



Board of Peace Officer Standards and Training

1600 University Avenue, Suite 200, Saint Paul, MN 55104

Main: (651) 643-3060 | www.mn.gov/post/

Public Safety Advisory Council

MEETING AGENDA

Monday, February 10, 2025 9:00am to 10:30am

This meeting will be held at the MN POST Board, 1600 University Ave, Ste 200, St. Paul, MN 55104

1. Call to order.
2. Approval of the agenda **ACTION.**
3. Approval of revised minutes from 12/17/24 meeting **ACTION.**
4. Approval of minutes from 1/13/25 meeting **ACTION.**
5. Missing and Endangered Persons Model Policy input (Attachment).
6. Missing and Murdered Women and Girls - ERIC WON.
7. Administrative Forfeitures Model Policy (Attachment) - SCHYLER BEATY.
8. Lighting Exemption of Law Enforcement Vehicles Model Policy (Attachment)
– SCHYLER BEATY.
9. Overview of MN POST Board Model Policies - SCHYLER BEATY.
10. Minneapolis PD Court-ordered monitoring- ERIC WON.
11. Adjournment.

Minn. Stat. § 626.8435 **PUBLIC SAFETY ADVISORY COUNCIL**

(a) The purpose of the council is to assist the board in maintaining policies and regulating peace officers in a manner that ensures the protection of civil and human rights. The council shall provide for citizen involvement in policing policies, regulations, and supervision. The council shall advance policies and reforms that promote positive interactions between peace officers and the community.



Board of Peace Officer Standards and Training

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Public Safety Advisory Council Workshop

December 17, 2024

9:00 a.m.

Members Present:

Chair Eric Won
Anne Haines Holy Eagle
Biiftuu Adam
Carl Crawford
Erik Misselt
Kaohly Her
Nikki Engel
Paul Novotny
Shane Myre
Sue Abderholden
Terry Stier

Members Absent:

Andrew Mathews
Cathy Spann
Julio Zelaya
Sean Deringer

Staff Present:

Schyler Beaty
Shari Bartness

Others Present:

Jamael Lundy

Chair Won began the meeting at 9:07 a.m.

9:00 AM Welcome and Introductions

The Council introduced themselves.

9:30 AM Commitment to the Council

Topics discussed:

- Believe in what this group can be.
- Roles between peace officers and community have evolved in the last 40 years. Finding best practices.
- Look forward to the work this group can do.
- Bridge the gap between communities and peace officers.
- How do we make MN the one state that gets it right and eliminate bias?
- Racial disparities in the criminal justice system exist and need to be addressed.
- There is always a need for change and improvement.
- Some members questioned the ongoing need for the council and legislation may be coming to dissolve it.
- Community still has an issue with peace officers. Need to identify where the disparities are.
- Communities should be utilizing their local resources, support systems.
- Need more funding to address the loopholes.
- The need for protection of civil rights for all.

- What's going on in this country is not right and needs to be changed with peace, not hate.
- Need more clarity on who does what.

10:15 AM History of the Legislation Forming the Council

Mr. Lundy provided a presentation on the history of why this council was formed by legislation.

10:35 AM Break

10:45 AM Brainstorming

11:15 AM Identifying Viable Ideas and Champions

NOTES:

Post Model Policy Focus:

- Look at the current policies through a diversity and equity lens.
- Training standards for mental health training.

Training Focus - What Do Other States Do? Overview of Training, Then Deeper Dive:

- What is missing? Where are the gaps?
- Not responding to suicide calls.
- Transport holds not being done when person won't voluntarily get into the vehicle.
- Juvenile justice for youth interventions and support.
- LE training; MN does not have 1 uniform curriculum (training academy). Do we need one?
- Review current training requirements for inclusion and uniformity. Not necessarily looking to add more training.

Public Awareness/ Outreach/ Community Engagement:

- Public awareness. Campaign to let the public know we exist and what we do.
- Community meetings to educate and discuss what citizen involvement in policing policies look like.
- Create opportunities for communities to identify issues.
- Ensure that we are reporting back to the communities we represent.
- Leverage this council to pull community together or at least provide information on critical issues e.g. SRO – this group's position with community that we could have provided valuable input.
- Create an outlet where stories of policing and community thrive.
- Local participation w/ hiring committee.
- More partnerships with more visibility in local law enforcement entities.
- Don't reinvent the wheel. Local issues aren't isolated. How to take local and see impact statewide.

Organizational:

- Commit to half in-person meetings.
- Start reporting to legislature and public safety committees.
- Develop communication protocol for members to report out on what they are hearing in their

area/ community.

