



**Henderson, MN**  
**Police Department**  
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Chief Dan Koski

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Distribution: Public

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# City of Henderson

## Henderson Police Department

### Policy Manual

## Mission Statement

Henderson's Police Department mission is to keep Henderson a safe place to live, work, visit and raise a family. Together with our community and professional partners, we will augment resources, improving the quality of life and promoting the best city to live, learn and work.

## Primary Objective

The primary goal of the Henderson Police Department is to provide for the security of persons and property within the community. This is accomplished through a high-quality police service dedicated to the protection of life and property, suppression of crime, apprehension of offenders, service to its citizens, and through public knowledge and confidence that professional and capable assistance is immediately available in times of emergency.

## LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional right of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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Number: Policy Manual 1.00	Effective Date: January 2020
Subject: General Provisions	

Amendments to, and revisions of, this manual shall be in the form of supplements and/or replacements. Copies of this manual shall be issued to all employees of the Henderson Police Department.

If any section, subsection, item, clause, or phrase contained in this manual is found to be illegal or otherwise incorrect or inapplicable, such findings shall not affect the validity of the remaining portion of the contents.

#### A. CHIEF OF POLICE

The Chief of Police is the Chief Administrator of the Henderson Police Department. Upon him/her rests final responsibility for determining office policies, together with the full responsibility for the complete discharge of all duties imposed upon on him/her by law.

The Chief of Police must officially sanction and approve any changes in office organization before the changes can be put into effect.

Number: Policy Manual 2.00	Effective Date: January 2020
Subject: General Provisions, Officer Conduct – On & Off –Duty	

#### Alcohol and Drugs

Officers of the Henderson Police Department shall not drink any type of alcoholic beverage while on duty. The only exception will be in rare instances when it might be done in the performance of duty, but then only with explicit authorization from the Chief of Police. Officers shall never report to duty or Firearms training while under the influence of liquor or drugs or be unfit for duty because of their use.

Officers of the Henderson Police Department shall not use narcotics or habit-forming drugs unless a physician properly prescribes these. Use of these without prescription shall make the officer subject to disciplinary action.

#### Neatness and Cleanliness

Members of the Henderson Police Department shall be clean, neat, and carry themselves in an upright manner at all times while on duty. When beginning a tour of duty, Officers will have a clean uniform, facial hair will be trim and maintained. Officers of the department will at all times, unless otherwise ordered, or under special extenuating circumstances, be dressed in proper uniform and not substitute other clothing for uniform parts.

#### Personal Information

The Henderson Police Department is entitled to have the correct name, address, telephone number of all officers. It shall be the responsibility of each officer to keep the Chief of Police advised of any changes in these.

#### Bribes and Rewards

No officer of the Henderson Police Department shall accept a bribe or engage in any act of

extortion or other unlawful means of obtaining money or property through his/her position with the department. Officers shall not solicit any reward for the performance of his/her duties or seek any gratuity of any kind, individually or collectively. Officers shall not accept, directly or indirectly from any person, whomsoever, any gratuity, fee, reward, or gift. Persons wishing to make gifts may be advised that they will be accepted in the name of the Henderson Police Department or the City of Henderson for use to the good of the whole department.

#### Courtesy towards the Public

Officers shall be respectful, courteous, and civil with the public and each other, and shall not use coarse, profane, or insolent language towards any individual. All members of the public, regardless of age, shall be treated in this manner. Use of profane or inflammatory language, when not justified, can result in disciplinary action.

#### Press Relations

Representatives of the press shall be treated in a courteous manner. The releasing of information to the press will be handled through the Chief's office. No member of the department shall release any information concerning any case, or other department business without express permission of the Chief of Police.

The press will be advised that further information must be obtained through the Chief's office. The press shall be interpreted to mean:

- 1) Newspapers
- 2) Magazines
- 3) Television
- 4) Radio
- 5) Social Media
- 6) College or any school publications recognized as official by the concerned school

#### Motor Vehicles

Officers of the Henderson Police Department shall operate department vehicles in a reasonable and prudent manner, having due regard for the traffic present and the surface and width of the streets and highways. Officers shall at all times, whether or not on active duty, obey traffic laws and courtesies of the road to the extent that no cause may exist for criticism of the department.

#### Firearms

Officers are required to store any departmental firearms issued to them pursuant to MSS 609.666 "Negligent Storage of Firearms". Failure to adhere to this statute, whether observed or criminally charged, will be cause for disciplinary action. Furthermore, failure to comply with this statute with any personally owned firearms may also result in disciplinary action.

Number: Policy Manual 3.00	Effective Date: January 2020
Subject: Patrol Duties and Policies	

#### A. USE AND CARE OF DEPARTMENTAL VEHICLES & EQUIPMENT

It shall be the responsibility of each individual officer to keep all equipment in good working condition. These shall include, but not be limited to, firearms, handcuffs, leather goods, cameras,

batons and conducted energy weapon.

Officers of the Henderson Police Department shall not use a departmental vehicle without the knowledge or permission of the Chief of Police.

Officers are not exempt from obeying the traffic laws except when operating a departmental vehicle as an emergency vehicle during emergency response.

Officers shall immediately, upon beginning their tour of duty, inspect the vehicle and other department equipment contained in the vehicle. If the vehicle or equipment is found to be damaged, that fact shall be reported to the Chief of Police.

While on his/her tour of duty, departmental vehicles shall be locked when the officer in charge of the vehicle leaves it unattended.

All officers are required to wear seat belts when operating a vehicle owned by the City of Henderson.

## B. EMERGENCY VEHICLE OPERATIONS

Officers responding are required to use their discretion when weighing the severity of the call and the necessity of prompt arrival at the scene.

Officers are reminded that safety of the public is a priority when responding to any call, including emergency calls.

It is the policy of the Henderson Police Department that when responding to a situation as an emergency vehicle, officers shall comply with the following standards, none of which are to be construed as relieving an officer of any responsibility to exercise due care and caution:

- 1) When approaching an intersection controlled by electric signal devices:
  - a) Slow and/or stop before entering the intersection when the light facing is red or amber.
  - b) Slow and/or stop before entering any intersection where pedestrian traffic is present, whether they are crossing in front of the vehicle or not.
- 2) When approaching an intersection controlled by a "STOP" sign, facing, slow and/or stop before entering the intersection.
- 3) When approaching an uncontrolled intersection or an intersection controlled by a "YIELD" sign, facing, slow and/or stop, as if proceeding without emergency authorization, as required by conditions of traffic, visibility, etc.
- 4) When approaching any intersection and having the right-of-way, irrespective of emergency authorization (such as facing a green light) slow to the maximum safe speed.

Since the consequences of operating a vehicle as an emergency vehicle are liable to be serious, and is in some cases irrevocable, it is imperative that all officers have a clear and thorough understanding of their legal position while involved in emergency operations. All sworn members of the Henderson Police Department must comply with the Minnesota Revised Statutes 169.03 as it pertains to emergency vehicle operation.

To be eligible to operate an emergency vehicle, officers must comply with POST requirements, completing an approved EVOC/Pursuit Driving course during each five-year period.

## C. TRAFFIC STOPS / CONTACTS

For the purpose of this section a traffic stop/contact shall be defined as any time the officer leaves his/her vehicle to approach a vehicle he/she has stopped for any reason, or when he/she leaves his/her

vehicle to approach a suspicious person. It shall be the policy that when an officer makes a traffic stop/contact he/she shall notify the dispatcher of the location of the stop and the license number of the car he/she is stopping or identifying characteristics of the person they are contacting.

Officers shall not use City vehicles outside the City limits except in pursuit of suspects, taking a direct route from one section of the city to another section, assisting other agencies or unless permission has been granted by the Chief of Police, and then only on police business.

#### D. OPEN DOORS AND ALARMS

Response to silent alarms should be immediate. Officers should proceed to the scene of the alarm as quickly as possible keeping in mind a margin of safety.

#### E. FOOT PATROL, BAR, SECURITY AND RESIDENCE CHECKS

During the downtown business hours on Monday through Sunday, it is recommended that the officers on duty spend time in the downtown area on foot patrol.

Bar checks are to be done at each bar in town regularly. These checks shall consist of a cursory examination of the patrons. If an officer, during this examination, has reason to believe a person in the establishment is underage he/she shall check the identification of the person. If the person is underage, Officers shall then take the appropriate steps called for in the particular situation. It should be noted here that bars are to stop serving at 2:00 am, and all customers should be out by 2:20 am, as specified by City Ordinance.

Residence checks are physical security inspections of residences where owners are absent and have notified the department of their absence. Residence checks should be done at least once on each eight-hour shift.

#### F. SERIOUS OFFENSES

When an officer is called to a scene and determines that a serious offense has occurred, or something else that he/she believes to be serious in nature, he/she shall immediately notify the Chief of Police. The first officer on the scene shall then secure the crime scene. This shall include making sure that suspects are not still present at the scene, rendering first aid, obtaining names of witnesses, and seeing to it that no one is allowed to enter the crime scene.

#### G. DOMESTIC AND DISTURBANCE CALLS

Calls of this nature, or any calls where the officer is going into an unknown situation, should be approached with extreme caution. If more than one officer is on duty, both should respond to calls of this nature.

#### H. ACCIDENT INVESTIGATION

The car assigned will handle property damage accidents. Accident reports will be completed on all accidents where, in the officer's estimation, damage exceeds \$1,000.00, or if one of the participating parties requests it.

Personal Injury accidents shall be handled in the following manner: When the officer arrives on the scene, he/she shall immediately administer emergency first aid and call an ambulance if he/she deems it necessary. If an ambulance is called, the officer should assist ambulance personnel, if called to do so. The officer is in charge of the accident scene, even upon arrival of the ambulance. If there is a traffic tie-up, the officer should request assistance to expedite the safe flow of traffic around the scene. Photographs should also be taken, if possible.

In the event of a fatality accident, the investigating officer should take the following steps: Notify the Chief of Police when it has been determined there is a fatality. The officer shall then notify the coroner. The body of the victim should not normally be moved until the coroner has had an opportunity to view the body where it was found, or until he/she gives his approval to move it. If it is necessary to remove the body before the coroner arrives, photographs, as detailed as possible, should be taken. The position of the body should also be outlined prior to removal. While waiting for the arrival of the coroner, the body should be covered.

## I. BREAKS

Breaks are periods during a scheduled shift during which the officer remains on continual duty and is responsible for assigned duties.

## J. VIOLATION ENFORCEMENT

### Citations

All citations, warnings, and equipment repair tickets (ERT) shall be issued using the LETG TicketWriter software. This system is compatible with the state-sponsored e-ticketing system. Officers are advised to be certain their name appears as the issuing officer and not the name of another officer.

### Officers Discretion & Uniformity

The following guidelines, set down in the traffic enforcement policy, are not to be construed as unbending; they are only set down to aid the officer in making determinations of the listed offenses.

In traffic enforcement, it is the goal of the department to be as uniform as possible. Each officer is expected to keep these ideas in mind when enforcing traffic laws. Ultimately, each incident will be handled by the discretion of the officer involved. There is no substitute for fair and impartial traffic enforcement policies and each officer within the department will be impacted by the actions of other officers.

### Speed Violators

Violators may be clocked by various methods, including the use of radar and with the patrol car. In all speed zones within the City of Henderson, it shall be the policy of the department to issue verbal warnings for speeds of 9 MPH or less, over the posted limit. Traffic citations should be issued for speeds of 10 MPH and greater over the posted limit. This shall be considered a general policy. If a violation occurs in the area where a verbal warning is normally issued but the officer believes the location of the violation and the circumstances surrounding it require a citation, he/she may issue the citation. Examples of where this might occur are in school zones, Main Street, narrow residential streets, when pedestrians are in the area, etc.

The radar should be calibrated in the beginning of the tour of duty. No officer shall operate the moving radar unless he/she has completed a radar certification course.

### Stop Sign Violations

Stop sign violations should be clearly seen and be definite violations before the violator is issued a citation. With this type of violation, more than any other, an officer must use his/her discretion as a guideline. Ignoring the stop sign completely or only reducing speed slightly should be considered a definite violation.

### Parking Violations

All parking violations observed by officers, or brought to their attention, should receive some action. Officers may choose to locate the driver and have that person remove the vehicle if it can be moved immediately. Officers are under no obligation to locate the driver. It is recognized that many parking violations are not deliberate; therefore, officers may use whatever tactics they believe would alleviate the situation. The following violations will not be tolerated, however, and violators should be ticketed:

- 1) Parking on any curb, boulevard, crosswalk, or sidewalk
- 2) Parking in front of any public or private driveway
- 3) Parking within any intersection or crosswalk
- 4) Parking within ten feet of a fire hydrant
- 5) Parking at the entrance to a fire station
- 6) Double parking

### Marijuana and Drug Violations

When an officer comes upon marijuana in the course of his/her duties, he/she shall follow this procedure: If the amount of marijuana is under 1.5 ounces and the person in possession is 18 years of age or older, issue a citation and release the violator. If the individual is a juvenile, the arresting officer shall notify the juvenile's parents or guardians.

When an officer comes in contact with large amounts of marijuana or drugs, the person involved is guilty of a felony and should be processed as such. In cases where a motor vehicle is involved in a felony marijuana or drug case, the vehicle shall be impounded, and the appropriate inventory form filled out.

When possible, officers should perform preliminary tests on substances believed to be illegal drugs.

In all drug cases, all items that may be relevant should be taken as evidence. These should include but not be limited to; all forms of drugs, paraphernalia, drug containers, weight and measurers, large sums of money or checks, written material that might be records of drug sales, PDAs, computers, weapons, etc. All items of evidence taken in drug cases should be marked and labeled properly as soon as possible. Marijuana and narcotics taken should be marked and sealed and then placed in a secure locker as soon as possible. All evidence handling should be kept to a minimum, especially narcotic evidence.

The recovering officer, when possible, will take illegal drugs that are to be transported to the BCA Crime Lab.

