconduct alleged in the complaint. The summary must also include all/any ~~Reference must be made to those~~ rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations ~~are taken as true were to be sustained~~.
- **Investigation.** The “investigation” section of the report should be a chronological summary of the investigation and 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 in this section.

- **Conclusions.** The “conclusions” section of the report should detail the investigator’s findings and conclusions as to whether any misconduct occurred. If misconduct did occur, the report should state which provisions were violated and the underlying reasons for the investigator’s findings and conclusions.

All agency ~~members~~ personnel must cooperate with ~~the~~ administrative investigations. When the respondent is a licensed peace officer, the investigation must comply with the requirements of ~~MNSTAT~~ MN Statute 626.89, the [officer’s] collective bargaining agreement, and any other applicable laws, administrative rules, or policies ~~acts amendatory thereto~~. 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 given to the investigative process.

ADDITIONAL INVESTIGATION, REVIEW AND DISPOSITION

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, make a request for additional follow up or make one or more of the following decisions determinations regarding the complaint:

- unfounded,
- exonerated,
- not sustained,
- sustained, and/or
- policy failure.

The CLEO or Receiving Authority may postpone making a decision until any related criminal charges are resolved. If a determination is postponed, the complainant and respondent must be informed of this decision.

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 disposition. 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/or procedures violated, ~~and~~
- ~~take~~ impose an appropriate remedial plan and/or disciplinary action, and
- advise the complainant of any public information regarding the disposition.

Prior to the implementation of any remedial and/or disciplinary action, the respondent will must 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. When a “sustained” disposition is finalized, the respondent may appeal the disposition pursuant to the rules and law governing the accused member's employment.

The An administrative complaint investigation may be re-opened by the CLEO or Receiving Authority at any time if substantial new evidence is discovered concerning the complaint.

MAINTENANCE AND DISCLOSURE OF DATA

~~The public disclosure of any data connected to a complaint investigative process 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 is~~ 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.”~~ All data collected, created, ~~or~~ received, or maintained by the agency in connection with this policy ~~and procedure~~ must be maintained retained in accordance with the agency's “Record Retention Schedule.” Likewise, the placement of the disposition report or other data related to the complaint investigation in an employee's personnel file must be governed by the agency's personnel policy. The access to data collected, created, ~~or~~ received, or maintained in connection with this policy ~~and procedure~~ may only be authorized by the CLEO, ~~or the agency's Data Practices the~~ “Responsible Authority,” and ~~as provided by Chapter 13,~~ the “Minnesota Government Data Practices Act,” or by a valid court order.

POST BOARD REPORTING REQUIREMENTS

~~Under Minn. According to Administrative~~ Rule 6700.1610, a licensed peace officer must self-report to the POST Board any violations of the peace officer Standards of Conduct ~~for peace officers listed in Minn. Rule 6700.1600.~~ Additionally, any person with knowledge of peace officer misconduct constituting grounds for action under ~~Minn. Stat. MN Statute~~, chapter 214, or ~~Minn. Administrative~~ Rules ~~s~~ 6700.1600, may report the violation to the Board.

~~Minnesota Stat. MN Statute~~ 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. ~~A chief law enforcement officer~~ CLEOs must update data the information submitted to the POST Board within 30 days ~~of after~~ the final disposition of a complaint or investigation has been issued. 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. MN Statute~~ 626.8457, subd. 3 paragraph (b) to the Board. Any such confidentiality agreement is void as to the requirements of this section.

STATUTORY REFERENCES

- MN STATUTE 626.8457 – Professional Conduct of Peace Officers
- MN STATUTE 626.89 – Peace Officer Discipline Procedures Act
- MN STATUTES; CHAPTER 14 – Administrative Procedure
- ADMINISTRATIVE RULE 6700.1600 – Standards of Conduct
- ADMINISTRATIVE RULE 6700.1610 – Reporting Obligations and Cooperation
- ADMINISTRATIVE RULE 6700.1615– Required Agency Policies

- ADMINISTRATIVE RULE 6700.2200 – Development of Written Procedures
- ADMINISTRATIVE RULE 6700.2300 – Affirmation of Compliance
- ADMINISTRATIVE RULE 6700.2400 – Copies of Procedures
- ADMINISTRATIVE RULE 6700.2500 – Documentation of Complaints
- ADMINISTRATIVE RULE 6700.2600 – Processing of Complaints

Revision approved by the Board on ____.

CRIMINAL CONDUCT ON SCHOOL BUSES [MODEL POLICY]

POLICY

(Name of law enforcement agency) personnel shall respond to and investigate allegations of criminal conduct occurring on school buses within our jurisdiction. Personnel shall work and consult with school officials, transportation personnel, parents, and students when responding to these incidents, while being focused on student safety and appropriate enforcement of the law. Personnel shall work in cooperation with any other law enforcement agency that also has jurisdiction. This policy is not intended to interfere with or replace school disciplinary policies relating to misconduct on school buses.

PROCEDURE

Agency personnel shall:

- respond to calls for assistance from any citizen, school, or bus transportation company official regarding criminal conduct on a school bus.
- investigate reports of crimes committed on school buses by using procedures like those followed in other criminal investigations as appropriate for juveniles and/or adults.
- issue citations, release suspects pending further investigation, or apprehend and transport suspects who were engaged in criminal activity while on a school bus.
- submit investigative reports for review, approval, and consideration of charges as required by law and agency policy.
- conduct follow-up investigative work when requested by someone with proper authority within the agency or from the prosecutor's office.
- provide the appropriate school with information regarding the incident, as required or authorized by law.

STATUTORY REFERENCES

- MN STATUTE 121A.28 - Law Enforcement Records
- MN STATUTE 260B.171 - Records
- MN STATUTE 169.448 – Other Buses
- MN STATUTE 169.4581 – Criminal Conduct on School Bus
- MN STATUTE 169A.31 – Alcohol-related School Bus or Head Start Bus Driving
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Revision approved by the POST Board on _____.

CRIMINAL CONDUCT ON SCHOOL BUSES

[MODEL POLICY]

POLICY

(Name of law enforcement agency) personnel shall respond to and investigate allegations of criminal conduct occurring on school buses within our jurisdiction. Personnel shall work and consult with school officials, transportation personnel, parents, and students when responding to these incidents, while being focused on student safety and appropriate enforcement of the law. Personnel shall work in cooperation with any other law enforcement agency that also has jurisdiction. This policy is not intended to interfere with or replace school disciplinary policies relating to misconduct on school buses.