- Intentionally plan for communicating work and purpose of this group back to the community. E-news? Regular communication.
- Build strong and lasting impact as the Public Safety Advisory Council.
- Scope of legislative authority.
- Bring draft model policies to the scope and review.
- Clear focus and narrow.

Follow Up:

- Follow up with the American Indian Families Ombuds person to see if the POST recommendation was satisfied. Done, no need to follow up.
- Follow up with the Duluth listening session.
- Identify citizen review board.
- Opportunity to share best practice.

To Do's:

- Review and have input into policies as the POST Board reviews them according to their timetable.
- Create opportunities for communities to identify issues related to promoting positive interactions.
- Develop communication protocol for members to report out on what they are hearing in their area/ community.

11:30 AM Discussion and Decision-Making on Goals for 2025 Plan

The Council agreed to the next meeting to be held on 1/13/25 from 9:00 a.m. – 10:30 a.m.

12:15 PM Lunch

Meeting adjourned at 12:41 p.m.



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Public Safety Advisory Council

January 13, 2025

9:00 a.m.

This was a hybrid meeting held at the MN POST Board Office, 1600 University Ave, Ste 200, St. Paul, MN 55104

Members Present:

Chair Eric Won
Carl Crawford
Erik Misselt
Kaohly Her
Nikki Engel
Paul Novotny
Sue Abderholden
Terry Stier

Staff Present:

Angie Rohow
Mike Cumiskey
Schyler Beaty
Shari Bartness

Members Absent:

Andrew Mathews
Anne Haines Holy Eagle
Biftuu Adam
Cathy Spann
Julio Zelaya
Sean Deringer
Shane Myre

Call to Order: Chair Won called the meeting to order on January 13, 2025 at 9:02 a.m.

Approval of the Agenda: Chair Won asked the Council if they had any modifications for the agenda.

Mr. Crawford requested time for a report on the workgroup's progress.

- **Motion:** Chief Stier made a motion to approve the agenda. Director Misselt seconded the motion. The motion was approved via unanimous voice vote.

Approval of the December 17, 2024 Minutes: Chair Won asked if everyone had a chance to review the minutes and asked if there were any edits needed.

Ms. Abderholden spoke about three or four action items that will need to be added to the minutes. Ms. Bartness to email the Council for feedback and or photos so that the minutes can be revised and submitted at the next meeting for approval.

Follow up from 12/17 retreat/ workshop: Ms. Abderholden provided a summary from the workshop to include:

- Prioritize and develop action plans.
- Develop a protocol for members on what they are hearing from their communities.
- Listening sessions or other opportunities for people to be able to provide input.

Chair Won asked about the expired term replacements for the Council. Director Misselt spoke about it currently being worked on and will follow up with the Secretary of State's office.

Director Misselt announced his new designee, Assistant Executive Director, Schyler Beaty.

Report from Carl Crawford (Added agenda item): Mr. Crawford spoke about the Juvenile Justice Workgroup was created after an important issue that was brought forth to this Council roughly a year and a half ago. The workgroup is currently working on some ideas for a training video and more information and ideas will be brought to this Council in the near future.

Missing persons policy: Director Misselt provided a summary of the updated missing persons policy draft.

Mr. Cumiskey spoke about the resources for the changes in the draft were MMIR, MMBWG and BCA.

Chair Won spoke about bringing this policy to their resources for feedback.

Discussion ensued.

Adjournment: Chair Won asked for a motion to adjourn at 9:55 a.m.

- **Motion:** Mr. Stier made a motion to adjourn. Director Misselt seconded the motion. Motion passed.

RESPONSE TO REPORTS OF MISSING AND ENDANGERED PERSONS MODEL POLICY

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

I. POLICY

It is the policy of the _____ (law enforcement agency) to establish guidelines and responsibilities for the consistent response to, and investigation of, all reports of missing and endangered persons as defined in MN STAT Chapter 299C.52, subd. 1 (c) and (d) ("Minnesota Missing Children and Endangered Persons' Program" referred to as Brandon's Law).

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

The _____ (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. Therefore, this agency has established the following responsibilities and guidelines for the investigation of missing and endangered persons. All peace officers, employed by this agency, will be informed of and comply with the procedures contained in this Model Policy.

II. DEFINITIONS

A. **Missing** has the meaning given it in MN STAT 299C.52, subd. 1 (d), "The status of a person after a law enforcement agency has received a report of a missing person, has conducted a preliminary investigation, and determined that the person cannot be located".

B. **Missing Person Networks** – Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), The 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.