### Driving While Under the Influence of an Alcoholic Beverage

The officer must have reason to believe that a driver is in violation of this section before he/she

can request preliminary tests and make an arrest to request a chemical test of the driver, operator, or person in actual physical control. Evidence sufficient to provide reason for the officer to stop a vehicle for could include, but are not limited to any of the following conditions:

- 1) Weaving in driving lane or crossing the center line
- 2) Failure to dim headlights
- 3) Driving at a speed far above or far below the posted limits
- 4) Failure to obey traffic signs or signals
- 5) Stopping the vehicle in a lane of traffic
- 6) Driving at night without headlights

When an officer believes that he/she has reasonable grounds to believe that a person is in violation of Minnesota's DWI statutes, the officer should proceed in the following manner:

1. Request the violator give a preliminary screening tests, including standardized field sobriety tests and PBT's.
2. If the violator refuses the tests or performs them in such a manner to indicate intoxication, place the violator under arrest for the offense.
3. Violator's vehicle should be towed or released to a sober passenger only. If the vehicle is released, the person taking control should be given a PBT examination to dissuade liability. An officer should also do a search of the vehicle prior to releasing it. Officers are reminded to consider the driver's record before releasing the vehicle to a passenger due to plate impoundment and vehicle forfeiture laws.
4. If the decision is to request a breath test, read him/her the Breath Test Advisory Form. The DMT Breath test will be performed by a certified DMT operator.
5. If the test is refused or a sample indicating a BAC above the legal limit, the officer shall fulfill the Implied Consent Law by filling out the Order and Notice of Revocation.
6. If obtaining a blood or urine test, that Officer shall obtain a search warrant and obtain the requested sample at an appropriate location by a person authorized to obtain said sample.
7. The Alcohol Influence Report Form should be completed.
8. The violator should then be issued a citation for the violation if it meets the misdemeanor level requirements. At the officer's discretion, the subject can be placed in jail or a detox unit or be released to a competent adult. When the subject meet gross misdemeanor level charges, Officer are encouraged to place the subject in jail pending first appearance.
9. When passengers are present in the suspect's vehicle, statements should be taken from them. Passengers should be questioned about the suspect's driving, amount of drinking, physical condition, and any other pertinent information dealing with the particular case.

## M. PRISONERS & IMPOUNDED PROPERTY

### *Prisoners*

Persons taken into custody by officers for the purpose of booking or custodial arrest shall be known as prisoners. All prisoners shall be searched before being placed in a police vehicle. When transporting prisoners, all officers shall notify the dispatcher of his/her location, mileage, and their arrival at the County jail.

If the prisoner is to be incarcerated, he/she should be turned over to the Sibley County Sheriff's Department. Officers will complete the SCSO Booking Form when turning a prisoner over to the sheriff's office. Arresting officers shall assist the Sheriff's Department in the incarceration process if so requested.

### *Property*

All property which comes into the custody of the Henderson Police Department, from whatever source, is to be inventoried and a receipt provided to the owner/finder whenever applicable.

All property that has been found, impounded, or brought into police custody and is to be returned to the owner/claimant will have a receipt signed by the owner/claimant indicating their reception of said property.

When it becomes necessary to impound a vehicle because the owner, driver, or person in charge of the vehicle has been arrested, any personal property in the vehicle must be inventoried.

In those instances when a driver is to be arrested, the driver may choose to allow a passenger or other person to drive his vehicle to avoid impoundment. It will be the responsibility of the arresting officer to determine the competency of the person who is allowed to drive the auto. Officers should not operate the defendant's vehicle, except to move it to a safe place.

In all cases when an automobile, or other property, is impounded; officers are reminded that questions frequently arise as to the disposition of that property. The officer's responsibility for such property is very clear: Officers should take every precaution to protect himself/herself from allegations of theft or misappropriation.

### N. VEHICLE UNLOCKS

It shall be the policy of this department, in an effort to help the public, to open vehicles for citizens who lock keys in their vehicle. When an officer responds to such a request, he/she will ascertain that the requesting individual is authorized to do so. In all instances, officers will have the requesting person/owner sign a waiver authorizing the officer to attempt the unlock of the vehicle. If an officer damages a vehicle while attempting to unlock a vehicle and does not have a signed waiver, the department will not indemnify the officer for the damage. In the event the officer is unable to unlock the vehicle, officers may suggest businesses that also provide this service or provide transport for another set of keys, if the keys are in town and time constraints allow.

For the purpose of officer and public safety, officers should never attempt to open vehicles with side-impact air bags

### O. RIDE ALONGS

Officers may, at times, be allowed to have non-law enforcement personnel ride along for observation and/or learning purposes. Such riders will be required to sign a waiver after being explained expectations and requirements. No officer is allowed a rider without the express approval of the Chief of Police.

### P. DOCUMENTATION:

All officers will complete reports, other pertinent documentation and forms in a timely manner.

Number: Policy Manual 4.00	Effective Date: January 2020
Subject: Uniforms	
Reference: MSS 626.88	

The Chief of Police will establish and amend the uniform policy for Henderson Police Department.

Uniforms for officers of the Henderson Police Department shall consist of uniform trousers, uniform short sleeved or long-sleeved shirts, police uniform gear, shoes or boots black in color. T-shirts worn under the shirts should be black or dark blue in color.

Jackets shall be of the uniform type. Officers shall have the option of wearing a tie, turtleneck or dickey with the uniform. Officers may also elect to wear uniform sweaters. The outer vest carriers are also allowed to be worn as a part of uniform.

All uniform shirts, jackets and sweaters should display Henderson Police Department's patches.

Officers, at their discretion can wear any combination of the above listed uniforms, as long as they can be clearly identified as police officers for the City of Henderson.

#### *Head Wear*

Officers can wear a baseball cap, black or dark blue in color with "Police" writing on it or a "stocking cap" style winter hat, black or dark blue in color with "Police" writing on it.

#### *Court Uniform*

Officers are expected to present a professional image when appearing in court. Officers shall wear full uniform for criminal court appearances.

Number: Policy Manual 5.00	Effective Date: January 2020
Subject: Body Armor	

#### **POLICY**

Members of the Henderson Police Department are encouraged to wear body armor while performing police duties for the City of Henderson.

Number: Policy Manual 6.00	Effective Date: January 2020
Subject: Training	
Reference: MSS 214.12,626.846	

It will be the policy of this department to provide officers training opportunities to meet or exceed POST requirements. Officers whose POST licenses are held by the Henderson Police Department are required to attend mandatory trainings and qualifications to meet POST requirements.

Officers, whose POST licenses are held by other agencies will provide copies of their training records to the Chief of Police in a timely manner.

Number: Policy Manual 7.00

Effective Date: January 2020

Subject: Court

Reference:

Members of the Henderson Police Department in the performance of their regular duties will at times be required to give testimony in court cases. Members of the department shall not take part or be concerned, either directly or indirectly, in making or negotiating compromises or arrangements for any person with the view of permitting such person to escape penalty of the law. In addition, officers shall not seek to obtain any continuance of a trial out of friendship for the defendant or otherwise interfere with the due process of law.

This section shall not be construed as preventing a member of this department from cooperating with the prosecuting attorney in the altering of any charge or other action in any case he/she may be concerned with as the arresting officer in the furtherance of justice.

Court attendance for officers of the Henderson Police Department shall be mandatory when required by the prosecuting attorney. If due to unforeseen circumstances an officer would be unable to make a scheduled court appearance, it shall be his/her responsibility to notify the prosecuting attorney of the circumstances and to obtain a continuance.

When testifying in Court officers shall be dressed in full uniform for criminal cases. In civil cases, civilian clothes of good taste and business-like appearance could be worn.

Officers shall have the cases of which they are concerned properly prepared, and all property and evidence to be presented before the Court shall be arranged suitably for such presentation.

Number: Policy Manual 8.00

Effective Date: January 2020

Subject: Radio Procedures

## POLICY

The Sibley County Radio Subsystem operates on the 800 MHz radio spectrum on the ARMER (Allied Radio Matrix for Emergency Response) system infrastructure. Radio frequencies used in this communications system are governed by FCC rules and regulations under part 89. It is up to each user on the system to familiarize themselves with *Part 89, Public Safety Radio Services*. The ARMER system is governed by the State Radio Board. Users of the system must adhere to the State Radio Board Standards when operating radios on the ARMER system. As with the FCC rules and regulations, it is up to each user of the ARMER system to familiarize themselves with the ARMER standards. They can be found on the State Radio Board website.

Henderson Police Department radio operations should be in uniform with commonly used and established practices by the Sibley County Communication Center.

Number: Policy Manual 9.00

Effective Date: May 2026

Subject: Officer Conduct & Discipline

Reference: MSS 626.8457

## PROFESSIONAL CONDUCT OF PEACE OFFICERS POLICY 10.00

**Implemented May 2026**

## **POLICY**

It is the policy of the Henderson Police Department 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 Statute 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 peace 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 peace officer's immediate supervisor committed the misconduct the peace 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 peace 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 peace 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

## Internal Investigation of Complaints

### Purpose

The purpose of this policy is to establish departmental procedures for the initiation and investigation of complaints concerning department policy or allegations of misconduct against members of the Henderson Police Department. This procedure is solely and exclusively for internal administrative

purposes. All statements obtained will be treated confidentially and will not be otherwise released unless compelled by court order to do so.

### Policy

It shall be the policy of this department to investigate all allegations which cannot be resolved upon receipt. Allegations of misconduct may be reported from any source, internal or external, non-criminal or criminal in nature. Complaints against an officer that necessitate the investigation process will be in written form. The person filing the complaint will be identified and will sign the allegations of misconduct.

### Definitions

Misconduct means:

1. a violation of any agency policy and procedure governing conduct of agency members;
2. the use of unnecessary or excessive force;
3. the conviction of any criminal offense;
4. abuse of authority;
5. conduct which violates a person's civil rights;
6. abusive or insulting language or conduct which is derogatory of a person's race, religion, sex, national origin or sexual preference;
7. sexual harassment as that term is defined under Minnesota law;
8. Intimidation or retribution toward a complainant or witness involved in any complaint proceeding.

### Procedure

All allegations shall be referred to the Chief of Police whenever possible. The supervisor shall make every attempt to promptly resolve the allegation. If not resolved, a description of the incident will be reported on the prescribed form.

- A. The Chief of Police shall inform the employee that an investigation has been initiated. If the complaint alleges that the misconduct amounts to a criminal violation, the accused personnel are to be afforded all the legal rights that would be accorded a suspect in a criminal investigation.
- B. The Chief of Police shall notify the complainant that an investigation has been initiated.
- C. All reports shall be transferred in a sealed envelope in order to protect the integrity of the investigation.
- D. Both the employee and the complainant shall be notified of the investigative conclusion and the fact that appropriate administrative action has been taken.
- E. If discipline is administered, it shall be so indicated on an Employee Disciplinary Notice form, receipted for, and placed in the employee's personnel file.
- F. In allegations found to be unfounded, exonerated, or not sustained, a notification signed by the Chief of Police will be sent to the persons involved. No record of the allegations will appear in the employee's personnel file.
- G. All P.I. records will be filed and maintained by the Chief of Police.
- H. No officer is to assume an investigative role in an internal investigation except for the Chief of Police.

### *ADJUDICATION OF PERSONNEL COMPLAINTS*

- A. The Chief of Police will make final disposition of allegations of employee misconduct.
- B. The final disposition of each allegation shall be classified in one of the following ways by the

assigned investigator:

- 1 Sustained - The allegation is supported by sufficient evidence
- 2 Not Sustained - Insufficient evidence to prove or disprove the allegation
- 3 Exonerated - The incident occurred, but was lawful and proper
- 4 Unfounded - The allegation is false or not factual

### *FINAL REPORT*

The investigator's final report will follow the described format:

- A. Allegation - State as concisely as possible. Enumerate and number the allegations when there is more than one.
- B. Investigation - Show a chronological summary of the incident and the investigation, including a summary of all statements.
- C. Finding of Facts - Show by numerical listing a summary of the finding of facts within the classification specified.
- D. Time Spent on Investigation - Include total hours spent conducting interviews, writing reports, etc.
- E. Attachments - include all reports, statements, photos, etc., pertinent to the investigation

Number: Policy Manual 10.00	Effective Date: May 2026
Subject: Critical Incident Policy	

### Purpose

The purpose of this policy is to provide guidelines that shall be uniformly applied following an officer-involved incident that results in death or serious bodily injury to another, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress injury and/or disorder.

### Policy

Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that officer involved shootings and motor vehicle accidents that result in death or serious bodily injury to a citizen or a fellow officer may precipitate such stress disorders. It is the responsibility of this law enforcement agency to provide personnel with information on stress disorders and to guide and assist in their deterrence. Therefore, it shall be the policy of this agency to take immediate action after such incidents to safeguard the continued good mental health of all involved personnel.

### Definitions

*Post-traumatic Stress Injury/Disorder:* An anxiety injury or disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.

*Officer-Involved Shooting Incident:* A line-of-duty incident in which discharging a firearm causes death or serious bodily injury to an officer or other person.

*Officer-Involved Injury Accident:* A motor vehicle accident involving a department vehicle, while engaged in police duties, the results in serious injury or death of another individual.

## Procedures

### A. Post-Incident Procedure

1. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary administrative investigations.
2. All officers directly involved in a shooting incident shall be required to contact an agency designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should be encouraged to contact such specialists after a shooting incident. After the counseling session, the specialist shall advise the agency:
  - a. Whether it would be in the officer's best interest to continue on administrative leave or light duty, and for how long.
  - b. In instances where no replacement weapon has been issued after the incident, at what point they should be returned.
  - c. What the best continued course of counseling is.
  - d. Information from the specialist regarding the officer's status will be provided only to department personnel involved in direct supervision of the officer on a need to know basis.
3. The department strongly encourages the officer's family to take advantage of counseling services.
4. Any departmental investigation of the incident shall be conducted as soon and quickly as practical.
5. The department should brief other members concerning the incident to keep rumors to a minimum. The department encourages members to let involved officers know of their concern for their continued well-being.
6. All personnel from the department should not speak with the media about the incident. Only Chief of Police should speak with media representative.

### C. Daily Stress Recognition

1. As post-traumatic stress injuries and/or disorders may not arise immediately, or the officers may attempt to hide the problem. Chief of Police may order an officer to seek counseling or assistance from a mental health specialist upon a reasonable belief that stress is disrupting the officer's job performance.

### B. Training

This department will provide employees with information regarding post-traumatic stress disorders in accordance with this policy.