PROCEDURE

Agency personnel shall:

- Respond to calls for assistance from any citizen, school, or bus transportation company official ~~pertaining to~~ regarding criminal conduct on a school bus.
- Investigate reports of crimes committed on school buses by using procedures ~~similar to~~ like those followed in other criminal investigations as appropriate for juveniles and/or adults.
- Issue citations, release suspects pending further investigation, or apprehend and transport suspects who were engaged in criminal activity while on a school bus.
- Submit investigative reports regarding the incident for review, ~~and approval, and consideration of charges for review by the prosecuting attorney's office,~~ as required by law and agency policy~~;~~.
- Conduct follow-up investigative work when requested by someone with proper authority within the agency or from the prosecutor's office~~;~~ ~~and~~
- Provide the appropriate school with information regarding the incident~~;~~ as required or authorized by law.

STATUTORY REFERENCES

- MN STATUTE 169.4581 – Criminal Conduct on School Bus
- MN STATUTE 169A.31 – Alcohol-related School Bus or Head Start Bus Driving
- MN STATUTE 169.448 – Other Buses

Revision approved by the POST Board on _____.

LIGHTING EXEMPTION FOR LAW ENFORCEMENT VEHICLES [MODEL POLICY]

POLICY

It is the policy of the (*name of the law enforcement agency*) to provide a uniform guideline for all personnel to use when operating a department vehicle without headlights, taillights, or marine navigational lighting while functioning as a peace officer.

DEFINITIONS

Illumination Devices: means the headlights, taillights, and watercraft lights vehicles are required to be equipped with and use according to statute.

Vehicle: means every self-propelled vehicle and every watercraft that is owned, leased, or otherwise the property of this agency and used in the performance of [*an officer's*] law enforcement duties.

PROCEDURE

A peace officer shall operate a vehicle with its illumination devices on as described and guided by statute when:

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

When the circumstances described above do not apply, a licensed officer may apply the lighting exemption statute (MN Statute 169.541) and stop or interrupt the use of their vehicle illumination devices if 1) the officer does so in the performance of their duties, 2) the conduct is reasonable, and 3) the officer reasonably believes that turning off a vehicle's illumination devices is necessary under the circumstances to investigate a criminal violation or suspected criminal violation. The types of violations being investigated may be state laws, rules, orders or local laws, ordinances, or regulations.

STATUTORY REFERENCES

- MN STATUTE 84.87 – Operation; Regulations by Political Subdivisions
- MN STATUTE 84.928 – Operation Requirements; Local Regulation
- MN STATUTE 86B.511 – Lights
- MN STATUTE 169.48 – Vehicle Lighting
- MN STATUTE 169.541 – Lighting Exemption for Law Enforcement; Standards
- MN STATUTE 169.65 – Specifications for Lighting and Other Devices

- ADMINISTRATIVE RULE 6110.1200 – Navigation of Watercraft on the Waters of the State; Safety Equipment

Revision approved by the POST Board on _____.

DRAFT

LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES [MODEL POLICY]

POLICY

It is the policy of the (*name of the law enforcement agency*) 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 purposes of this policy the following definitions apply:

Illumination Devices: means the headlights, taillights, and watercraft lights vehicles are required to be equipped with and use according to statute.

Vehicle: means every self-propelled vehicle and every watercraft that is owned, leased, or otherwise the property of this agency and used in the performance of [an officer's] law enforcement duties. ~~vehicle which is self-propelled a motor vehicle or watercraft owned, leased or otherwise the property of the State of Minnesota or a political subdivision.~~

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~~ **shall** operate a vehicle ~~with its~~ **without lights illumination devices on** as described and guided by statute when: ~~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.
- **traveling** at speeds greater than what is reasonable and prudent under existing weather, road and traffic conditions.
- **traveling** 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 - **Fleeing Peace Officer; Motor Vehicle; Other.**

When the circumstances described above do not apply, a licensed officer may apply the lighting exemption statute (MN Statute 169.541) and stop or interrupt the use of their vehicle illumination devices if 1) the officer does so in the performance of their duties, 2) the conduct is reasonable, and 3) the officer reasonably believes that turning off a vehicle's illumination devices is necessary under the circumstances to investigate a criminal violation or suspected criminal violation. The types of violations being investigated may be state laws, rules, or orders or local laws, ordinances, or regulations.

STATUTORY REFERENCES

- MN STATUTE 84.87 – Operation; Regulations by Political Subdivisions
- MN STATUTE 84.928 – Operation Requirements; Local Regulation
- MN STATUTE 86B.511 – Lights
- MN STATUTE 169.48 – Vehicle Lighting
- MN STATUTE 169.541 – Lighting Exemption for Law Enforcement; Standards
- MN STATUTE 169.65 – Specifications for Lighting and Other Devices
- ADMINISTRATIVE RULE 6110.1200 – Navigation of Watercraft on the Waters of the State; Safety Equipment

Revision approved by the POST Board on _____.

SUPERVISION OF PART-TIME LICENSED PEACE OFFICERS [MODEL POLICY]

POLICY

It is this agency's policy that part-time peace officers on active-duty status shall be supervised by a peace officer as required by MN Rule 6700.1110. Therefore, the following policy is provided to assist (name of law enforcement agency) personnel in the regulation of part-time (licensed) peace officers.

DEFINITIONS

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 licensed peace officer beginning on a specified date.

Active-Duty Status: means a 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.

Designated Peace Officer: means the peace officer appointed by the chief law enforcement officer or designee and responsible for the supervision of the part-time licensed peace officer.

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.

Part-time Peace Officer: "Part-time peace officer" has the meaning given it in MN Statute 626.84, subd. 1 (d).

Supervision of Part-time Peace Officer: means the part-time licensed 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.

PROCEDURE

The agency's policies regarding part-time licensed peace officer supervision will, at a minimum, address:

- 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,
- the duties and responsibilities of the designated peace officer in exercising supervisory responsibility for a part-time peace officer,

- how 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
- how the designated supervising peace officer is to be notified when the part-time peace officer is no longer on active-duty status.

An agency that agrees to designate a peace officer to supervise a part-time licensed peace officer who is not employed by the same agency shall minimally establish all the policies required by MN Rule 6700.1110 and a written joint powers agreement. The joint powers agreement shall confer upon the designated supervising peace officer full power and authority within the jurisdiction of the part-time peace officer being supervised.

RESPONSIBILITIES OF THE PART-TIME PEACE OFFICER

The hours of active-duty status during the calendar year of a part-time licensed peace officer shall not exceed 1,040 hours.

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, 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.

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.

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 this law enforcement agency. Copies of these policies shall also be distributed to all designated peace officers.