C. **Endangered** has the meaning given it in MN STAT 299C.52, subd. 1, (c), "A law enforcement official has recorded sufficient evidence that the missing person is at risk of physical injury or death. The following circumstances indicate that a missing person is at risk of physical injury or death:

- 1) the person is missing as a result of a confirmed abduction or under circumstances that indicate that the person's disappearance was not voluntary;
- 2) the person is missing under known dangerous circumstances;
- 3) the person is missing more than 30 days;
- 4) the person is under the age of 21 and at least one other factor in this paragraph is applicable;

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

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

E. *MMBWG* means The Missing and Murdered Black Women and Girls Office of the Minnesota Department of Public Safety.

F. *MMIR* means the Missing and Murdered Indigenous Relatives Office of the Minnesota Department of Public Safety.

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

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

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

III. PROCEDURES

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

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

A. INITIAL RESPONSE

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

- ~~a) the missing person is an adult;~~
 - ~~b) the circumstances do not indicate foul play;~~
 - ~~c) the person has been missing for a short amount of time;~~
 - ~~d) the person has been missing for a long amount of time;~~
 - ~~e) there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;~~
 - ~~f) the circumstances suggest that the disappearance may be voluntary;~~
 - ~~g) the reporting person does not have personal knowledge of the facts;~~
 - ~~h) the reporting person cannot provide all of the information requested by the law enforcement agency;~~
 - ~~i) the reporting person lacks a familial or other relationship with the missing person;~~
 - ~~or~~
 - ~~j) for any other reason, except in cases where the law enforcement agency has direct knowledge that the person is, in fact, not missing, and the whereabouts and welfare of the person are known at the time the report is filed.~~
2. A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.
 3. Dispatch an officer, to the scene, to conduct a preliminary investigation to determine whether the person is missing, and if missing, whether the person is endangered.
 4. Obtain interpretive services if necessary.
 5. Interview the person who made the initial report, and if the person is a child, interview the reporter's parent(s) or guardian(s).
 6. Determine when, where, and by whom the missing person was last seen.
 7. Interview the individual(s) who last had contact with the person.
 8. Obtain a detailed description of the missing person, abductor, vehicles, etc. and ask for recent photo of missing person.
 9. Obtain cell phone number(s) for the missing person and suspect(s).
 10. Collect and preserve missing person(s)' cellphone(s), tablet(s), and computer(s).
 11. Broadcast an "Attempt to Locate" (ATL) or similar alert if the person is under the age of 18 years or there is evidence that the missing person is endangered. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under the age of 18 years or may be endangered, unless, based on the circumstances of the case, would further endanger the missing person.
 12. Immediately enter the complete descriptive and critical information, regarding the missing and endangered person, into the appropriate category of the NCIC Missing Person File.
 - a. As required by 35 U.S.C. 41307 (Suzanne's Law) law enforcement shall as soon as possible enter missing children less than 21 years of age into the NCIC and NamUs databases.
 - b. As required by MN STAT 299C.53, subd. 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.
 13. Enter complete descriptive information regarding suspects/vehicle in the NCIC system.
 14. If needed, request investigative and supervisory assistance as soon as practicable.
 15. Update additional responding personnel.
 16. 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 state, regional and federal law enforcement agencies.

17. Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.
18. Secure the crime scene and/or last known position of the missing person and attempt to identify and interview persons in the area at the time of the incident.
19. Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
20. Activate protocols for working with the media. (AMBER Alert, Minnesota Crime Alert Network)
21. As required by MN STAT Chapter 299C.53, subd. 1(b), consult with the Minnesota Bureau of Criminal Apprehension if the person is determined to be an endangered missing person. Request assistance as necessary.
22. Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:
 - a) the primary agency has limited resources;
 - b) the investigation crosses jurisdictional lines; or
 - c) jurisdictions have pre-established task forces or investigative teams.
23. Based on the preliminary investigation, determine whether **or not** a physical search is required.

B. INITIAL INVESTIGATION

1. Assign an investigator or officer whose duties will include coordination of the investigation.
2. Seek assistance with the Bureau of Criminal Apprehension or other state agencies as needed.
3. Assign an investigator as a family liaison and point of contact for the family and create a communication plan for keeping the family updated and giving the family a person to contact with questions.
4. Provide general information to the family/reporting party or their designee about the handling of the missing person case or about any intended efforts, only to the extent that disclosure would not adversely affect the department's ability to locate or protect the missing person or to apprehend or criminally prosecute any person in connection to the case.
5. Conduct a canvas of the neighborhood and of vehicles in the vicinity.
6. Emergency phone subpoenas to phone providers for the victim's and suspect(s) phone.
7. Arrange for use of helpful news media and social media coverage.
8. Maintain records of all communications/messages.
9. Ensure that everyone at the scene is identified and interviewed separately.
10. Search the home, building and other area/location where the incident took place and conduct a search including all surrounding areas. Obtain consent or a search warrant if necessary.