Number: Policy Manual 11.00

Effective Date: May 2026

Subject: Use of Force and Deadly Force

## **POLICY**

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

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

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

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

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

## DEFINITIONS

**Authorized Device:** a device An officer has received permission from the agency to carry in the performance of their duties, and for which the officer has:

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

**Bodily Harm:** has the meaning given to it in [MN Statute 609.02](#), subdivision 7.

**Choke Hold:** has the meaning given to it in [MN Statute 609.06](#), subdivision 3(b).

**Deadly Force:** has the meaning given to it in [MN Statute 609.066](#), subdivision 1.

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

**Exigent Circumstances:** refers to circumstances that would lead a reasonable peace officer to believe that a particular action is immediately necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence to individuals or law enforcement's efforts.

**Great Bodily Harm:** has the same meaning given to it in [MN Statute 609.02](#), subdivision 8.

**Imminent:** means something is ready to take place or is impending. Imminent does not mean instantaneous.

**Less-lethal Force:** refers to any use of force other than that which is considered deadly force that involves the physical effort to control, restrain, or overcome the resistance of another person.

**Objectively Reasonable:** means the use and level of force used by a peace officer, given the totality of the circumstances and information known by the peace officer at the time the force was used, is in alignment with what any other reasonable and prudent peace officer would do in the same or similar situation. Objective reasonableness is not evaluated using hindsight.

**Totality of the Circumstances:** refers to all the facts and circumstances known to a peace officer at the time, taken as a whole, when a use of force determination is made. This includes the conduct of the peace officer and subject leading up to any use of force.

## **PROCEDURE**

An officer shall use de-escalation techniques and other alternatives to force consistent with their training whenever possible and appropriate before resorting to force. Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or the commission of a crime, An officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

In general, when using force, officers should consider or ensure the following:

- Use of physical force should be discontinued when resistance ceases or when the incident is under control.
- Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.
- Once the scene is safe and as soon as practical, An officer shall provide appropriate medical care, consistent with his or her training, to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

Except in cases where deadly force is authorized as articulated in [MN Statute 609.066](#) to protect the peace officer or another from death or great bodily harm, officers are prohibited from:

- using chokeholds,
- tying all of a person's limbs together behind their back to render the person immobile (i.e., a hog tie), or
- securing a person in any way that results in transporting the person face down in a vehicle.

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

## **LESS-LETHAL FORCE**

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

- effecting a lawful arrest,
- executing a legal process,
- enforcing an order of the court,
- executing any other duty imposed upon the peace officer by law, and/or
- defending oneself or another.

### **DEADLY FORCE**

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

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

An officer shall not use deadly force against a person based on the danger the person poses to themselves if an objectively reasonable officer would believe, based on the totality of the circumstances, that the person does not pose a threat of death or great bodily harm to the peace officer or another.

When feasible, the officer shall identify themselves as a law enforcement officer and warn of their intent to use deadly force.

### **DUTY TO INTERCEDE AND REPORT**

Regardless of tenure or rank, a peace officer shall intercede when 1) they are present and observe another peace officer use force in violation of [MN Statute 609.066](#), subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances and 2) they are physically or verbally able.

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

enforcement officer of the agency that employs the reporting officer. This report shall be made even if the peace officer observed using excessive force is not employed by this agency.

## TRAINING

All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates. Throughout the year, this agency will provide its officers de-escalation, simulation, and scenario-based trainings focused on use of force to aid officers in use of force situations and determinations.

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

Before carrying an authorized device, all officers shall receive training and instruction on the use of the device including training as it relates to use of force situations. Such training and instruction shall continue on an annual basis. officers shall only carry and use authorized devices unless circumstances exist, which pose an immediate threat to the safety of the public or the officer that justify the use of a device or object, that has not been previously authorized, to counter such a threat. With agency approval, officers may modify, alter, or cause to be altered an authorized device in their possession or control.

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

## STATUTORY REFERENCES

- [MN STATUTE 609.02](#) – Definitions
- [MN STATUTE 609.06](#) – Authorized Use of Force
- [MN STATUTE 609.065](#) – Justifiable Taking of Life
- [MN STATUTE 609.066](#) – Authorized Use of Force by Peace Officers
- [MN STATUTE 626.5534](#) – Use of Force Reporting; Independent Investigations Required
- [MN STATUTE 626.8452](#) – Deadly Force and Firearms Use; Policies and Instruction Required
- [MN STATUTE 626.8475](#) – Duty to Intercede and Report
- [ADMINISTRATIVE RULE 6700.1610](#) – Reporting Obligations and Cooperation
- [ADMINISTRATIVE RULE 6700.1615](#) – Required Agency Policies

Number: Policy Manual 12.00

Effective Date: May 2026

Subject: Vehicle Pursuit Policy

Reference: MSS 626.8458, 626.5532, 609.06, 609.066, 609.487, Policy Manual 12.00

## POLICY

Vehicle pursuits expose the public, peace officers, and offenders to a variety of risks including serious injury or death. Henderson Police Department personnel must consider a variety of factors, including the sanctity of human life, when making vehicle pursuit determinations.

## DEFINITIONS

**Blocking or Vehicle Intercept:** means a slow speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, with the driver possibly unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.

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

**Channeling:** means to direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.

**Chief Law Enforcement Officer or CLEO:** has the same meaning given to it in [Administrative Rule 6700.0100](#), subpart 8.

**Compelling Path:** means the use of channeling with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver of any vehicle or any vehicle traveling the path has an exit option at the narrowed end.

**Discontinue a Pursuit:** a pursuit is discontinued when the pursuing peace officer(s) turn off their emergency lights/siren, reduce speed to the posted speed limit, and notify dispatch that the pursuit has ended.

**Divided Highway:** means any highway that is separated into two or more roadways by a physical barrier or has a dividing middle section constructed to impede vehicular traffic.

**Flee:** has the same meaning given to it in [MN Statute 609.487](#), subdivision 1.

**Other Assisting Units:** refers to law enforcement units not actively involved in the pursuit who assist by deploying stop sticks, clocking intersections, making compelling paths, or otherwise working to minimize risk.

**Paralleling:** the practice of non-pursuing squad vehicles driving on streets near the active pursuit, in a manner that is generally parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws.

**Pursuit:** refers to an active attempt by a peace officer in an authorized emergency response vehicle to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer.

**Portable Tire Deflation Device:** means a device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.

**Primary Unit:** means the law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.

**Pursuit Intervention Technique (PIT):** A driving maneuver designed to stop a fleeing motorist by applying precision vehicle-to-vehicle contact resulting in a predictable spin of the suspect's vehicle, bringing it to a stop.

**Ramming:** The deliberate act of colliding with a fleeing offender's vehicle with another vehicle to functionally damage or otherwise force the violator to stop.

**Support Unit(s):** refers to the secondary responding pursuit units whose responsibility it is to remain in close proximity to the pursuing vehicle(s) so that peace officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. Support units may also assume responsibility for radio traffic.

## **PROCEDURES**

The decision to pursue a fleeing motor vehicle should be based on the totality of the information and circumstances known to the officer at the time the decision is made without the benefit of hindsight. Peace officers pursuing a motor vehicle shall evaluate the risks to the public and other peace officers against the potential consequences of failing to apprehend the offender(s). When pursuing a motor vehicle, officers shall slow down and sound their siren or, minimally, display one red light to the front before cautiously proceeding through an area displaying a stop sign or red light. Speed limitations do not apply to an authorized emergency vehicle that is engaged in a pursuit. This does not relieve the driver of an authorized emergency vehicle from the duty to drive with due care/regard nor from the consequences of recklessly disregarding the safety of others. When the likelihood of a collision with another vehicle or pedestrian is higher, peace officers shall reduce their speeds and ensure the area is clear. During a pursuit, involved officers shall frequently evaluate the factors and conditions affecting a pursuit and discontinue when appropriate. No officer will be disciplined for discontinuing a pursuit.

## **PURSUIT CONSIDERATIONS, TACTICS, AND RESPONSIBILITIES**

A pursuit is justified when the risks of such a law enforcement action are outweighed by either 1) the immediate need to apprehend the suspect or 2) the risk the suspect poses to the public. When engaging in a pursuit, officers must consider the following factors:

- the severity or nature of the offense (for non-violent offenses, officers should consider discontinuing the pursuit),
- the speed of the pursuit,
- the area of the pursuit (including the geographical area, time of day, amount of vehicle/pedestrian traffic, and the [officer's] familiarity with the area),
- whether there are divided highways or one-way roads,
- weather conditions (rain, snow, visibility, road surface conditions),
- the presence and approach of intersections controlled by traffic signals, signs or other locations where there is an increased risk of a collision,
- the ability to identify the offender at a later time,

- the age of the suspect and occupants, and
- whether there are other individuals or suspects in the vehicle.

When the decision is made to engage in a pursuit, the officer shall continuously assess the pursuit and the present factors. When conducting their evaluation, officers should ask themselves the following questions.

- Does the immediate need to apprehend the offender outweigh the risk created by the pursuit?
- Do the dangers created by the pursuit exceed the dangers posed if the offender were to escape?

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

**Primary Unit.** The primary officer, or primary unit, shall notify dispatch of the pursuit and provide the following information when possible:

- travel direction/location/traffic and road conditions,
- reason for initial contact (violation),
- identity of the fleeing driver (if known),
- plate number, if available, and/or vehicle description, and
- speed of the fleeing vehicle.

During a pursuit, the primary unit shall, when feasible, provide any relevant information or evolving information to dispatch. No officer will intentionally make vehicle-to-vehicle contact with the suspect unless this action is in accordance with agency policy on use of force. Roadblocks must conform to the agency's policy on use of force as well. Only a law enforcement vehicle with emergency lights and a siren may be used as a pursuit vehicle. Unmarked and low-profile agency vehicles may engage in pursuits until a marked vehicle is able to take over as the primary unit. Officers shall not become engaged in a pursuit while operating a non-department (private) motor vehicle or department vehicles not equipped with the required emergency equipment.

**Support Unit(s).** Secondary officers, or support units, are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Support units directly involved in the pursuit should utilize their siren and/or emergency lights. When possible, non-pursuing personnel needed at the conclusion of the pursuit should respond in a non-emergency manner, obeying all traffic laws.

**Supervision of Pursuit Activities.** When feasible, pursuits should be monitored by a supervisor not directly involved in the pursuit. Supervisors should give a verbal acknowledgment over the radio after a pursuit is initiated that notifies the officers involved that a supervisor is monitoring their radio traffic and the pursuit conditions. While monitoring the pursuit, the supervisor shall attempt to gather the critical information necessary to evaluate the continuation of the pursuit and ensure the pursuit adheres to agency policy and state statute. If the pursuit is not justified under this policy or state statute, the supervisor shall discontinue the pursuit. The discontinuation of the pursuit shall be

communicated to all involved units and the supervisor shall ensure the discontinuation is acknowledged by the pursuing officers.

Supervisors should keep the following in mind while monitoring a pursuit:

- paralleling opportunities,
- channeling opportunities,
- compelling path opportunities,
- air support,
- available equipment (grapplers, spike strips, or other tire deflation devices),
- pursuit intervention techniques (PIT),
- blocking or vehicle intercept opportunities,
- boxing-in opportunities, and
- the availability of other apprehension or GPS tracking equipment.

**Post-Pursuit Chain of Command Notifications.** Post-pursuit chain of command notification is required. (Each agency must outline their post-pursuit notification procedures in its pursuit policy. The agency's requirements should be added to this section.)

**Dispatch Responsibilities.** Upon notification that a pursuit has been initiated, dispatch will be responsible for the following tasks.

- Coordinating pursuit communications among the involved units and personnel.
- Notifying and coordinating with other involved or affected agencies as needed and practicable.
- Ensuring that a supervisor, if available, is notified of the pursuit.
- Assigning an incident number to the pursuit and logging all pursuit activities.
- Broadcasting pursuit updates and other pertinent information as necessary.

**Care and Consideration of Victims.** If, during a pursuit, [an officer] observes or is made aware of an injury to an individual, the officer must immediately notify the dispatcher to have the appropriate emergency unit(s) respond. The aid [an officer] should render includes, but is not limited to, requesting an ambulance, rendering first aid until officers are no longer needed at the injury scene, and summoning additional units to the scene for assistance with the injured person and/or traffic control.

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

**Capture of Suspects.** Proper self-discipline and sound professional judgment are keys to the successful conclusion of a pursuit and the apprehension of evading suspects. Arrests shall be performed in accordance with this agency's policies and state statute.

**Pursuit Summary Report.** The supervisor and primary officer must file a pursuit summary report. The agency's CLEO must ensure the state's pursuit form is completed and submitted to the Commission of Public Safety within 30 days following the pursuit ([MN Statute 626.5532](#)). The report submitted to the Commission of Public Safety must include the following information:

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

**Evaluation and Critique.** After a pursuit, the officers and supervisor involved must evaluate the pursuit and make recommendations, if applicable, to the CLEO on ways to improve the agency's pursuit policy and tactics.

### **AIR SUPPORT**

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

### **DISCONTINUING A PURSUIT**

The primary unit officer and supervisor must continually evaluate the risks and likelihood of a successful apprehension of the suspect. Personnel involved in the pursuit must consider discontinuing the pursuit when the any of the following conditions are present.

- The officer deems the conditions of the pursuit to be too great of a risk to the public to continue.
- A supervisor orders pursuing officers to discontinue.
- New information or communications indicate the pursuit is not in accordance with department policy.
- Disruptions in radio communications with dispatch and/or other responding units.
- Visual contact of the suspect is lost for a reasonable period of time and/or the direction of travel cannot be determined.
- The suspect is known and could be apprehended later – delaying apprehension does not create a substantial known risk of injury or death to another person.

## INTERJURISDICTIONAL PURSUITS

The primary unit or officer in a pursuit must update critical information to the dispatcher before leaving their jurisdiction. The primary unit must remain the primary unit in another jurisdiction unless the controlling pursuit authority transfers its authority. Upon receiving notification that the pursuit has entered another agency's jurisdiction, the dispatcher must forward all critical information possessed by the dispatcher to that agency. When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to ask the other agency to assume control of the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to dispatch and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

If a pursuit by another agency enters this agency's jurisdiction, the dispatcher must notify the on-duty supervisor or another officer identified as the contact person for the agency and relay to them all pertinent pursuit information. Assistance may be provided if the pursuit conforms with this agency's policy and state statute.