STATUTORY REFERENCES

- MN STATUTE 626.8461 – Part Time Peace Officers; Policy
- MN STATUTE 626.8463 – Part Time Peace Officers
- MN STATUTE 626.8465 – Part Time Officers; Limitations
- MN STATUTE 626.8468 – Part Time Peace Officers; Continued Employment
- ADMINISTRATIVE RULE 6700.1101 – Part Time Peace Officers

- ADMINISTRATIVE RULE 6700.1105 – Definitions
- ADMINISTRATIVE RULE 6700.1110 – Supervision of Part Time Peace Officer
- ADMINISTRATIVE RULE 6700.1115 – Hours Worked by Part Time Peace Officer
- ADMINISTRATIVE RULE 6700.1125 – Policy Distribution
- ADMINISTRATIVE RULE 6700.1130 – Termination of Part Time Peace Officers
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Revision approved by the POST Board on _____.

DRAFT

SUPERVISION OF PART-TIME PEACE OFFICERS [MODEL POLICY]

POLICY

It is the policy of (name of law enforcement agency) 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 by statute and rule, 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

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.

Active-Duty Status: means ~~when a peace officer or a~~ 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.

Designated Peace Officer: means the peace officer appointed by the chief law enforcement officer or designee and responsible for the supervision of the part-time peace officer.

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.

Part-time Peace Officer: "Part-time peace officer" has the meaning given it in MN STAT Statute 626.84, subd. 1 (d).

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.

PROCEDURE

It is this agency's policy that part-time peace officers on active-duty status shall be supervised by a peace officer as required by MN Rule 6700.1110. 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: The agency's policies regarding part-time peace officer supervision will, at a minimum, address:~~

~~When designating a peace officer to supervise a part-time peace officer an agency shall establish written procedures which at a minimum include:~~

- 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;
- the duties and responsibilities of the designated peace officer in exercising supervisory responsibility for a part-time peace officer;
- ~~the means by which~~ how 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
- ~~the means by which~~ how the designated supervising peace officer is to be notified when the part-time peace officer is no longer on active-duty status.

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 minimally establish all the policies request by MN Rule 6700.1110 and a written joint powers agreement. The joint powers agreement shall confer upon the designated supervising peace officer full power and authority within the jurisdiction of the part-time peace officer being supervised. at a minimum:

- ~~all policies required under MN RULES 6700.1105, Subpart 2;~~
- ~~all policies required under MN RULES 6700.1110; and~~
- ~~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

The hours of active-duty status during the calendar year of a part-time peace officer ~~are limited to no more than~~ shall not exceed 1,040 hours.

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.

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.

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.

STATUTORY REFERENCES

- [MN STATUTE 626.8461 – Part Time Peace Officers; Policy](#)
- [MN STATUTE 626.8463 – Part Time Peace Officers](#)
- [MN STATUTE 626.8465 – Part Time Officers; Limitations](#)
- [MN STATUTE 626.8468 – Part Time Peace Officers; Continued Employment](#)
- [ADMINISTRATIVE RULE 6700.1101 – Part Time Peace Officers](#)
- [ADMINISTRATIVE RULE 6700.1105 - Definitions](#)
- [ADMINISTRATIVE RULE 6700.1110 – Supervision of Part Time Peace Officer](#)
- [ADMINISTRATIVE RULE 6700.1115 – Hours Worked by Part Time Peace Officer](#)
- [ADMINISTRATIVE RULE 6700.1125 – Policy Distribution](#)
- [ADMINISTRATIVE RULE 6700.1130 – Termination of Part Time Peace Officers](#)

Revision approved by the POST Board on _____.

PREDATORY OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION

[MODEL POLICY]

POLICY

It is the policy of (name of law enforcement agency) to protect the public by disclosing information on predatory offenders residing in the agency's community. This agency will decide what information to disclose and who to disclose it to, based on the predatory offender's assigned risk level and the relevant state statute.

DEFINITIONS

Immediate Household: has the meaning given to it in MN Statute 244.052, subdivision 1(2).

Likely to Encounter: has the same meaning given to it in MN Statute 244.052, subdivision 4(c).

Predatory Offender or Offender: means a person who is required to register as a predatory offender under MN Statute 243.166.

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).

Primary Address: has the meaning given to it in MN Statute 243.166, subdivision 1a(k).

Offender Risk Level: means the risk assessment score a predatory offender is assigned by the end-of-confinement review committee which indicates the presence of identified predictive risk factors that may contribute to re-offending in a same or similar fashion. The three risk levels a predatory offender can be assigned are:

- Level 1
- Level 2
- Level 3

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, with the exception of designated healthcare facilities (MN Statute 243.166, subdivision 4(b)).

Registrant: means the predatory offender or offender subject to registration.

Risk Assessment Scale: means the scale the Commissioner of Corrections uses to assign weights to the various risk factors listed in MN Statute 244.052, subdivision 3(g), and specifies the risk level to which offenders with various risk assessment scores shall be assigned.

PROCEDURE

REGISTRATION

When an individual arrives to register with this agency, [officers] should ask what state the offense was committed in and if the individual has previously registered elsewhere. [Officers] shall verify that the individual is at the correct location to complete their registration- meaning that the registrant's primary address, work address, or school address are within this agency's jurisdiction. [Officers] can review the list of registrable offenses on the BCA's website or by referring to MN Statute 243.166, subdivision 1b. In some cases, the agency may have received prior notice from the commissioner of corrections that a predatory offender would be coming to the agency to complete their registration.

If the individual is required to register, contact the BCA POR UNIT or login to the POR LE/ES portal to determine whether the individual has already registered and submitted a DNA sample. If the individual is already registered, complete a *Change of Information Form*. If the individual is not registered, complete a *Predatory Offender Registration Form*. If the individual is from or registered with another state, contact the state the individual is registered in and request a copy of the offender's original registration form, criminal complaint, and sentencing documents. All documents and photos can be downloaded and/or submitted via the BCA's MN Predatory Offender Registry Electronic Submissions (POR ES) portal.

Link: <https://dps.mn.gov/divisions/bca/bca-divisions/investigative-services/specialized-investigative-services/predatory-crimes/predatory-crimes-law-enforcement/por-information-law-enforcement>

This agency strongly encourages its [officers] to verify the addresses of registrants living in this jurisdiction. Minnesota Statute 243.166 requires predatory offenders to register a new primary address at least 5 days before the person starts living at a new location. The statute also requires registrants to provide written notice to the assigned corrections agent or to the law enforcement authority that has jurisdiction over the person's primary address that the person is no longer living or staying at an address, immediately after the person is no longer staying there. Statute requires the predatory offender to submit these written notices in person. Homeless registrants within this agency's jurisdiction, or any agency's jurisdiction, are required to check in/register with law enforcement on a weekly basis.