C. INVESTIGATION

1. Begin setting up the Command Post/Operation Base away from the person's residence. Know the specific responsibilities of the Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communication Officer, Support Unit Coordinator, and two liaison officers (one at the command post and one at the victim's residence). The role of the liaison at the home will include facilitating support and advocacy for the family.

2. If deemed necessary, establish the ability to “trap and trace” all incoming calls.
3. Consider setting up a tip line (phone line, website, app, etc.) for developing and investigating leads.
4. When circumstances permit and if appropriate, attempt to determine the missing person's location through GPS-enabled devices and social media accounts they may have.
5. Establish 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.
6. Identify, secure, and collect all home/business/public surveillance video from the area of last known location and crime scenes.
7. Compile a list of known sex offenders in the region.
8. In cases of infant abduction, investigate claims of home births made in the area.
9. In cases involving children, obtain child protective agency records for reports of child abuse.
10. Review records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
11. Obtain the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.
12. Create a Missing Persons' Profile with detailed information obtained from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.
13. Update the NCIC file, as necessary with any additional information, regarding the missing person, suspect(s) and vehicle(s).
14. Interview delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
15. For persons' under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
16. If the missing person is a black female, contact the Missing and Murdered Black Women and Girls Office for assistance and to utilize their available resources.
17. If the missing person is an indigenous person, contact the Missing and Murdered Indigenous Relatives Office for assistance and to utilize their available resources.
18. Determine if outside help is needed and utilize local, state and federal resources related to specialized investigative needs, including:
 - a) Available Search and Rescue (SAR) resources
 - b) Investigative Resources
 - c) Interpretive Services
 - d) Telephone Services (traps, traces, triangulation, etc.)
 - e) Media Assistance (Local and National)
19. Secure electronic communication information such as the missing person's cell phone number, email address(s) and social networking site information.
20. Appoint an officer who shall be responsible to communicate with the family/reporting party or their designee and who will be the primary point of contact for the family/reporting party or designee. Provide contact information and the family information packet (if available) to the family/reporting party or designee.
21. Provide general information to the family/reporting party or designee about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute any person(s) criminally in the disappearance.

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

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

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

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

D. PROLONGED INVESTIGATION

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

E. RECOVERY/CASE CLOSURE

Alive

1. Verify that the located person is the reported missing person.
2. If appropriate, arrange for a comprehensive physical examination of the victim.
3. Conduct a careful interview of the person, document the results of the interview, and involve all appropriate agencies.

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

Unidentified Persons

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

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

Deceased

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

F. TRAINING: Training in this policy and procedure is recommended at initial hiring, during field training, and in-service when policy is updated.

draft 12/2024

PROCESSION OF PROPERTY SEIZED FOR ADMINISTRATIVE FORFEITURE

MN STAT 609.531

POLICY

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

DEFINITIONS

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

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

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

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

Jewelry/Precious Metals/Precious Stones: The term "precious metals/precious stones" includes items of jewelry such as rings, necklaces and watches that reasonably appear to be made of precious metals or precious stones. Precious metals include but are not limited to gold, silver, platinum, iridium and palladium. Precious stones, often referred to as gemstones, include but are not limited to diamonds, emeralds and rubies.

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

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

SEIZED PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE

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

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.

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:

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

The Notice form also contains information in English, Hmong, Somali and Spanish concerning the right to obtain judicial review and the procedure under MN STAT 609.5314 to follow to obtain it. The form must be dated and signed by the peace officer conducting the seizure. An agency case number must be included on the form. The individual from whom property is seized must be given an opportunity to sign the seizure notice form. If the person

refuses, the peace officer conducting the seizure must check the appropriate box indicating the refusal to sign. If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the seizure form must be given to the individual served.

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

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

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

Cash

Peace officers shall not seize cash having an aggregate value less than (Agency Discretion), unless pre-recorded buy funds are included in the cash seized. Cash shall be recounted and the amount verified by another employee of the Agency. The property bag and/or inventory receipt shall then be co-signed when cash is involved.

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

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

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

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

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

Jewelry/Precious Metals/Precious Stones

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

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

Conveyance Device

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

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

Firearms/Ammunition/Firearm Accessories

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

CASE FILE STATUS

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

REPORT WRITING

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

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

(02/11)

LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES MODEL POLICY
MN STAT 169.541

I. POLICY

It is the policy 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.

II. DEFINITIONS

For the purpose of this policy the following definitions apply:

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

III. PROCEDURE

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

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