## INTERSTATE PURSUITS

No pursuit will continue into another state unless agency personnel have received permission from their on-duty supervisor – if available and practical. Prior to, or as soon as possible after crossing the state line, the dispatcher must notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications. So long as the conditions in this paragraph are met, agency personnel may continue a pursuit across state lines if the state has reciprocity. These states include North Dakota, South Dakota, Iowa, and Wisconsin.

## TRAINING

In accordance with POST requirements, all sworn agency personnel must be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle operation tactics. The CLEO shall provide in-service training in emergency vehicle operations and pursuit driving to every peace officer (including part-time licensed peace officers) who may become involved in a police pursuit given the [officer's] duties and responsibilities ([MN Statute 626.8458](#)). This training must comply with the learning objectives developed and approved by POST and must minimally consist of 8 hours of classroom and skills-based training. This training must be completed, minimally, once every five years. Refresher courses should be considered for personnel authorized to use the PIT maneuver, tire deflation devices, FPS tracking devices, and any other devices or tools used for pursuit intervention.

If the CLEO determines an officer will not be involved in police pursuits, given their duties and responsibilities, the CLEO must notify POST of the officer's exemption status.

## STATUTORY REFERENCES

- [MN STATUTE 169.03](#) – Emergency Vehicles

- [MN STATUTE 169.14](#) – Speed Limit, Zones; Radar
- [MN STATUTE 169.17](#) – Emergency Vehicle
- [MN STATUTE 609.487](#) – Fleeing Peace Officer; Motor Vehicle; Other
- [MN STATUTE 626.5532](#) – Pursuit of Fleeing Suspects by Peace Officers
- [MN STATUTE 626.65](#) – Uniform Act on Fresh Pursuit; Reciprocal
- [MN STATUTE 626.8458](#) – Vehicle Pursuits; Policies and Instruction Required
- [MN STATUTE 6626.487](#) – Fleeing Peace Officer; Motor Vehicle; Other
- [MN STATUTE 6700.0100](#) – Definitions
- [ADMINISTRATIVE RULE 6700.1615](#) – Required Agency Policies

Number: Policy Manual 13.00	Effective Date: January 2020
Subject: Searches & Search Warrants	
Reference: Terry vs. Ohio, MSS 626.08 – 626.12, 626.14	

### Stop & Frisk

It shall be the policy for officers of the Henderson Police Department that when confronting a possibly hostile person in the line of duty, he/she shall do a cursory search of that person for weapons. Officers are reminded that this search should only be conducted when the officer has reasonable grounds to believe that the person is possibly hostile and is possibly carrying a weapon. Officers are also reminded that they also must be justified in confronting the person before the stop and frisk search will be justified.

### Searches Incident to Arrest

All persons taken into custodial arrest, that is an arrest for which they will be booked into jail, shall be searched completely, even before placement into a police vehicle. Such search shall include a full search of the person, the pockets on the person's clothing, purse, and anything that the person has in his possession at that time. As with custodial arrest search, searches incident to a valid arrest are not limited to a frisk of the suspect's outer clothing but shall be a complete search similar to a custodial arrest search.

### Vehicle Searches

When an officer believes he/she has probable cause to search a vehicle, he/she should, if at all possible, obtain a search warrant before conducting a search of the vehicle. There are certain instances, although, when an officer may search a vehicle without the need of a search warrant. Examples of such instances would be when an officer observes items of contraband in plain view while in the area of the vehicle, or when an officer observes the odor of marijuana coming from a vehicle he/she may then search without a warrant for the controlled substance, provided the driver has not been placed into custody.

Officers are reminded that warrantless searches are authorized only when the person controlling the vehicle is present for the search. Officers must weigh their safety against the need to do an immediate search. In all instances of a warrantless search officers should have an assisting officer to observe the vehicle's occupant(s).

A vehicle search without a warrant is also permissible if the officer obtains permission from the

person driving the vehicle, or the owner of the vehicle, to conduct such a search. It is important, although, that the officer have a lawful right to stop the vehicle or to be where he/she is when he/she observes something in the vehicle or about the vehicle that would give him/her the grounds to conduct the search.

### DWI Search Warrant

Pursuant to rulings by the Minnesota courts, when an officer is requesting a chemical test from a driver suspected of driving under the influence of alcohol or drugs, a search warrant is needed for a blood or urine test. Officer should use the preapproved format of the search warrant provided on their departmentally issued key drive. This allows the officer to fill in the appropriate information for their particular case and print it for presentation to a judge for signature.

### Search Warrants

It shall be the policy of the Henderson Police Department that officers compose search warrants (and applications) for expediency. All warrants must be completed in the “e-charging” system.

After the search warrant (and application) is prepared, the officer that is the affiant on the warrant shall assign the warrant (and application) to the District Court Judge to be signed. An officer may not use a search warrant unless signed by a recognized District Court Judge. An officer found to have included knowingly false information in the search warrant and application will be subject to disciplinary action.

Officers are reminded on the advisability, and sometimes need, to obtain search warrants before obtaining blood and urine sampled for impaired driver proceedings.

The following rules for executing search warrants will be followed by every member of this department whenever applicable. When required by the warrant, officers will announce their identity and purpose in unmistakable terms. The tone of the voice must be loud enough so that there is no question that the persons can hear what is said. If there is no response to the officer’s announcement, officers will wait a reasonable time prior to forcing entry. Entry by force is to be accomplished as quickly and quietly as possible with minimum amount of damage to property.

It must be remembered that warrants cannot generally be served or executed in the nighttime or on Sunday unless the warrant states otherwise. Officers should see to it that the warrant specifically states that it may be served in the nighttime or on Sunday when the need arises.

With no knock warrants officers will make entry as quickly and quietly as possible while damaging as little property as possible. Officers are reminded to be sure to try the doors before breaking them down. All windows and exits should be covered to prevent escape prior to entry.

All departmental rules regarding firearms, chemical weapons, and use of force apply in search situations.

Only those things specifically set forth in the search warrant are to be searched for. General searches cannot be made with the use of the search warrant. Officers can only search those places where the items set forth in the warrant could possibly be found.

Every item seized pursuant to a search warrant, no matter how insignificant, must be entered on both the inventory and the receipt. Each item must be described as accurately as possible. Each item seized should also be marked or tagged with the information showing the location found, the initials of the finder, and the date and time when the item was found.

A copy of the warrant must be given to the person in charge of the premises to be searched. If an instance should arise when no one will accept the warrant, or if the owner is not present, a copy of the warrant will be posted in a conspicuous place in the premises prior to the departure of officers.

Upon completion of the execution of the search warrant, a copy of the receipt will also be given to the person in charge of the premises, or if the premises are unoccupied, the receipt will be posted with the copy of the warrant.

Receipts and inventories will be made out on the forms provided. These reports should be typed if possible. If a typewriter is not available, it is permissible that they be filled out longhand.

It is permissible to seize any contraband, whether described within the warrant or not. It is also permissible to seize evidence of other crimes discovered in the course of a proper search. The test generally is, did the seizing officer have a right to search that particular place where the item in question was found.

No person has the right to resist the execution of a search warrant. If there is a question by any of the people on the premises of the legality of the warrant, that person should be advised to call an attorney. He/she should also be allowed to do so if he/she wishes, however, they may not halt the execution of the warrant while waiting for their attorney to arrive. If a lawyer arrives on the scene, he/she has no authority or right to impede the execution of the search warrant. If he/she does attempt to interfere or impede the execution he/she may be arrested. Attorneys may observe but may not handle seized items or to participate in the search. They should be allowed to speak freely with his/her clients, but only after he/she states to the officers that he/she represents the people involved. He/she may not delay or disrupt the transportation of prisoners. He/she will not be allowed to ride along with his/her client if a request is made to do so.

Persons arrested at the scene of the execution of a search warrant must not be left unguarded. All persons who are arrested should be transported and booked or released as soon as possible. Upon completion of the execution of the search warrant, the officer in charge of the search warrant and the affiant shall return the receipt to the Court that originally issued the search warrant and sign the receipt in the presence of the Judge or his/her designee.

Number: Policy Manual 14.00

Effective Date: January 2020

Subject: Juveniles

Reference: M§ 260B; 260C

**Purpose:**

This policy provides guidelines and requirements for the detention and disposition of juveniles encountered by members of the Henderson Police Department.

**Definitions:**

Child/juvenile/minor – an individual under 18 years of age

Custodian or Guardian - a person who is under a legal obligation or who is, in fact, providing care and support for a minor (§ 260B.007.13)

Delinquent Child/Minor/Juvenile – a minor that has violated any federal, state or local law (except for certain traffic offenses, petty offenses, and minor marijuana offenses), and whose case has been referred to the juvenile court; or, who has escaped from confinement from a local or state juvenile detention facility after being committed.( § 260B.225.1; 260B007.16; 260B.007.18)

Parent – a birth or adoptive parent (§ 260B.007.10)

Relative – a stepparent, grandparent, brother, sister, uncle or aunt, by blood or marriage (§ 260B.007.12)

Legal custody - the right to the care, custody, and control of a child who has been taken from a parent by the court in accordance with the provisions of sections §260B.198 and § 260B.235.

Secure detention facility - means a physically restricting facility, including but not limited to a jail, a hospital, a state institution, a residential treatment center, or a detention home used for the temporary care of a child pending court action

Policy:

It is the responsibility of every member of the department to properly report any matter coming to his attention in which a juvenile is delinquent or the victim of an offense or neglect.

Officers must keep in mind at all times that juveniles have the same rights under the law as adults. These rights must not be violated. Juvenile Court policy requires that for statements to be used as testimony, the juvenile's parents must have been present or have given their permission to receive the statement prior to obtaining the statement. When a statement is taken from a juvenile the Miranda Warning must be read to both the juvenile and his/ her parents or legal guardian. If permission has been obtained from the parents or legal guardian to interview the child alone, the Miranda Warning is read to the child. In addition, the officer should ask some preliminary questions that establish the juvenile's ability to intelligently waive his/her rights.

Officers are further reminded that law enforcement data on juveniles is considered private data. In the absence of a court order, dissemination of a juvenile's information is more restrictive than an adult's and should only be done in accordance to state statute.

Authority to Search

A peace officer who takes a child of any age or gender into custody under the provisions of this section is authorized to perform a protective pat-down search of the child in order to protect the officer's safety. A peace officer also may perform a protective pat-down search of a child in order to protect the officer's safety in circumstances where the officer does not intend to take the child into custody, if this section authorizes the officer to take the child into custody.

Evidence discovered in the course of a lawful search under this section is admissible.

Authority to Detain (§ 260c.175)

An officer may take into immediate protective custody any juvenile:

- 1 - When the child appears to be or is a runaway, but only for the purpose of transporting the child home, to a relative's home or to another safe place.
- 2 – When the child is found in surroundings or conditions that endangers, or the officer believes will endanger, the child's health or welfare.
- 3 – Who is a habitual truant.
- 4 – When it is reasonable believed the juvenile has violated probation, parole, or another field supervision.

\*Whenever a child is taken into custody under these circumstances, the officer should notify the parent(s) or legal guardian(s) as soon as possible. Unless there is some reason to believe it would place the child in a dangerous situation or that the child may not appear for a court hearing, the child should be released to the custody of the parent(s), legal guardian(s), or other suitable relative.

### Taking a Child into Custody

An officer may take into immediate custody any delinquent juvenile:

- 1 – In accordance with the laws relating to arrest
- 2 - With an order of the court or warrant
- 3 - When it is reasonable believed the juvenile has violated probation, parole, or another field supervision

\* Whenever a peace officer takes a child into custody the officer shall notify the parent or custodian that under § 260B.181, subdivision 2, the parent or custodian may request that the child be placed with a relative or a designated caregiver instead of in a shelter care facility

### Traffic Violations

Officers who arrest juvenile traffic offenders are responsible for completing corresponding reports as follows:

Anytime the offense is committed by a juvenile less than 16 years of age, the arresting officer will complete a report of the incident and forward it to the City Attorney. In these instances, officers are to obtain the juvenile's parent's names and addresses. The juvenile should be released to a parent or legal guardian.

Likewise, if the offense is a misdemeanor committed by a 16 to 18-year-old, the officer will complete a report for the City Attorney. In these instances, officers are to obtain the juvenile's parent's names and addresses. When the juvenile is 16 to 18 years old and the offense is a petty misdemeanor, officers may assign a time and date for open traffic court.

### Criminal Arrests

Any time a juvenile is arrested for a criminal offense, the arresting officer will complete a report detailing the circumstances surrounding the incident. Included in this report will be the juvenile's address and parent or guardian's names. A copy of this report will be sent to the City/County Attorney for determination of charges.

When an officer has probable cause that a child is a juvenile petty offender or has committed a delinquent act that would be a petty misdemeanor or misdemeanor if committed by an adult, the officer may issue a citation, without a court date, and released.

If the incident is an alcohol related offense, the juvenile shall be released only to a parent or guardian.

If the incident is due to tobacco related offenses, the juvenile will be released, and the arresting officer will contact the parent or guardian and advise them of the offense.

If, due to the seriousness of the offense, or due to other extenuating circumstance the juvenile need to be detained pending formal charges, officers will do the following:

- 1) Transport the juvenile to the Sibley County Sheriff's Office facilities.

- 2) Segregate the juvenile from any adult offenders and public view.
- 3) Notify the juvenile's parent(s) or legal guardian(s) as soon as this task can be accomplished.
- 4) Notify the City/County Attorney and Chief of Police of the incident and reasons for continued detention.
- 5) Transfer custody to the Sibley County Sheriff's Office for transport to a secure juvenile detention facility.

\*At no time shall a juvenile be detained for longer than 6 hours without final disposition unless there are exigent circumstances that prevent an earlier release.

\*A juvenile arrested for offenses for violations of M§ 169A will be brought into the processing hallway of the Sibley County Sheriff's Office for chemical testing, but shall not be left unsupervised,

If a juvenile is violent or out of control requiring immediate placement in a secure detention facility, said juvenile should be turned over the Sibley County Sheriff's Office.

### Interviews at School

Interviews, whenever possible, should be conducted at the juvenile's home or at the police department. Interviews at schools will be kept to a minimum. Other criminal interviews will be conducted only when time is an important element of the investigation or unless requested by school officials.

Officers should first secure the permission of the child's parent or guardian prior to an interview at the school, unless doing so would interfere with the investigation. If efforts to contact parent(s) or legal guardian(s) are unsuccessful, officers may still conduct a formal interview. If the juvenile requests it, a school official or lawyer may be present for the interview in lieu of a parent/legal guardian.