If an [officer] finds that a registrant is not living at their registered primary address, contact the BCA POR UNIT or login to the POR ES portal to determine whether a *Change of Information Form* was submitted. If it was not, the registrant may be charged with failure to notify authorities of a change in residence. To make this charge, contact the BCA POR UNIT to request a prosecution packet. Submit the packet to the county attorney's office to file formal charges. Prior to submitting any formal charging paperwork, [officers] shall verify that the registrant is no longer residing at his/her last address. If possible, [officers] should collect evidence of the registration violation in the form of a formal statement from friends, co-workers, neighbors, caretakers, etc. of the registrant.

For questions concerning predatory offender registration refer to the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration via the link above for detailed information, or contact the Predatory Offender Unit (BCA POR UNIT) by calling (651) 793-7070 or 1-888-234-1248.

COMMUNITY NOTIFICATION

Law enforcement agencies receive information from the BCA and DOC regarding the assigned risk level of predatory 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 a registrant is placed or resides in one of the DOC licensed residential facilities (halfway houses) such as those operated by RS-Eden, Alpha House, 180 Degrees, Damascus Way, or Bethel Work Release (contact the DOC RA/CN unit for a current list of designated halfway houses). If a predatory offender or registrant leaves a DOC licensed facility, [officers] shall not disclose any information until the law enforcement agency is notified the registrant will move to a residential location within the agency's jurisdiction. If public notice (level 2 or 3) is required on an unhoused registrant, that notice should include as much specificity as possible, for example, "in the vicinity of (location, landmark, intersection)."

Level 1 Notification. This agency and its [officers] may disclose the information it maintains on level 1 predatory offenders to other law enforcement agencies. The agency may disclose registrant information received from the DOC to any victims of or witnesses to the offense committed by the registrant. This agency and its [officers] shall disclose registrant information to the victims of the offense committed by the registrant who have made a disclosure request for enhanced notification as well as the adult members of the registrant's immediate household. For more information regarding level 1 offender notification, refer to MN Statute 244.052, subdivision 4(b)(1).

See Appendix A: Confidential Fact Sheet - For Law Enforcement Agency Use Only

Level 2 Notification. This agency and its [officers] may make the same disclosures for a level 2 predatory offender as a level 1. Registrant information may also be disclosed to agencies and groups that the registrant is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies/groups include the staff members of public

and private education institutions, day care establishments, and establishments that primarily serve individuals likely to be victimized by the registrant. [Officers] shall make notification determinations based on the registrant's pattern of offending or victim preferences as documented in the information provided by the DOC or DHS. Level 2 predatory offender information may also be provided to property assessors, property inspectors, code enforcement officials, and child protection officials who are likely to visit the registrant's home while carrying out their work duties. For more information regarding level 2 predatory offender public notifications, refer to MN Statute 244.052, subdivision 4(b)(2).

See Appendix B: Fact Sheet - Notification of Relocation in Minnesota

Level 3 Notification. This agency shall disclose level 3 predatory offender information to the individuals and organizations that are eligible for disclosure for level 1 and 2 registrants. This agency shall also disclose level 3 registrant information to members of the community whom the registrant is likely to encounter, unless this agency determines that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim. For more information regarding level 3 registrant public notification, refer to MN Statute 244.052, subdivision 4(b)(3). The agency must make a good faith effort to complete the disclosure on a level 3 predatory offender within 14 days of receiving documents/notice from the DOC. The process of notification will be determined by this agency.

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 date of conviction; the risk level assigned to the offender, if any; and the profile of likely victims.

VICTIM NOTIFICATION

This agency shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and augment their safety planning efforts. The victim is not required to live within this agency's jurisdiction to receive notification. The DOC will provide victim contact information to the law enforcement agency when there is a victim/witness who has requested enhanced notification. Law enforcement personnel may directly contact the victim/witness. Community based victim advocacy resources may also be available to assist with locating a victim and with providing notification. Assistance is also available from the DOC RA/CN and Victim Services staff.

See Appendix C: Victim Survivor Notification

OUT OF STATE PREDATORY OFFENDERS AND OFFENDERS RELEASED FROM FEDERAL FACILITIES SUBJECT TO NOTIFICATION

If an [officer] with this 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, or [officer], must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this agency 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 this agency may be made consistent with that of a level 2 registrant.

If an [officer] or other member of this agency believes that a risk level assessment is needed, the agency may request an end-of-confinement review by the DOC. This agency shall provide the DOC any necessary documents required for assessing the predatory offender and assigning a risk level.

Note:

- Neither this agency nor its [officers] shall disclose the identity or any identifying characteristics of the victims of or witness to a predatory offender's offense(s).
- A registrant who is the subject of a community notification meeting may not attend the meeting.
- This agency shall disclose information on a registrant as required by statute for as long as the offender is required to register under MN Statute 243.166.
- When a registrant for whom notification was made no longer resides, is employed, or is regularly found in this agency's jurisdiction, the agency shall inform the entities and individual initially informed of the registrant's status.

For questions regarding community notification or the risk level assigned, contact the Risk Assessment/Community Notification Unit of the Department of Corrections (DOC RA/CN Unit) at 651-361-7340 or at notification.doc@state.mn.us. The DOC is also available to assist agencies with conducting public notification meetings when a registrant who is subject to notification moves into a law enforcement jurisdiction.

STATUTORY REFERENCES

- MN STATUTE 243.166 – Registration of Predatory Offenders
- MN STATUTE 243.167 – Registration Under Predatory Offender Registration Law for Other Offenses
- MN STATUTE 244.10 – Sentencing Hearing; Deviation from Guidelines
- MN STATUTE 244.052 – Predatory Offenders; Notice
- MN STATUTE 244.053 – Notice of Release of Certain Offenders
- MN STATUTE 253D.32 – Scope of Community Notification
- MN STATUTE CHAPTER 13 – Government Data Practices
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Revision approved by the POST Board on _____.

DRAFT

CONFIDENTIAL
Fact Sheet
Law Enforcement Agency Use Only
Not for Use in Public Notification

The individual who appears on this notification is subject to registration under *Minnesota Statutes* 243.166 or 243.167. In addition, this individual is subject to community notification under *Minnesota Statute* 244.052.

The following information is for law enforcement use only.

RISK LEVEL ASSIGNED: 3 (mm/dd/yyyy)

JOHN DOE

DOB: MM/DD/YYYY

OID: 123456

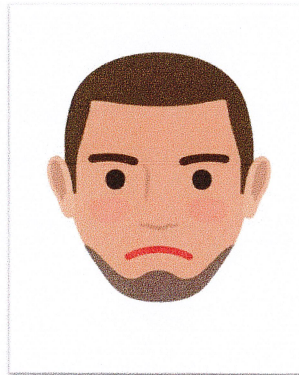
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Height: 6' 3"

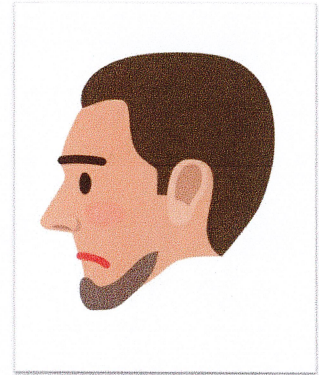
Weight: 242 lbs.

Eyes: Green

Hair: Brown



MM/DD/YYYY



MM/DD/YYYY

Original Incarceration Date: DD/MM/YYYY

Confinement Release: DD/MM/YYYY

Termination of Sentence: DD/MM/YYYY

Registration Statute(s): 609.343 (three convictions) & 617.247

Investigating Agency: Sometown Police Department

Supervision Agent: First Last (555) 555-5555

Offense: (2016, Somewhere Co) John Doe engaged in sexual contact against a known (daughter) female (age 11). Contact included touch. Doe used his significant relationship of trust to attain and exploit unmonitored access. He used manipulation and coercion in an effort to maintain control. (2016, Somewhere Co) Doe was found in possession of Child Sexual Abuse Materials (CSAM).

Other Predatory Offenses and/or Behavior: History of mental health issues and suicidal ideation.

Revocation/New Commit: 11/21/2018 - Contacted individuals on LinkedIn; Used/possessed unapproved flash drive; Failed to comply with sex offense specific treatment; Terminated from work release.

Special Release Conditions: Complete sex offense specific treatment; Not purchase/possess sexually explicit materials nor enter sex-based establishment; Comply with electronic surveillance; No contact with minors; Not use media to solicit personal contact; Comply with ISR; Schedule/attend all medical/mental health appointments; Disclose to agent all computers/internet devices/phones within 24 hours of first possession/use; Not access social networking websites that allow minors to access; Comply with cognitive behavioral treatment.

Address: 555 55th Street, Yourtown, MN 55555 (555) 555-5555

Date of Address Change: DD/MM/YYYY

Some County Sheriff's Office

Fact Sheet

NOTIFICATION OF RELOCATION IN MINNESOTA

RISK LEVEL THREE

In addition to level two notification, law enforcement may notify other members of the community whom the registrant is likely to encounter.

The *Some County Sheriff's Office* is available to provide you with useful information on personal safety. The *Some County Sheriff's Office* may be reached at 555-555-5555. To report criminal activity by this registrant or any other individual, please call 911.

JOHN DOE**DOB: DD/MM/YYYY****OID: 123456**

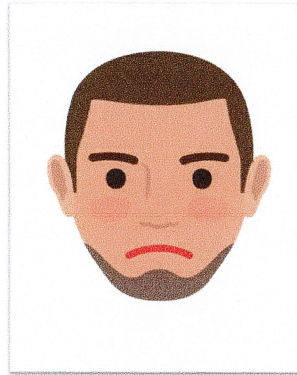
Race: .

Height: 0' 0"

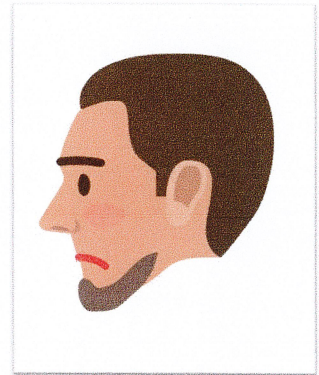
Eyes: Color

Weight: 242 lbs.

Hair: Color



DD/MM/YYYY



DD/MM/YYYY

Registration Statute(s): 609.343 (three convictions) & 617.247

Investigating Agency: Sometown Police Department

Release Date: DD/MM/YYYY

Supervision Agent: First Last (555) 555-5555

Offense: John Doe has a history of sexual contact against known female children. Contact included touch. Doe used his established relationships of trust to attain and exploit unmonitored access. He used kindness and manipulation to maintain control. Additionally, Doe was found to be in possession of Child Sexual Abuse Material.

Address: Vicinity of Proximal Street and Adjacent Avenue, Yourtown, MN 55555

Date of Address Change: dd/mm/yyyy

The *Some County Sheriff's Office* is releasing this information pursuant to Minnesota Statutes 244.052 and 253D. These statutes authorize law enforcement agencies to inform the public of a public registrant's release from prison or a secure treatment facility when the *Some County Sheriff's Office* believes that the release of information will enhance public safety and protection.

The individual who appears on this notification has been convicted of Criminal Sexual Conduct or another offense that requires registration with law enforcement pursuant to Minnesota Statutes 243.166 or 243.167.

This individual **has served the sentence** imposed on them by the court and is transitioning into the community. This notification is not intended to increase fear but rather raise awareness. Law enforcement believes that an informed public is a safer public.

The *Some County Sheriff's Office* may not direct where this individual does or does not reside, nor can this agency direct where he/she works or goes to school.

Those convicted of sexual or predatory offenses have always been released to live in our communities. It was not until the passage of the Registration Act that law enforcement had an ability to track movement of these individuals after their initial release. With the passage of the Community Notification Act law enforcement may now share information about many of these individuals with the public. Abuse of this information to threaten, harass or intimidate a registered individual is unacceptable and such acts could be charged as a crime. Such abuses could potentially end the ability of law enforcement to provide these notifications.

VICTIM SURVIVOR NOTIFICATION

Law enforcement use only. This information is being released to your agency to assist you in satisfying the required notification to a victim survivor, which is required **regardless of risk level**.

Per statute, LE agencies in the area where a registrant resides, expects to reside, is employed, or is regularly found **shall** provide notification to victim survivor(s) with information that is relevant and necessary to protect the victim survivor and counteract the registrant's dangerousness. (*Minn. Stat. 244.052, subd. 4*).

REGISTRANT INFORMATION	
Name: Click or tap here to enter text.	OID Number: Click or tap here to enter text.
Risk Level: Click or tap here to enter text.	Date of Release/Address Change: Click or tap here to enter text.

Make all efforts to notify the victim as soon as possible. Please see the enclosed tip sheet for more information on how to provide notification.

VICTIM SURVIVOR INFORMATION - CONFIDENTIAL	
Victim Survivor(s) Name(s): Click or tap here to enter text.	Victim Survivor was/is a Minor: <input type="checkbox"/> Yes <input type="checkbox"/> No
Person Receiving the Notification (if other than victim): Click or tap here to enter text.	Association to Victim: Click or tap here to enter text.
Person Receiving the Notification Association to the Registrant (if known): Click or tap here to enter text.	
CONTACT INFORMATION - CONFIDENTIAL	
Street Address: Click or tap here to enter text.	City, State, Zip Code: Click or tap here to enter text.
Phone Number(es): Click or tap here to enter text.	Email Address(es): Click or tap here to enter text.