The permission of the principal or his agent will be secured before an interview at the school unless exigent circumstances exist.

When it is necessary to arrest a juvenile at any of the schools, the officer will first contact the principal or his agent at the school involved. The officer should not go to the classroom to affect the arrest but will allow the school personnel to bring the child to a place designated by the school, unless doing so would expose faculty, students or the public to a danger.

If the subject requests a private interview, he/she is to be informed of this rule in writing and sign the same before an adult witness. It will be the responsibility of the officer to determine that he/she understood what he/she is requesting and that he/she is competent to make the request.

It must be understood by all police personnel, that the school authorities have a definite legal and moral responsibility for the children in their care. School authorities have a right and duty to be present during any interview with a child while he or she is under their care. If the principal or his agent refuses to allow an interview for any reason on school property, then no interview will be held unless the child is taken into custody.

Minnesota law requires the Chief of Police or a person specifically given the duty by the head of the law enforcement agency to notify the superintendent or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:

(1) the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim; or

(2) the agency has probable cause to believe that the juvenile has committed certain serious crimes regardless of whether the victim is a student or staff member of the school. However, a law enforcement agency is not required to notify the school under this paragraph if the agency determines that notice would jeopardize an ongoing investigation.

Number: Policy Manual 15.00      Effective Date: January 2020
Subject: Harassment in the Workplace

### Purpose

This policy is designed to maintain a healthy work environment and to provide procedures for reporting, investigation and resolution of complaints of harassment, sexual or otherwise.

### Discussion

It is the policy of this law enforcement agency that all employees have the right to work in an environment free of all forms of harassment. The agency does not condone, and will not tolerate, any harassment. Therefore, the agency shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment, sexual or otherwise.

#### A. Prohibited Activity

1. No employees shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
2. Employees shall not make offensive or derogatory comments based on race, color, sex, religion or national origin either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under state and federal employment law and is also considered misconduct subject to disciplinary action by this agency.
3. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
  - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

#### B. Employee's Responsibilities

1. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
  - a. Monitoring the unit work environment on a daily basis for signs that harassment may be occurring.
  - b. Counseling all employees on the types of behavior prohibited, and the agency procedures for reporting and resolving complaints of harassment.
  - c. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
  - d. Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment pending investigation.
2. Each supervisor has the responsibility to assist any employee of this agency, who comes to that supervisor with a complaint of harassment, in documenting and filing a complaint with the internal investigation's authority.

3. Each employee of this agency is responsible for assisting in the prevention of harassment through the following acts:
    - a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment.
    - b. Reporting acts of harassment to a supervisor; and
    - c. Encouraging any employee, who confides that he/she is being harassed, to report these acts to a supervisor.
  4. Failure to take action to stop known harassment shall be grounds for discipline.
- C. Complaint Procedures
1. Employees encountering harassment shall tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation.
  2. Any employee who believes that he/she is being harassed shall report the incident(s) to the Chief of Police as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated.
    - a. The Chief of Police shall meet with the complainant and document the incidents complained of, the person(s) performing or participating in the harassment, and the dates on which it occurred.
    - b. The agency employee taking the complaint shall expeditiously deliver the complaint to the Chief of Police.
  3. Chief of Police shall be responsible for the investigation of any complaint alleging harassment.
    - a. The Chief of Police will notify the prosecutor's office if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.
    - b. The investigation shall include a determination whether other employees are being harassed by the person, and whether other agency members participated in, or encouraged the harassment.
    - c. The Chief of Police shall inform the parties involved of the outcome of the investigation.
    - d. A file of harassment complaints shall be maintained in a secure location. The chief executive officer shall be provided with an annual summary of these complaints.
  4. There shall be no retaliation against any employee for filing a harassment complaint, or assisting, testifying, or participating in the investigation of such a complaint.
  5. Complainants or employees accused of harassment may file a grievance/appeal in accordance with agency procedures when they disagree with the investigation or disposition of a harassment claim.
  6. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

Number: Policy Manual 16.00	Effective Date: January 2020
Impartial/unbiased policing	

**Purpose:**

This policy is intended to reaffirm the Henderson Police Department commitment to impartial/unbiased policing and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in a fair and equitable manner to all.

Policy:

A. Policing Impartially

1. Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. Officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrians and vehicle stops, arrests, nonconsensual searches and property seizures.
2. Except as provided in paragraph (3), officers shall not consider race, ethnicity, national origin, gender, sexual orientation and religion in establishing either reasonable suspicion or probable cause.
3. Officers may take into account the descriptors in paragraph (2) of a specific suspect(s) based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals. This information may be used in the same manner officers use specific information regarding age, height, weight, etc. about specific suspects.

B. Preventing Perceptions of Biased Policing – Procedural Guidelines

In an effort to prevent the perception of biased law enforcement, officers shall utilize the following guidelines:

- Be respectful and professional
- Introduce or identify yourself to the citizen and state the reason for the contact as soon as practical, unless providing this information will compromise officer or public safety
- Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense
- Attempt to answer any relevant questions the citizen may have regarding the citizen/officer contact, including relevant referrals to other agencies when appropriate
- Provide your name and badge number when requested, preferably in writing or on a business card
- Explain and/or apologize if you determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop)

C. Supervision and Accountability:

Chief of Police shall ensure that all personnel in his/her command are familiar with the content of this policy and are operating in compliance with it.

Number: Policy Manual 17.00      Effective Date: January 2020
Subject: In Car Mobile Video Recording Equipment Policy

Purpose

Digital Recording Control

The purpose is to provide guidelines for the use, management, access, retention, handling of evidence, degaussing, storage, and retrieval of audio-visual media recorded by in-car video systems.

Definitions

1. Recorded Media -- Means audio-video signals recorded on any of several storage devices, including, but not limited to, analog type (VHS, SVHS, Hi 8mm), digital tape (DV), or other portable digital storage devices (CD, DVD, hard drive, flash card, etc.).
2. Law Enforcement Operator (LEO) -- Primarily, a licensed peace officer, but on occasion may be a non-sworn representative of the agency, who would be authorized and assigned to operate MVR equipped vehicles to the extent consistent with Minnesota Statute 169.98.
3. Mobile Video Recorder (MVR) – Is a term that refers to any system that captures audio and video signals and is capable of installation in a vehicle that includes at minimum, a camera, microphone, recording media. Equipment meeting these criteria for the Morris Police Department is the Watchguard In-Car Video System
4. Supervisor -- Licensed peace officers appointed with responsibility to serve as a supervisor.
5. MVR Technician -- Personnel, whether licensed or civilian, that are trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.
6. Degaussing -- Electronic cleansing by overwriting, erasing, and/or destruction of electronic storage media of analog and digital recording media that returns the media to its original state so it is ready for the imprinting of new images.
7. Activate -- Any process which causes the MVR system to transmit or store video or audio data.

#### Application

- A. The primary use of mobile/audio/video recording equipment is to document law enforcement interaction with the public.
- B. To enhance officer safety.
- C. To document statements and events during the course of an incident.
- D. To enhance the law enforcement operator's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- E. To preserve visual and audio information for use in current and future investigations.
- F. To provide an impartial measurement for self-critique and field evaluation during officer training.

#### Precaution

The Mobile Video Recorder shall not be used to record non-work-related personal activity. The Mobile Video Recorder will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities. In addition, mobile video recording of individuals who are picketing or engaged in a protest or First Amendment demonstration will be avoided unless an obvious violation of criminal law is occurring or if the law enforcement operator is in the same vicinity for other legitimate law enforcement purposes.

#### Mounting and Activation of In – Car Recording Units

- A. Audio/video cameras and controls shall be mounted in the passenger compartment of the patrol vehicle in such a manner that said unit will not obstruct the officer in the performance of his/her duties, while being accessible to the officer. Such units will be securely mounted.
- B. The recorder unit will be mounted as specified for the particular brand/style of recorder.

- C. Officers will have access to the audio transmitter of the recording unit. Officers will turn on the transmitter while outside the vehicle when the video camera is recording. Furthermore, if officers are not recording when outside the patrol vehicle and circumstances change that make recording advisable, said officer may activate recording by turning on the transmitter.
- D. Officers are prohibited from turning off the audio transmitter unit while recording is taking place.
- E. In addition to officer control, recording units will be set up to begin recording upon activation of emergency lighting.
- F. It is the responsibility of each officer to be familiar with the operation of video/audio recording equipment.
- G. Officers are to inspect the recording equipment regularly and report any problems/deficiencies to a supervisor or the Chief of Police.

### Procedure

The primary purpose for using MVR's is to obtain evidence, protect officers from potential claims of malfeasance, and officer safety.

- A. Officers may record:
  - a. Traffic stops (to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops)
  - b. Priority responses
  - c. Vehicle pursuits
  - d. Arrests
  - e. Vehicle searches
  - f. Physical or verbal confrontations, or use of force
  - g. Prisoner transports
  - h. Crimes in progress
  - i. Any situation where a non-prisoner is in the vehicle and being transported, e.g., a child, an elderly person, someone having a medical event.
  - j. Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded
- B. Officers are not required to advise each contact that recording equipment is being used, but officers will inform those who ask, that recording equipment is in use.
- C. Once recording has begun, officers shall record an incident to its conclusion.
- D. Officers should note in any incident report that audio/video recording exists, and what type, in relation to the incident.
  - 1. Only Chief of Police or agency approved designee may copy, erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.
  - 2. MVR recordings shall be considered evidence, designated by the officer for the appropriate retention and be submitted to the agency approved designee to ensure that the recording is retained in accordance with policy.
- A. Digital copies of events will be provided to prosecutors, the courts and other law enforcement agencies with legitimate need at no charge. Other persons authorized to receive copies of the tape will be charged a nominal fee to cover cost of the recording material and time to make said copy.
- B. When a digital event contains evidence for a case that would best be investigated by another agency, a copy of the event will be provided to facilitate such an investigation.

- C. All video/audio recordings remain the property of the Henderson Police Department. Any unauthorized copying or distribution will result in disciplinary action against the officer(s) involved.
- D. Any recording deemed to have training value will be kept and used for training purposes.
- E. Recordings containing data which must be retained in anticipation of pending civil action or are collected as part of an active investigation for the commencement or defense of a pending civil action against the officer, department, or city shall continue to be in the control of the agency, in conjunction with the City/County Attorney's Office.

Media Access/ Handling of Evidence

- A. All recording media, recorded images and audio recordings are the property of the Henderson Police Department and subject to the provisions of the **MGDPA or Data Practices Act** refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.
  - 1. . Dissemination outside of the agency is strictly prohibited except to the extent permitted under the MGDPA without written authorization of the Chief of Police.
  - 2. An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment.
  - 3. The MVR equipment will be used in the prosecution of those who violate the law, and to provide objective information concerning police/citizen contacts.
  - 4. Recordings containing data which must be retained in anticipation of pending civil action or are collected as part of an active investigation for the commencement or defense of a pending civil action against the officer, department, or city shall continue to be in the control of the agency, in conjunction with the City/County Attorney's Office.
  - 5. When a recording contains evidence for a case which is being investigated by another agency, that agency shall be provided a duplicate copy of the recording with the approval of the Chief of Police. Original media shall continue to be in the control of the Henderson Police Department.

Number: Procedure Manual 17.50                      Effective Date: January 2020  
 Subject: PHOTOGRAPH, VIDEO AND ELECTRONIC IMAGING POLICY

**PURPOSE**

The purpose of this policy is to manage photographs, videos and other electronic images, referred to in this policy as (Electronic Images) taken by Henderson Police Department personnel during department incidents.

**SCOPE**

This policy is being enacted to ensure professionalism and the privacy rights of department personnel, patients, victims, and the public we serve.

**PROCEDURE**

1. Officer should use departmentally issued cameras for evidence collection. Officers are cautioned that use of a personal cell phone for evidence collection may make that phone subject to court discovery and trial proceedings.
2. All department incident Electronic Images shall be for evidence, documentation, or training purposes only, and will be collected using approved departmental equipment.
3. Any on-scene department incident Electronic Images taken by department personnel in the course and scope of their employment are the sole property of the Henderson Police Department and under the control of the Police Chief.
4. No Electronic Images taken by department personnel in the course and scope of their duties and responsibilities may be used, printed, copied, scanned, e-mailed, posted, shared, reproduced or distributed in any manner. This prohibition includes the posting of any Henderson Police Department Electronic Images on personal web sites or social media outlets such as, but not restricted to: Facebook, Myspace, Twitter, Snapchat, YouTube, other public safety agency websites, or e-mailed to friends, relatives or colleagues.
5. The dissemination of any Electronic Images will be at the discretion of the Police Chief or others so designated in the absence of the Police Chief. This includes the release of any Electronic Images to media outlets.
6. All Henderson Police Department Electronic Images will be downloaded as soon as possible and will be cataloged and stored in a secure database with controlled access.
7. Violation of this policy by department personnel, or failure to permit inspection of any device covered in this policy, may result in disciplinary action. Disciplinary action may be verbal or written reprimands, suspension, or termination depending upon the circumstances and severity of the violation.

Number: Policy Manual 18.00      Effective Date: January 2020 Subject: Appropriate Use of Technology
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### Appropriate Use of Technology

#### Computer Hardware and Software

Computer resources belonging to the Henderson Police Department shall not be used in ways that are harassing, disruptive, offensive to others, or harmful to morale. Such uses include but are not limited to display or transmission of sexually explicit images, messages, or cartoons; display or transmission of ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

Henderson Police Department purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Henderson Police Department employees do not have the right to reproduce such software for use on more than one computer. Employees may only use

software on local area networks or on multiple machines according to the software license agreement. Henderson Police Department prohibits the illegal duplication of software and its related documentation.

By using computer resources belonging to the Henderson Police Department, employees are voluntarily consenting to being monitored. The Police Chief, reserves the right to access, inspect, review, and/or monitor all elements of its computer resources, including those used by individual employees. Although individual employee passwords are confidential, Henderson Police Department reserves the right to override passwords and codes at any time. If the Chief of Police request their employee's password(s), then the password(s) must be disclosed.