If you require or receive updated contact for the victim survivor, please contact the Minnesota Department of Correction's Victim Services unit at 651-361-7250 or VictimAssistance.DOC@state.mn.us. For notification or registrant specific questions, please contact the RACN unit, which can be reached at (651) 361-7340 or by email at racn.doc@state.mn.us.

PREDATORY OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION [MODEL POLICY]

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

I. POLICY

It is the policy of the (*name of the law enforcement agency*) 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 predatory offender's assigned risk level and the relevant state statute. ~~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.~~

II. DEFINITIONS

"Immediate household": has the meaning given to it in MN Statute 244.052, subdivision 1(2).

"Likely to encounter": has the meaning given to it in MN Statute 244.052, subdivision 4(c).

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).

Predatory Offender or Offender: means a person who is required to register as a predatory offender under MN Statute 243.166.

Primary Address: has the meaning given to it in MN Statute 243.166, subdivision 1a (k).

B. Offender Risk Levels ~~means the level of notification is governed by the level of risk assigned by the DOC.~~ means the risk assessment score a predatory offender is assigned by the end-of-confinement review committee which indicates a predatory offender's likelihood, or risk, of reoffending. The three risk levels a predatory offender can be assigned are:

~~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.

Risk Assessment Scale: means the scale the commissioner of corrections uses to assign weights to the various risk factors listed in Minnesota Statute 244.052, subdivision 3(g), and specifies the risk level to which offenders with various risk assessment scores shall be assigned.

III. 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 via the link above 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~~ [officers] should ask the offender what state the offense was committed in and if ~~the individual is required to register~~ the offender has previously registered elsewhere. [Officers] shall verify that the offender is at the correct location to complete their registration- meaning that the offender's primary address, work address, or school address are within this agency's jurisdiction. ~~by reviewing the list of registrable offenses on the POR website.~~ [Officers] can review the list of registrable offenses on the BCA's website or by referring to MN Statute 243.166, subdivision 1b. In some cases, the agency may have received prior notice from the commissioner of corrections that a predatory offender would be coming to the agency to complete their registration.

If the offender is required to register, contact the BCA POR or login to the POR LE/ES website to ~~verify~~ determine whether the offender ~~is~~ has already registered and submitted 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.~~
- 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.~~
- If the offender is from and registered with another state, contact the state the offender is registered in (information for each state is listed on the BCA's website at www.dps.state.mn.us/bca) and request a copy of the offender's original registration form, criminal complaint, and sentencing documents. All documents and photos can be downloaded and/or submitted via the BCA's MN Predatory Offender Registry Electronic Submissions (POR ES) portal.

Link: <https://dps.mn.gov/divisions/bca/bca-divisions/investigative-services/specialized-investigative-services/predatory-crimes/predatory-crimes-law-enforcement/por-information-law-enforcement>

This agency strongly encourages its [officers] to ~~It is recommended the agency~~ verify the addresses of the offenders living in this jurisdiction ~~their community~~. Minnesota Statute 243.166 requires predatory offenders to register a new primary address at least 5 days before the person starts living at a new location. The statute also requires offenders to provide written notice to the assigned corrections agent or to the law enforcement authority that has jurisdiction over the person's primary address that the person is no

longer living or staying at an address, immediately after the person is no longer staying there. Statute requires the predatory offender to submit these written notices in person. Homeless offenders within this agency's jurisdiction, or any agency's jurisdiction, are required to check in/register with law enforcement on a weekly basis.

- If an [officer] finds that an ~~the~~ offender is not living at ~~the~~ their registered primary address, contact the BCA-POR or login to the POR ES portal to determine if whether 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: Prior to submitting any formal charging paperwork, [officers] shall verify ~~It must be verified~~ that the offender is no longer residing at his/her last address ~~prior to submitting the prosecution packet for charging.~~ If possible, [officers] should collect evidence of the registration violation in the form of ~~Depending on the county attorney,~~ formal statements ~~may be needed~~ from friends, co-workers, neighbors, caretakers, etc. of the offender.

IV. COMMUNITY NOTIFICATION PROCEDURES

For questions regarding community notification or the risk level assigned to an offender, contact the Risk Assessment/Community Notification Unit of the Department of Corrections (DOC RA/CN Unit) at 651-361-7340 or at notification.doc@state.mn.us. The DOC will answer questions about the notification process and agency responsibilities. The DOC is also available to assist agencies in conducting public notification meetings when an offender who is 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 regarding the assigned 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.~~ If an offender leaves a DOC licensed facility, [Officers] shall not Do-NOT disclose any information until the law enforcement agency is notified the offender will move to a residential location within the agency's jurisdiction.

~~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 1 Notification

This agency and its [officers] may disclose the information it maintains on level 1 predatory offenders to other law enforcement agencies. The agency may disclose predatory offender information received from the DOC to any victims of or witnesses to the offense committed by the offender. This agency and its [officers] shall disclose offender information to the victims of the offense committed by the offender who have made a disclosure request as well as the adult members of the offender's immediate household. For more information regarding level 1 offender notification, refer to MN Statute 244.052, subdivision 4, item b(1).

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

~~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 2 Notification

This agency and its [officers] may make the same disclosures for a level 2 predatory offender as a predatory 1 offender. Level 2 offender information may also be disclosed to agencies and groups that the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies/groups include the staff members of public and private education institutions, day care establishments, and establishments that primarily serve individuals likely to be victimized by the offender. This agency's [officers] shall make notification determinations based on the offender's pattern of offending or victim preferences as documented in the information provided by the DOC of DHHS. Level 2 offender information may also be provided to property

assessors, property inspectors, code enforcement officials, and child protection officials who are likely to visit the offender's home while carrying out their work duties. For more information regarding level 2 offender public notification, refer to MN Statute 244.052, subdivision 4, item b(2).

See attachment 2: Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota – Risk Level 2

~~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 RACN Unit.~~

Level 3 Offender

This agency shall disclose level 3 predatory offender information to the individuals and organizations that are eligible for disclosure for level 1 and 2 offenders. This agency shall also disclose level 3 predatory offender information to members of the community whom the offender is likely to encounter, unless this agency determine that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim. For more information regarding level 3 offender public notification, refer to MN Statute 244.052, subdivision 4, item b(3).

The agency must make a good faith effort to complete the disclosure on a level 3 predatory offender within 14 days of receiving documents and notice from the DOC. The process of notification will be determined by this agency, however, the current standard for level 3 offenders is to invite the community to a public meeting.

See attachment 3: Law enforcement Agency Fact Sheet – Notification of Release in Minnesota

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

C. Specialized Notifications

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

- ~~If an [officer] with this law enforcement agency~~ ~~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~~ by this agency may be made consistent with that ~~authorized for risk level 2- of a level 2 offender.~~
- ~~In the alternative,~~ ~~If an [officer] or other member of this a local law enforcement~~ agency believes that a risk level assessment is needed, the agency may request an end-of-confinement review by the DOC. ~~The local~~ This law enforcement agency shall provide ~~to~~ the DOC any necessary documents required for assessing the offender and assigning ~~assess a risk level. 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~~ This agency shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and counteract the offender's dangerousness. The victim is not required to live within this agency's jurisdiction to receive notification.

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.

Note:

- Neither this agency nor its [officers] shall disclose the identity or any identifying characteristics of the victims of or witness to a predatory offender's offense(s).
- An offender who is the subject of a community notification meeting may not attend the meeting.
- This agency shall disclose information on an offender as required by statute for as long as the offender is required to register under MN Statute 243.166.
- When an offender for whom notification was made no longer resides, is employed, or is regularly found in this agency's jurisdiction, the agency shall inform the entities and individual initially informed of the offender's status.

STATUTORY REFERENCES

- MN STATUTE 243.166 – Registration of Predatory Offenders
- MN STATUTE 243.167 – Registration Under Predatory Offender Registration Law for Other Offenses
- MN STATUTE 244.10 – Sentencing Hearing; Deviation from Guidelines
- MN STATUTE 244.052 – Predatory Offenders; Notice
- MN STATUTE 244.053 – Notice of Release of Certain Offenders
- MN STATUTE 253D.32 – Scope of Community Notification
- MN STATUTE CHAPTER 13 – Government Data Practices
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

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PB-Rev 01/2011

ADMINISTRATIVE FORFEITURE [MODEL POLICY]

POLICY

(Name of law enforcement agency) personnel shall follow state and federal laws regarding administrative forfeitures and the handling of seized property. This policy applies to agency personnel assigned to another agency's task force as well as personnel from outside agencies assigned to a task force managed by the *(name of law enforcement agency)*.

DEFINITIONS

Ammunition: has the meaning given to it in MN Statute 609.02, subdivision 17.

Controlled Substance: has the meaning given to it in MN Statute 152.01, subdivision 4.

Conveyance Device: has the meaning given to it in MN Statute 609.5314, subdivision 1(a).

Firearm: has the meaning given to it in MN Statute 609.666, subdivision 1(a).

Firearm Accessories: means devices and attachments made to be used for or with a firearm. Firearm accessories may include, but are not limited to, holsters, gun cases, firearm optics, suppression devices, and firearm cleaning supplies.

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

Forfeiture Reviewer: means agency personnel responsible for reviewing all forfeiture cases and for being the liaison between the agency and prosecutor's office.

Jewelry/Precious Metal/Precious Stones: refers to items of jewelry such as rings, necklaces, and watches that reasonably appear to be made with 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.

Money: has the meaning given to it in MN Statute 609.5314, subdivision 1(d).

Seizure: refers to the act of law enforcement officials taking property, including but not limited to, money and vehicles, that have been used in connection with or acquired as a result of illegal activities.

PROCEDURE

SEIZED PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE

The items described herein are subject to administrative forfeiture under MN Statute 609.5314, subdivision 1.

- All money totaling \$1,500 or more, precious metals, and precious stones for which there is probable cause to believe they represent the proceeds of a controlled substance offense.
- All money found in proximity to controlled substances when there is probable cause to believe that the money was exchanged for the purchase of a controlled substance.
- All conveyance devices containing controlled substances with a retail value of \$100 or more if there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale.
- All firearms, ammunition, and firearm accessories.

PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When any property as described in the above section is seized, the peace officer making the seizure must ensure the required forfeiture forms are completed, that a receipt for the seized items is completed, and that the appropriate notifications are made within 60 days pursuant to MN Statute 609.5314, subdivision 2.

The notice form contains information in English, Hmong, Somali, and Spanish concerning the right to obtain judicial review and the procedure to follow under MN Statute 609.5314 for obtaining the review. The form must be dated and signed by the peace officer conducting the seizure. The agency case number must be included on the form. The individual from whom the property was 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 must 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 agency's custody.

The peace officer conducting the seizure shall ensure the original and pink copy of the seizure notices, seized property processing worksheets, property receipts, and reports are forwarded to the Forfeiture Reviewer within 10 days of seizure. The peace officer who conducted the seizure shall inform the Forfeiture Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

Money. Peace officers shall not seize money having an aggregate value less than (*amount determined by the agency*) unless pre-recorded buy funds are included in the money seized. Money shall be counted by two peace officers while in the presence of one

another, then the money must be placed in an envelope that is sealed and initialed/dated by the two peace officers. This processes should be documented via video recording. If video recording is not available, the officer shall document the reason(s) why a recording was not captured in their report. The property bag and/or inventory receipt shall then be signed/dated by the two peace officers who counted the money.

All forfeitable money seized will be turned over to the Forfeiture Reviewer or property/evidence room as soon as practical after the seizure. Prior to deposit with the Forfeiture Reviewer, [officers] shall examine all money seized to determine whether it contains any buy funds. [Officers] shall document the recovery of all buy funds and deposit those funds with the Forfeiture Reviewer or other designated person/entity to be returned to the appropriate unit's buy fund account.

[Officers] seizing money shall also prepare a property inventory. If money is seized from multiple individuals, a property inventory receipt shall be completed for each individual. The property inventory receipt shall specify the total amount of money seized from each individual. The agency property inventory shall also contain a detailed description of all money, checks, money orders, travelers checks and/or other financial instruments. The [officer] conducting the seizure shall ensure a copy of the completed property inventory receipt is provided to the Forfeiture Reviewer.

It is the seizing peace officer's responsibility to secure the money consistent with this agency's policy/procedure for seizing/forfeiting money.

Jewelry/Precious Metals/Precious Stones. Peace officers seizing jewelry, precious metal, or precious stones will write a detailed description of each item on the property inventory form/receipt prior to inventorying the items. A copy of the property receipt and any photographs of the item(s) shall be delivered to the Forfeiture Reviewer and kept with the case file. [Officers] seizing jewelry, precious metals, or precious stones shall deliver those items to the property/evidence room as soon as practical.