#### Internet

Henderson Police Department provides employees with access to the information resources of the Internet to assist them in obtaining information for completion of job responsibilities. Henderson Police Department provides Internet access as a business tool and expects its employees to use Internet access primarily for business-related purposes. Chief of Police may allow personal Internet use by employees provided it conforms to the rules of the Department's Internet Policy.

The Department requires that employees conduct themselves honestly and appropriately on the Internet and respect the copyrights, software licensing rules, property rights, and privacy of others. Unnecessary or unauthorized Internet use may subject a Henderson Police Department employee to disciplinary action and could subject the City of Henderson to legal liabilities. Consequently, all employees must conduct their business on the Internet on behalf of the Henderson Police Department in an appropriate manner.

Henderson Police Department reserves the right to monitor and record all Internet usage on software and systems owned by the Henderson Police Department.

#### Electronic Mail (Email)

The email system is the property of the Henderson Police Department and is intended for department business only. The system is not to be used by Henderson Police Department employees for personal gain or to support or advocate for non-department related business or purposes.

All email messages are subject to state and federal rules and laws, such as open meeting laws and the Data Practices and Human Rights Acts.

Employees of the Henderson Police Department are representatives of the department. Consequently, any messages or information sent by an employee to one or more individuals via electronic network are statements identifiable and attributable to the Henderson Police Department. All communications sent by employees of the Henderson Police Department via network must comply with department's policies and may not disclose any confidential information.

## PURPOSE

To establish guidelines relative to the collection and storage of evidence, found property, and property held for safe keeping.

### I. CLASSIFICATIONS OF PROPERTY

- A. Evidence: Property which may be related to a crime or which may implicate or clear a person of criminal charge.
- B. Found Property: Non-evidentiary property which, after coming into the custody of the agency, has been determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense.
- C. Property Held for Safekeeping: Non-evidentiary property which is in the custody of the agency for temporary protection on behalf of the owner.

Note: This excludes vehicles that are impounded during custodial arrests, parking enforcement, relating to accident investigations or forfeiture proceedings unless that vehicle is to be held as evidence. If the vehicle is needed as evidence, it shall be processed and inventoried accordingly using the HPD Property Inventory Sheet.

### II. PROCEDURES FOR DEPOSITING PROPERTY

#### A. Duties of Employees who Take Property into Custody

- 1. The officer shall, in every instance, place all property obtained in the course of his/her employment into their agency's property system prior to going off duty.
- 2. Any property that is submitted for placement shall be listed on a Property Inventory Sheet and shall have a corresponding property tag on each piece of property described.

### III. PACKAGING AND INTAKE GUIDELINES

#### 1. Property Handling Procedures

- 1. All property will be logged in and deposited inside Evidence Locker at the Police Room.
- 2. Property that is too large to fit into the Evidence Locker shall be placed in the general open area of the storage area designated by the agency.

#### C. Packaging

1. All property and evidence items or group of items will be packaged into evidence bags. Evidence or property tag will be attached to larger items.

## DISPOSING OF PROPERTY

1. After determining the property is no longer needed, the property will be disposed in one of the following ways:
  - a. Return to Rightful Owner - Any property where the true and rightful owner is known, and the owner can legally possess the property shall be returned to the owner. Attempt at locating the owner will consist of contact at the last known address. Property will not be returned without proper ID and a signature of the person claiming ownership. A Property Receipt/Notice to Claim Property form shall be completed on all returned property.
  - b. Destroyed - Any property that is illegal to possess by the true owner (such as drugs, illegal weapons, convicted felons, etc.). Any property that is damaged and/or has little or no value.
  - c. Auction - Items with a value greater than \$5.00 and not claimed by the true owner may be sold at public auction.
  - d. Transfer to City/Departmental Usage - Property not claimed which may be beneficial for City or Departmental use, with the approval of the Chief of Police, may be transferred to the requesting department. A "Property Acquisition Request" form shall be submitted and approved before the property is released.
  - e. General Fund - Unclaimed money and money derived from the sale of unclaimed property such as jewelry, legal firearms, beer kegs and tappers, etc., shall be submitted to the Department or City general Fund.
2. Firearms and Drugs that are to be destroyed will be done by a sworn officer or by the Chief of Police.

Number: Policy Manual 20.00      Effective Date: January 2020
Subject: Motor Vehicle Inventories

### Purpose

This policy is designed to provide officers with guidelines for determining when and how a motor vehicle inventory should be conducted.

### Policy

A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody; to protect the agency against claims of lost, stolen or damaged property; and to protect departmental personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle. It is the policy of this law enforcement agency to safeguard the above property and interests and to conduct motor vehicle inventories only in accordance with the following procedures.

## Procedures

### A. Legal Authority to Inventory

1. An authorized member of this agency may conduct a motor vehicle inventory without a warrant or probable cause when
  - a. The vehicle has been lawfully seized or impounded pursuant to the arrest of the driver; after towing the vehicle for violations, or for related enforcement or safety reasons as defined by state law, and
  - b. When officers conduct the inventory within the scope of this as an administrative procedure.
2. Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory. Officers shall be guided by this agency's policy on motor vehicle searches when engaged in these actions.

### B. Scope of Inventory

1. The contents of all motor vehicles that are lawfully seized and/or impounded by this agency shall be subject to inventory in accordance with the provisions of section A of this policy.
2. An inventory should be conducted in the location at which the vehicle is seized unless limited by reasons of safety or practicality. If so, it may be inventoried at a later time following impoundment.
3. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature.
4. A motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, trunk and glove compartment.
5. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed and locked containers shall not be forced open but shall be logged on the impound report as such. If a key or lock combination is available, locked containers may be opened and inventoried.

### C. Property Control

1. All items of value shall be itemized on this agency's property inventory form and such materials logged and secured in the property room for safekeeping.
2. Control and safekeeping of hazardous materials shall be the responsibility of this agency's designated authority.
3. Contraband and evidence discovered during the course of a motor vehicle inventory shall be secured in accordance with procedures for control of criminal evidence. Notification of this fact shall be provided to the agency's designated authority.

### D. Documentation

1. All motor vehicle inventories will be documented via use of proper departmental forms.

Number: Policy Manual 21.00	Effective Date: May 2026
Subject: Procession of Property Seized for Administrative Forfeiture	
Reference: MN STAT 609.531	

## POLICY

Henderson Policy Department 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 Henderson Police Department.

## 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 609.531, 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 \$100.00 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 peace 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 limited to, agency policy, directives, and electronic or traditional classroom education.

## STATUTORY REFERENCES

- [MN STATUTE 152.01](#) – Definitions
- [MN STATUTE 609.02](#) – Definitions
- [MN STATUTE 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

Number: Policy Manual 22.00      Effective Date: January 2020  
Subject: Transportation of Prisoners / Non-custodial transport

### Purpose

This policy is designed to provide guidelines on the transportation of all persons in custody of a law enforcement officer.

### Policy

It shall be the policy of this law enforcement agency to take the precautions necessary while transporting prisoners to protect the lives and safety of the officers, public, and the person in custody.

### Procedures

#### A. Vehicle Inspection

1. At the beginning and end of each tour duty, all vehicles regularly used for prisoner transport shall be inspected for readiness as follows:
  - b. The safety screen shall be securely in place and undamaged.
  - c. All windows shall be intact, and outer door latches in proper working order.
  - d. Rear seat door handles and window controls should be deactivated; and
  - e. The interior shall be thoroughly searched to ensure that no weapons or contraband have been left or hidden within the vehicle.
2. Prior to placing a prisoner in the vehicle for transport, the transporting officer shall again inspect the interior for weapons or contraband. The vehicle shall be searched again after the prisoner has been delivered to the detention facility or other destination.

#### B. Handcuffing

1. Officers shall handcuff (double locked) all prisoners with their hands behind their back and palms facing outward.
2. The officer may handcuff the prisoner with his/her hands in front, or utilize other appropriate restraining devices where the prisoner:
  - a. Is in an obvious state of pregnancy.
  - b. Has a physical handicap; or
  - c. Has injuries that could be aggravated by standard handcuffing procedures.
3. Prisoners shall not be handcuffed to any part of the vehicle during transport.
4. Additional approved restraint devices may be used to secure a prisoner who violently resists arrest or who manifests disorders such that he poses a threat to himself or to the public.

C. Transport

1. Prior to transport, all prisoners shall be thoroughly searched for any weapons or tools of escape.
2. When transporting prisoners, the officer shall provide the communication's center with the following information when possible:
  - a. Identity of the prisoner.
  - b. Arrest location and destination of transport; and  
mileage readings before and after transport.
3. The officer should use care when assisting a prisoner into the vehicle for transport.
2. Prisoners shall not be left unattended during transport. Any escape shall be immediately reported to the communication center.
3. If there is a delay in transporting an individual from the scene due to other circumstances, the officer shall make regular checks, both verbal and visual, of the individual placed in the squad car.

D. Non-custodial transports (subject not under arrest)

1. When transporting anyone, the officer shall provide the communication's center with the following information when possible:
  - c. Identity of the person.
  - d. Location and destination of transport; and
  - e. Time and mileage readings before and after transport.
3. The officer should use care when assisting a person into the vehicle for transport.
4. Persons should be transported in the following manner:
  - a. In the rear seat of the vehicle, unless a specific and compelling reason dictates otherwise.
  - b. Handcuffed, if officers perceive any threat or danger from the individual due to drugs, alcohol, or mental state.
4. Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the person.
5. A person shall not be left unattended during transport. If there is a delay in transporting an individual from the scene due to other circumstances, the officer shall make regular checks, both verbal and visual, of the individual placed in the squad car.

### Purpose

This policy is designed to assist employees in identifying crimes motivated by bias toward an individual's race, religion, ethnic background and/or sexual orientation and to definite appropriate steps for assisting victims and apprehending suspects.

### Policy

It is the policy of this law enforcement agency to safeguard the state and federal rights of all individuals irrespective of their race, religion, ethnic background, sexual orientation, age or disability. Any acts or threats of violence, property damage, harassment, intimidation or other crimes designed to infringe upon these rights are viewed very seriously by this agency and will be given high priority. This agency will use every necessary resource rapidly and decisively to identify the perpetrators, arrest them and take vigorous enforcement action.

Also, recognizing the particular fears and distress typically suffered by victims of these crimes, the potential for reprisal and escalation of violence and the possible far-reaching negative consequences of these acts on the community and the agency, particular attention shall be given to addressing the security and related concerns of the immediate victims as well as their families and others affected by the crime.

### Definition

- A. *Hate Crime*: Any unlawful action designed to frighten, harm, injure, intimidate or harass an individual, in whole or in part, because of a bias motivation against the actual or perceived race, religion, ethnic background or sexual orientation of the victim.
- B. *Race*: A group of persons who possess common physical characteristics (e.g. color of skin, eyes and/or hair, facial features; etc.) genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind (e.g. Asians, blacks, white, etc.)
- C. *Ethnic Group*: A group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics, etc.).
- D. *Religious Group*: Any persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a Supreme Being (e.g., Catholics, Jews, Protestants, atheists, etc.).
- E. *Sexual Orientation*: A sexual attraction toward, and responsiveness to, members of one's own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals, etc.).

### Initial Response Procedures

When an officer at the scene of an incident believes that it may have been motivated by racial, religious, ethnic or sexual orientation bias (RRES), the officer shall take any preliminary actions necessary, such as

- A. Determining whether any perpetrators are present and, if so, taking appropriate enforcement measures.
- B. Restoring order to the crime scene and taking any necessary actions to gain control of the situation.
- C. Identifying any injured parties and taking steps to provide medical assistance.

- D. Identifying any witnesses or others who have knowledge of the crime.
- E. Protecting the crime scene; and
- F. Notifying Chief of Police.

Number: Policy Manual 24.00	Effective Date: May 2026
Subject: Domestic Abuse Policy	
Reference: MSS518B.01, 629.341, 629.342, 629.372, 260c.201	

The Henderson Police Department recognizes domestic abuse as a serious problem in society. This agency aims to protect victims of domestic abuse by ensuring its peace officers understand domestic abuse statutes and approach domestic abuse situations with sensitivity and understanding. Peace officers will utilize this policy when responding to incidents of domestic abuse. This agency will aggressively enforce the laws without bias or prejudice.

## DEFINITIONS

**Child:** has the meaning given to it in [MN Statute 260C.007, subdivision 4](#).

**Complainant:** refers to an individual making a complaint or reporting a crime.

**Domestic Abuse:** has the meaning given to it in [MN Statute 518B.01, subdivision 2\(a\)](#).

**Domestic Abuse No Contact Order (DANCO):** refers to an order issued by a judge under [MN Statute 629.75](#) in criminal court. DANCOs may be issued as a pretrial condition of release and/or as a condition of probation. Violating a DANCO is a crime.

**Domestic Abuse Program:** means a public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.

**Domestic Call:** refers to a call for service or a request for service made to a law enforcement agency regarding a domestic disturbance.

**Family or Household Member(s):** has the meaning given to it in [MN Statute 518B.01, subdivision 2\(b\)](#).

**Harassment:** has the meaning given to it in [MN Statute 609.749, subdivision 2\(c\)](#).

**Harassment Restraining Order (HRO):** refers to an order issued by a judge under [MN Statute 609.748](#) in civil court where a petitioner requests a court order prohibiting another person from having contact with them. The petitioner of an HRO does not have to be a family or household member to the respondent. Violating an HRO is a crime.

**Order for Protection (OFP):** refers to an order issued by a judge under [MN Statute 518B.01, subdivision 5](#), in civil court. Violating an OFP is a crime.

**Petitioner:** refers to an individual who initiates legal proceedings by filing a petition with the court.

**Primary Aggressor:** refers to the person who, based on the totality of the circumstances, is determined to be the primary perpetrator of domestic abuse, as opposed to a person who used force in self-defense or who has been primarily subject to abuse.

**Qualified Domestic Violence-Related Offense (QDVRO):** has the meaning given to it in [MN Statute 609.02, subdivision 16](#).

**Respondent:** refers to the person against whom a court action or protective order is sought.

**Stalking:** has the meaning given to it in [MN Statute 609.749, subdivision 5](#).

## PROCEDURE

### RECEIVING A DOMESTIC REQUEST FOR SERVICE

**Receiving a Domestic Request for Service.** Domestic requests for service are considered high priority calls and must be treated accordingly by dispatchers and [officers]. Dispatchers must assign, minimally, two [officers] to a known or suspected domestic abuse call. If only one [officer] is available, reasonable attempts must be made to obtain another [officer]. After receiving a domestic call, [officers] must respond promptly according to the information they received (e.g., is the situation active/ongoing, is the incident being reported several days after the event, or are the victim(s) in a safe location away from the suspect). Domestic requests for service may be received via text message to 911 or by other means.

**Information to be Obtained.** The dispatcher receiving a domestic request for service should attempt to collect pertinent information from the caller and relay the information to the responding officers. The dispatcher receiving a domestic abuse call should attempt to gather the following information:

- the nature of the incident,
  - the address of the incident, including apartment number (if applicable),
  - the telephone number(s) by which the caller can be reached,
  - whether weapons are involved or present in the dwelling,
  - whether someone is injured and the nature of the injury,
  - whether alcohol or drugs are involved,
  - information about the suspect (e.g., presence, description, direction of flight, mode of travel, etc.),
  - the relationship between the caller and the suspect,
  - whether there have been previous calls involving the caller and suspect,
- 
- whether there is an active order for protection (OFP), harassment restraining order (HRO), or criminal pre-trial or probationary domestic abuse no contact order (DANCO),
  - whether children are present, and

- whether there are non-English speaking, mobility impaired, or hearing-impaired individuals present.

If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone for as long as possible and tell the caller when they can expect the peace officers to arrive. If the caller is a witness to an incident in progress, the dispatcher should attempt to keep the caller on the phone and should relay ongoing information provided by the caller to the responding [officers]. Dispatchers should ask callers if it is safe for them to talk and if so, for how long.

If, for any reason, the dispatcher is unable to remain on the line with the caller and the responding [officers] are some distance away from the call location, the dispatcher should attempt to periodically call the complainant back, if the caller said it is okay to do so, to check on their well-being. If the complainant was available by telephone but later becomes unreachable or the dispatcher encounters a persistent busy signal, that information should be relayed to the responding officers.

## **RESPONDING TO A DOMESTIC CALL**

**Driving to the Scene.** Peace officers must respond directly and without unreasonable delay to the scene. Officers should evaluate tactical considerations related to the use of emergency lights and sirens when responding.

**Initial Contact.** Upon arriving at the scene of a domestic abuse call, the responding officers must identify themselves as peace officers, explain their presence, and request entry into the home. The officers must ask to speak with the individuals involved in the situation. When reasonable, practical, and safe to do so, officers should separate (sight/sound) all individuals involved prior to taking any statements. If the person who called the law enforcement agency is someone other than the subject of the call, the [officer] should not reveal the caller's name. The [officer] must ensure all occupants inside or at the call location are safe to the extent they are able.

**Entry.** If refused entry, the [officers] should be persistent about seeing and speaking alone with the complainant. If access to the complainant is refused the officers should request dispatch contact the caller via phone. If access is still refused and the officers have reason to believe someone is in imminent danger, officers are permitted to force entry. If the officers are refused entry, and have no legal grounds to force entry, but have reasonable grounds to believe a crime has been committed, the officers may apply for a search warrant.

**First Aid.** After securing the scene, responding peace officers shall provide first aid and offer EMS (as applicable). Officers may preemptively request EMS and put them on standby while responding to the scene in an effort to minimize medical personnel response time.

## **INVESTIGATION**

After securing the scene and providing any necessary first aid, peace officers must begin an investigation and assess the evidence to determine if there is probable cause that evidences a crime has been committed. During the investigation, when feasible, officers must attempt to interview the parties directly involved as well as any witnesses to the incident as necessary for the investigation. If the witness, victim, or suspect is a child, officers should consider whether an interview should take

place at another location or be handled by another organization. Officers must collect and/or document any evidence at that scene. As part of the evidence collection process, officers must consider:

- taking photos of the scene,
- photographing the condition of clothing of the individuals involved,
- photographing any property damage,
- photographing physical injuries or the presence of petechiae (peace officers should be aware that injuries appear differently on different complexions and under flash photography),
- completing a lethality assessment (as applicable),
- recording and documenting excited utterances made by the victim and/or the suspect,
- documenting the demeanor of the victim and/or the suspect,
- collecting medical records including the victim's statements to paramedics, nurses and doctors,
- recording interviews with witnesses including children who may have been present,
- documenting evidence of any prior domestic abuse related incidents,
- documenting any existing OFPs, HROs or DANCOs, and
- documenting any other existing court order restricting contact between the suspect and victim.

When establishing probable cause, peace officers may consider their observations as well as any statements made by the parties/witnesses involved.

**Suspect Gone on Arrival.** If there is probable cause to make an arrest, officers should make reasonable attempts to locate and arrest the suspect. Officers should consider checking the suspect's place of employment and residences the suspect is known to frequent (e.g., the residences of family/friends or other properties the suspect may own).

### **ARREST CONSIDERATIONS**

Arrest determinations must be based on probable cause that evidences a crime has been committed. Officers shall not base arrest determinations on the following factors:

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

**Primary Aggressor and Dual Arrests.** The Henderson Police Department discourages dual arrest, however, such arrests are not explicitly prohibited. When there are allegations that each party assaulted the other, the peace officer shall determine whether there is sufficient evidence to conclude one of the parties is the primary aggressor. Such a determination should be based on, minimally, the following:

- the comparative extent of the injuries inflicted,
- the presence of fear of physical injury because of past or present threats,
- were actions taken in self-defense or to protect oneself,
- patterns of power of control (financial/technological/psychological),
- the history of domestic abuse perpetrated by one party against the other, or
- the existence or previous existence of an order for protection.

In situations where the primary aggressor is identifiable, but charges also seem appropriate for the other individual involved, a report should be sent for consideration of charges to the prosecutor's office in lieu of a physical (dual) arrest. In their report, officers should explain how the [officer] identified a specific individual as the primary aggressor. In extreme cases or for instances in which a primary aggressor cannot be identified, a dual arrest may be made. In the event a dual arrest is made, when feasible, officers should transport the individuals in separate vehicles.

**Victims Declining Arrest or Prosecution.** If an officer establishes probable cause and determines a domestic abuse crime has been committed, they may make an arrest. The arrest may be made regardless of a victim's request not to arrest or prosecute the suspect. When an officer encounters a victim who wishes to decline charges, the officer should explain to the victim that arrest and prosecutorial determinations are given to law enforcement and prosecutors by state statute. Officers can offer to include a victim's request to decline charges in their report, however, victims should be made aware prosecutorial determinations will be made by the prosecuting attorney's office based on evidence.

**Warrantless Probable Cause Arrest for Fifth Degree Assault or Domestic Assault.** In general, officers cannot effect probable cause arrests for misdemeanors that did not occur in their presence. This is not the case for crimes of domestic assault. According to [MN Statute 629.341](#), peace officers are immune from civil liability when making a domestic abuse arrest so long as they act in good faith and exercise due care when making the arrest determination. For misdemeanor offenses, according to MN Statute [629.341](#), peace officers may arrest a person anywhere, without a warrant, if the officer has probable cause to believe that, within the preceding 72 hours excluding the day probable cause was established, the individual assaulted, threatened (with a dangerous weapon), or committed an act intended to cause fear in another of immediate body harm or death if the victim is a "family or household member."

According to [MN Statute. 629.72](#), notwithstanding any other law or rule, an arresting [officer] may not issue a citation in lieu of effecting the arrest of an individual being charged or arrested for harassing or stalking, domestic abuse, a violation of an order for protection, or a violation of a domestic abuse no contact order.

**Level of Arrest for Fifth Degree Assault and Domestic Assault: Misdemeanor, Gross Misdemeanor and Felony.** Officers should be aware there are many domestic abuse related crimes that are eligible for enhancement based on an individual's previous criminal convictions. Fifth Degree Assault and Domestic Assault are deemed misdemeanor offenses. When enhancement factors are present, these offenses may be charged as a gross misdemeanor or felony.

- *Gross Misdemeanors*
  - [MN Statute 609.224, subdivision 2\(a\)](#), Assault in the Fifth Degree provides for an enhancement to a gross misdemeanor violation when the offense is against the same victim within ten years of a qualified domestic violence-related offense (QDVRO) conviction or adjudication of delinquency in Minnesota, or any similar law of another state.
  - If the charge is Domestic Assault ([MN Statute 609.2242](#)) and the victim is a family or household member and the crime occurs within ten years of a QDVRO conviction or adjudication of delinquency of any of the above offenses against any family or household member, the same gross misdemeanor enhancement applies. The prior conviction need not be against a member of the same family or household.
  - If there is a prior conviction for assault or threats of violence against any person within two years, a gross misdemeanor may also be charged.
  
- *Felonies*
  - If a person commits Fifth Degree Assault against the same victim within ten years of the first of any combination of two or more QDVRO convictions or adjudications of delinquency, the assault becomes a felony. The same enhancement applies to Fifth Degree Assault against any victim occurring within three years of the first of two or more of these convictions.
  - Domestic assault against a family or household member is also enhanceable under the same circumstances except that the prior convictions may be against any family or household member.
  - According to [MN Statute 609.2247, subdivision 2](#), whoever assaults a family or household member by strangulation is guilty of a felony.

## **REPORTS AND FORMS**

Peace officers must write a report after responding to a domestic call. If the officer did not arrest or seek an arrest warrant even though an arrest was authorized, a detailed explanation of the reasons for the officer's decision not to arrest must be documented. The report must then be forwarded to the prosecutor's office for consideration of formal charges. Domestic abuse related reports must, when feasible or applicable, include the following information:

- detailed statements from the victim, suspect, and any witnesses,
- a description of injuries,
- information about past abuse,
- a summary of the lethality assessment,
- a description of the scene,
- identification of the primary aggressor if applicable,

- information on the existence of any language barriers,
- the identification of elderly victims or those with disabilities,
- a summary of prior convictions relevant to charging enhancements,
- a general summary of the suspect's criminal history, and
- a list of evidence.

If necessary, a domestic call must be turned over to the appropriate investigator for further follow-up when needed. If an arrest is made, the officer must examine the defendant's criminal history record and, if there is evidence of a QDVRO conviction, advise the prosecutor's office of any potential charging enhancements. If there is probable cause to warrant charges on an individual not determined to be the primary aggressor, the peace officer must thoroughly document all relevant information in the report and refer it to the prosecutor for review and consideration of criminal charges.

### **LETHALITY/RISK ASSESSMENT**

Domestic abuse situations often involve heightened emotional responses from the individuals involved because of not only the present circumstances, but the historical context. Historical context is especially important for assessing the potential risk of future domestic violence against an individual victim. Lethality/risk assessments are a tool officers can use to explore a victim's/suspect's abuse history and gauge the risk of future abuse. Officers should complete a lethality/risk assessment, approved by the agency, and include the assessment with their report. The assessment should be sent to the prosecuting attorney's office for review. Minimally, the following questions should be included in the agency's assessment.

- Does the suspect have access to a firearm, or is there a firearm in the home?
- Has the suspect ever used or threatened to use a weapon against you or your children/family members?
- Has the suspect ever attempted to strangle you, cut off the circulation in your neck, or impede your breathing in any way. This may include covering your mouth and/or nose.
- Has the suspect ever threatened or tried to kill you?
- Has physical violence increased in frequency or severity in recent months?
- Has the suspect ever forced or coerced you to have sexual relations against your will?
- Does the suspect control or try to control most or all your daily activities?
- Does the suspect monitor or surveil most or all your daily activities?
- Is the suspect constantly or violently jealous?
- Has the suspect ever threatened to commit suicide?
- Do you believe the suspect will assault you again?
- Has the suspect assaulted you in the past?
- Do you believe the suspect will try to kill you?
- Are there any pending or prior OFPs, HROs, or other criminal or civil cases involving the suspect?
- Has the suspect previously violated an OFP, HRO, DANCO, or other order in which you were the petitioner or protected party?

The questions included in the agency's assessment should be evidence informed – meaning that the questions are derived from practical experience and/or research. Agencies are encouraged to develop

an assessment referral protocol. Minimally, the protocol, should include referring the assessment to the prosecuting attorney's office and a local advocacy program. After an assessment is completed, [officers] should inform the victim of the outcome, or score, of the assessment. [Officers] should ask the victim if they would like assistance contacting a victim's rights advocacy center for assistance.

## **OTHER DOMESTIC ABUSE RELATED CRIMES**

### **STALKING**

It is a felony to engage in stalking with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim. Stalking charges should be considered when, within a 5-year period, an individual commits or attempts to commit two or more of the criminal acts described in [MN Statute 609.749, subdivision 5\(b\)\(1\) through \(17\)](#).

Reports on incidents of stalking must include historical information about/between the individuals involved as well as the emotions the conduct stirred, if any, in the victim(s). This information is necessary to demonstrate patterns of behavior and to satisfy the elements of crime. Such information is especially important when one of the acts being used to bring forth a charge of stalking was previously attempted but not charged or, possibly, previously reported. Examples of stalking behaviors include, but are not limited to:

- Surveillance
  - Waiting for the victim outside of their office, gym, or other frequented locations.
  - Using tracking software on the victim's devices.
  - Going through the victim's mail or trash.
  - Attaching a tracking device on the victim's vehicle or home.
- Life Invasion
  - Repeated unwanted contact via telephone, text messages, emails, etc.
  - Sending or leaving unwanted gifts.
  - Initiating contact through third parties.
  - Harassing the victim's friends or family.
- Intimidation
  - Using a weapon as a threat.
  - Forcing confrontations.
  - Threatening to harm or kill the victim, themselves, friends, family, pets, or others the victim cares about.
  - Threatening to share or post private information, photos, or videos of the victim.
- Interference
  - Spreading rumors about the victim.
  - Ruining or attempting to ruin the victim's reputation.
  - Taking and/or sharing photos or videos of the victim without their consent.
  - Posting deepfake photos or videos online of the victim.

For additional information regarding stalking behaviors, officers can refer to the Stalking Prevention Awareness and Resource Center's (SPARC) [website](#) and [law enforcement information sheet](#).

## HARASSMENT

A person commits a harassment crime if they:

- directly or indirectly, or through third parties, manifest a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
- follow, monitor, or pursue another, whether in person or through any available technological or other means;
- return to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;
- repeatedly make telephone calls, send text messages, or induce a victim to make telephone calls to the actor, whether or not conversations ensue;
- make or cause the telephone of another repeatedly or continuously to ring;
- repeatedly mail or deliver or causes the delivery by any means, including electronically, of letters, telegrams, messages, and packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;
- knowingly make false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties; or
- use another's personal information, without consent, to invite, encourage or solicit a third party to engage in a sexual act with the person.