Conveyance Devices. Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an agency approved impound facility. [Officers] shall inventory the conveyance device and its contents in accordance with this agency's policies. [Officers] shall also complete the applicable forms and distribute them as appropriate. Copies of the appropriate forms shall also be provided to the Forfeiture Reviewer and kept with the case file.

Firearms/Ammunition/Firearm Accessories. When firearms, ammunition, or firearm accessories are seized, they shall be inventoried and delivered to the property/evidence room as soon as practical. The appropriate forms shall be completed and distributed as appropriate. Copies of the completed forms shall be provided to the Forfeiture Reviewer and kept with the case file.

FORFEITURE REVIEWER

The Forfeiture Reviewer is responsible for ensuring forfeiture changes are forwarded to a supervisor for review.

REPORTS

[Officers] seizing property shall complete a report. All reports must include a description of the items seized, where the property was turned-in/inventoried, the name of the individual served, the date the seizure form was served, the name of the serving [officer], and whether or not the individual signed the forfeiture form. All reports dealing with the seized property must be completed within 24 hours of the seizure unless the [officer] received permission from their direct supervisor to exceed the 24-hour requirement. In such instances, information regarding what item was seized, by whom, and where the property is being stored shall be documented in a location accessible by other agency personnel.

TRAINING

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

STATUTORY REFERENCES

- MN STATUTE 152.01 – Definitions
- MN STATUTE 609.02 – Definitions
- MN STATUTUE 609.531 – Forfeitures
- MN STATUTE 609.5311 – Forfeiture of Property Associated with Designated Offenses
- MN STATUTE 609.5312 – Forfeiture of Property Associated with Controlled Substances
- MN STATUTE 609.5313 – Forfeiture by Judicial Action; Procedure
- MN STATUTE 609.5314 – Administrative Forfeiture of Certain Property Seized in Connection with a Controlled Substance Seizure
- MN STATUTE 609.5315 – Disposition of Forfeited Property
- MN STATUTE 609.5316 – Summary Forfeitures
- MN STATUTE 609.18 – Forfeiture of Vehicles Used in Drive-by Shootings
- MN STATUTE 609.666 – Negligent Storage of Firearms

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PROCESSION OF PROPERTY SEIZED FOR ADMINISTRATIVE FORFEITURE

[MODEL POLICY]

MN STAT 609.531 ~~609.5318~~

POLICY

It ~~shall be~~ the policy of the _____
(name of law enforcement agency) 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. Refer to MN Stats. 609.531 – 609.5318 ~~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: 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. United States currency and coin; the currency and coin of a foreign country; a bank check, cashier's check; a prepaid credit card; cryptocurrency; or a money order (refer to MN Stat. 609.5314 subd. 1 (d)).

Conveyance Device: a device used for transportation and includes but is not limited to a motor vehicle, trailer, snowmobile, airplane, ~~or~~ and vessel and any equipment attached to it. The term "conveyance device" does not include property, which is, in fact, itself stolen or taken in violation of the law. (refer to MN Stat. 609.531 subd. 1 (a)).

Firearms/ammunition/firearm accessories: Firearm means a device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or force of combustion (refer to MN Stat. 609.666 subd. 1 (a)). that projects either single or multiple projectiles at high velocity. Ammunition means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm (refer to MN Stat. 609.02 subd. 17). ~~is a term meaning the assembly of a projectile and its propellant.~~ Accessories include but are not limited to holsters, gun cases, fire-arm optics, suppression devices, and cleaning supplies, ~~etc.~~

Forfeiture: ~~t~~ 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" i~~ Includes items of jewelry such as rings, necklaces and watches that reasonably appear to be made ~~of~~ with 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 being the liaison between the Agency and prosecutor's office.

Seizure: the act of law enforcement officials taking property, including, but not limited to, cash and, vehicles, etc. that has been used in connection with or acquired by as a result of 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:~~

~~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.~~

The following are subject to administrative forfeiture under MN Stat. 609.5314 subd. 1:

- All money totaling \$1,500 or more, precious metals, and precious stones that there is probable cause to believe represent the proceeds of a controlled substance offense;
- All money found in proximity to controlled substances when there is probable cause to believe that the money was exchanged for the purchase of a controlled substance (refer to subdivision (e) for definition);
- All conveyance devices containing controlled substances with a retail value of \$100 or more if there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale; and
- All firearms, ammunition, and firearm accessories as described in this subdivision.

~~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.~~

~~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: ensure necessary forfeiture forms are completed, a receipt for the seized items is completed, and the appropriate notifications are made within 60 days and according to MN Stat. 609.5314 subd. 2.~~

- ~~• 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 ~~n~~Notice form ~~also~~ contains information in English, Hmong, Somali and Spanish concerning the right to obtain judicial review and the procedure ~~to follow~~ under MN ~~STAT~~Stat. 609.5314 ~~to follow to for~~ obtaining ~~the review~~. 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~~was 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~~must 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 ~~ensure~~forward the original and pink copy of the seizure notices, seized property processing worksheets, property receipts and reports ~~are forwarded~~ to the Forfeiture/~~Seized Property~~ Reviewer within 10 days of seizure.

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

Cash~~Money~~

Peace officers shall not seize cash having an aggregate value less than (~~Agency Discretion~~amount determined by the agency), unless pre-recorded buy funds are included in the cash seized. ~~Cash~~Money shall be ~~counted by two peace officers while in the presence of one another, then the money must be place in an envelope that is sealed and initialed/dated by the two peace officers, recounted and the amount verified by another employee of the Agency.~~ The property bag

and/or inventory receipt shall then be signed/dated by the same two peace officers.~~ee signed when cash is involved.~~

All forfeitable cash/money seized will be turned over to the Forfeiture/~~Seized Property~~ Reviewer or property/evidence room as soon as practical~~ly possible (Agency Discretion)~~ after the seizure.

Prior to deposit with the Forfeiture/~~Seized Property~~ Reviewer, peace officers shall examine all cash/money 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/money shall also prepare a property inventory. ~~If cash/money 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/money seized from each individual. The agency property inventory shall also contain a detailed description of all cash, checks, money orders and/or travelers checks or other financial instruments.

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

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

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 is practical~~ly 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 as appropriate~~ly~~.~~

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.

The Forfeiture/~~Seized Property~~ Reviewer shall forward all ~~changes to~~ forfeiture status changes 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 ~~was~~ 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~~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.

TRAINING

Training will be provided by the employing law enforcement agency in consultation with the prosecuting authority to peace officers who may exercise the use of administrative forfeiture in the performance of their assigned duties. -Such training ~~to~~will 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 be limited to agency policy and, directives, and electronic or traditional classroom education.

(~~02/11~~11/24)