Harassment crimes are elevated to a gross misdemeanor if the conduct was committed with the intent to kill, injure, harass, or intimidate another person if the conduct 1) places the other person in reasonable fear that the person's family or household members will be subject to substantial bodily harm, 2) places the person in reasonable fear that the person's family or household members will be subject to substantial bodily harm, or 3) causes or would reasonably be expected to cause substantial emotional distress to the other person. Harassment crimes may also be elevated to a felony if the provisions of [MN Statute 609.749, subdivision 3 or 4](#) are met.

Acts constituting a violation of harassment or stalking, when committed in two or more counties, may be prosecuted in any county in which one of the acts was committed for all acts in violation of [MN Statute 609.749](#).

## VIOLATION OF COURT ORDERS

Peace officers must verify whether any of the following orders discussed herein exist before, during, or after an arrest (OFP, HRO, or DANCO). Methods of verification include visually inspecting a paper or digital copy of the order or obtaining verification from the court or law enforcement agency that issued or served the order. If there is an active court order and the suspect violated the order, the officer's incident report must include information regarding the order, such as the name of the county where the order was originally issued and the court file number. In the report, officers should explicitly identify what provision the suspect violated in the court order.

**Order for Protection (OFP).** A peace officer must arrest and take into custody, without a warrant, any person who the peace officer has probable cause to believe violated a condition of an OFP granted by the court pursuant to [MN Statute 518B.01](#). Such an arrest must be made even if the violation of the order did not take place in the presence of the peace officer. A violation of an OFP is a misdemeanor but the charge is enhanceable to a gross misdemeanor if the offense occurred within ten years of a previous QDVRO conviction or adjudication. OFP violation charges are enhanceable to a felony if 1) the individual violated the OFP within ten years of the first of two or more previous QDVRO conviction/adjudication or 2) the individual violated the OFP while possessing a dangerous weapon as defined in [MN Statute 609.02, subdivision 6](#).

According to [MN Statute 518B.01, subdivision 18\(a\)\(2\)](#), an OFP is not voided if the respondent was invited by the petitioner to the petitioner's residence. Likewise, an OFP is not void if the petitioner initiates contact with the respondent. There is not a time limitation to effect a warrantless arrest for a violation of an OFP.

**Harassment Restraining Order (HRO).** A peace officer must arrest and take into custody a person who the peace officer has probable cause to believe has violated a harassment restraining order granted by the court pursuant to [MN Statute 609.748, subdivisions 4 and 5](#), if the officer can establish probable cause and verify the existence of the order. A person who violates an HRO is guilty of a misdemeanor. This offense is enhanceable to a gross misdemeanor if the violation occurs within ten years of a QDVRO conviction. Per [MN Statute 609.748, subdivision 6\(d\)](#), the offense is enhanceable to a felony if the person knowingly violates the order:

- within 10 years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications;
- because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability (as defined in [MN Statute 363A.03, subdivision 12](#)), age, or national origin;
- by falsely impersonating another;
- while possessing a dangerous weapon;
- with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in [MN Statute 609.415, subdivision 3](#), or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or
- against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

**Domestic Abuse No Contact Order (DANCO).** A peace officer must arrest, without a warrant, and take into custody a person who the peace officer has probable cause to believe has violated a DANCO issued pursuant to [MN Statute 629.75](#). The arrest must be made even if the violation did not occur in the presence of the peace officer. A pretrial DANCO is sometimes continued at the time of sentencing with a new DANCO issued as a condition of probation. This DANCO may be valid for the full probationary period indicated in the order. The court may rescind a DANCO at any time. A victim's production of a copy of a court order, that appears valid, absent contrary evidence, provides a prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.

When investigating a domestic abuse incident, peace officers must, when applicable, consider whether additional crimes have been committed. Other crimes that should be considered are trespassing, criminal damage to property, disorderly conduct, witness tampering, burglary, and/or assault.

## **CRIME VICTIM RIGHTS AND SERVICES**

If for some reason it is not possible to effect the arrest of a suspect during a domestic abuse incident (for example, the suspect fled the scene), [officers] should, when feasible, consider staying at the scene until the likelihood for further violence has been substantially reduced or eliminated. If the suspect is gone on arrival, [officers] are encouraged to talk to the victim about how to safely contact law enforcement if the suspect returns or their whereabouts are determined. [Officers] are encouraged to provide guidance to victims on how to ensure their own immediate safety (e.g. staying with a family member or friend, having a family member stay with them, or staying at a shelter). If a domestic advocacy program exists in the area, the responding [officer] should initiate contact on behalf of the victim with their permission. [MN Statute 629.342](#) provides that when a peace officer does not make an arrest, the peace officer must provide immediate assistance to the victim, which includes obtaining any necessary medical treatment, and provide the victim a notice of rights pursuant to [MN Statute 629.341, subdivision 3](#).

**Assistance to Non-English-Speaking Victims or Victims with Communication Disabilities.** The peace officer shall use the resource list established by this law enforcement agency to contact a person to assist in cases where the individuals involved in the domestic call, including the witnesses, are non-English-speaking, hearing-impaired, or have other communication limitations. The officer should avoid the use of friends, family, or neighbors as the primary interpreter for the investigation. Consideration: Is there a bilingual speaking officer who could assist?

**Notice of Crime Victim's Rights.** The peace officer must give the victim of a domestic abuse incident a copy of the agency's crime victim notification form. Officers are encouraged to verify the victim understands the victim's rights information they have been provided. The agency will routinely review the form to ensure it is current and in compliance with all applicable MN laws. The Department of Public Safety, Office of Justice Programs, produces the crime victim's rights notice and serves as the contact for victim's rights information.

**Services.** The peace officer or agency should contact the local domestic abuse program as soon as possible on all domestic abuse situations for which there is probable cause for an arrest and provide the name, phone number, and address of the victim and a brief factual account of the events that transpired. This section shall not apply if the dissemination of certain data is prohibited by the Minnesota Government Data Practices Act.

**Child Victims.** If a child is present during a domestic abuse incident or if the child is the victim of domestic abuse, the responding [officer] must determine whether the child has been subject to physical abuse, psychological abuse, sexual abuse, or neglect as defined by [MN Statute 260E.03](#). If a peace officer finds a child in an environment which endangers the child's health or welfare or which will endanger the child's welfare, the child should be taken into protective custody pursuant to [MN Statute 260C.175](#). When cases involve children, [officers] must comply with the reporting requirements of [MN Statute 260E, Reporting of Maltreatment of Minors](#). If the child has been injured,

the [officer] must escort the child to the nearest hospital for treatment. This can be accomplished by following EMS transport, riding with EMS transport, or by the officer transporting the child as appropriate.

## STATUTORY REFERENCES

- [CHAPTER 13](#) – Government Data Practices
- [CHAPTER 260E](#) – Reporting of Maltreatment of Minors
- [MN STATUTE 260C.175](#) – Taking Child Into Custody
- [MN STATUTE 518B.01](#) – Domestic Abuse Act
- [MN STATUTE 609.185](#) – Murder in the First Degree
- [MN STATUTE 609.19](#) – Murder in the Second Degree
- [MN STATUTE 609.195](#) – Murder in the Third Degree
- [MN STATUTE 609.20](#) – Manslaughter in the First Degree
- [MN STATUTE 609.205](#) – Manslaughter in the Second Degree
- [MN STATUTE 609.221](#) – Assault in the First Degree
- [MN STATUTE 609.222](#) – Assault in the Second Degree
- [MN STATUTE 609.223](#) – Assault in the Third Degree
- [MN STATUTE 609.2231](#) – Assault in the Fourth Degree
- [MN STATUTE 609.224](#) – Assault in the Fifth Degree
- [MN STATUTE 609.2242](#) – Domestic Assault
- [MN STATUTE 609.2245](#) – Female Genital Mutilation; Penalties
- [MN STATUTE 609.2247](#) – Domestic Assault by Strangulation
- [MN STATUTE 609.25](#) – Kidnapping
- [MN STATUTE 609.255](#) – False Imprisonment
- [MN STATUTE 609.342](#) – Criminal Sexual Conduct in the First Degree
- [MN STATUTE 609.343](#) – Criminal Sexual Conduct in the Second Degree
- [MN STATUTE 609.344](#) – Criminal Sexual Conduct in the Third Degree
- [MN STATUTE 609.345](#) – Criminal Sexual Conduct in the Fourth Degree
- [MN STATUTE 609.3451](#) – Criminal Sexual Conduct in the Fifth Degree
- [MN STATUTE 609.3458](#) – Sexual Extortion
- [MN STATUTE 609.377](#) – Malicious Punishment of a Child
- [MN STATUTE 609.3775](#) – Child Torture
- [MN STATUTE 609.582](#) – Burglary
- [MN STATUTE 609.713](#) – Threats of Violence
- [MN STATUTE 609.748](#) – Harassment; Restraining Order
- [MN STATUTE 609.749](#) – Harassment; Stalking; Penalties
- [MN STATUTE 609.78](#) – Emergency Telephone Calls and Communications
- [MN STATUTE 617.261](#) – Nonconsensual Dissemination of Private Sexual Images
- [MN STATUTE 617.262](#) – Nonconsensual Dissemination of a Deep Fake Depicting Intimate Parts or Sexual Acts
- [MN STATUTE 629.341](#) – Allowing Probable Cause Arrests for Domestic Violence; Immunity from Liability
- [MN STATUTE 629.75](#) – Domestic Abuse no Contact Order

- [ADMINISTRATIVE RULE 6700.1615](#) – Required Agency Policies

### CHARGING TABLE

The table below was created to assist officers with their probable cause arrest determinations. The table identifies which crimes a previous QDVRO conviction acts as an enhancement for. To determine the offense level and corresponding statute, start on the left side of the table by identifying the offense, then move to the right. Officers should confirm the information in this table with statute to verify the statute.

*"Qualified domestic violence-related offense" refers to a violation of or an attempted violation of an order for protection, first-degree murder, second-degree murder, third-degree murder, first-degree manslaughter, second-degree manslaughter, first-degree assault, second-degree assault, third-degree assault, fourth-degree assault, fifth-degree assault, domestic assault, female genital mutilation, domestic assault by strangulation, kidnapping, false imprisonment, first-degree criminal sexual conduct, second-degree criminal sexual conduct, third-degree criminal sexual conduct, fourth-degree criminal sexual conduct, sexual extortion, malicious punishment of a child, burglary in the first degree, threats of violence, violation of harassment restraining order, harassment, stalking, interference with an emergency call, nonconsensual dissemination of private sexual images, violation of domestic abuse no contact order, and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.*

Offense	Victim	Conviction Look Back Period	Previous Conviction w/in Look Back Period or Qualifying Element	Offense Level	Statute
5 <sup>th</sup> Degree Assault	Any Victim			Misdemeanor	609.224, sub. 1
		w/in previous 3 years	QDVRO	Gross Misdemeanor	609.224, sub. 2(b)
		w/in previous 3 years	QDVRO (x2)	Felony	609.224, sub. 4(b)
	Same Victim	w/in previous 10 years	QDVRO	Gross Misdemeanor	609.224, sub. 2(a)
		w/in previous 10 years	QDVRO (x2)	Felony	609.224, sub. 4(a)
Domestic Assault	Family or Household Member			Misdemeanor	609.2242, sub. 1
		w/in previous 10 years	QDVRO	Gross Misdemeanor	609.2242, sub. 2
		w/in previous 10 years	QDVRO (x2)	Felony	609.2242, sub. 4
				Misdemeanor	518B.01, sub. 14(b)

Violation of an Order for Protection	Family or Household Member	w/in previous 10 years	QDVRO	Gross Misdemeanor	518B.01, sub. 14(c)
		w/in previous 10 years	QDVRO (x2)	Felony	518B.01, sub. 14(d)(1)
			*** commits act while possessing a dangerous weapon ***	Felony	518B.01, sub. 14(d)(2)
Violation of a Harassment Restraining Order	Any Victim			Misdemeanor	609.748, sub. 6(b)
		w/in previous 10 years	QDVRO	Gross Misdemeanor	609.748, sub. 6(c)
		w/in previous 10 years	QDVRO (x2)	Felony	609.748, sub. 6(d)(1)
			***because of actual or perceived protected class status***	Felony	609.748, sub. 6(d)(2)
			***by falsely impersonating another***	Felony	609.748, sub. 6(d)(3)
			***while possessing a dangerous weapon***	Felony	609.748, sub. 6(d)(4)
			***intent to affect juror, judicial proceeding, etc.***	Felony	609.748, sub. 6(d)(5)
	Victim under 18 and respondent is more than 36 months older			Felony	609.748, sub. 6(d)(6)

Malicious Punishment of a Child	A Child		***less than substantial bodily harm***	Gross Misdemeanor	609.377, sub. 2
		w/in previous 5 years	1 <sup>st</sup> – 5 <sup>th</sup> Degree Assault, Domestic Assault, 1 <sup>st</sup> – 4 <sup>th</sup> Degree Criminal Sexual Conduct, or Threats of Violence	Felony	609.377, sub. 3
			***substantial bodily harm***	Felony	609.377, sub. 5

			***great bodily harm***	Felony	609.377, sub. 6
	A Child Under 4 Years Old		***harm to head, eyes, neck, or multiple bruises to the child's body***	Felony	609.377, sub. 4
Harassment	Any Victim			Gross Misdemeanor	609.749, sub. 2(c)(1-8)
		w/in previous 10 years	QDVRO	Felony	609.749, sub. 4(a)
			***because of actual or perceived protected class status***	Felony	609.749, sub. 3(a)(1)
			***by falsely impersonating another***	Felony	609.749, sub. 3(a)(2)
			***while possessing a dangerous weapon***	Felony	609.749, sub. 3(a)(3)
			***intent to affect juror, judicial proceeding, etc.***	Felony	609.749, sub. 3(a)(4)
	Victim Under 18 and actor is more than 36 months older			Felony	609.749, sub. 3(a)(5)
			***sexual or aggressive intent***	Felony	609.749, sub. 3(b)

Number: Policy Manual 25.00                      Effective Date: January 2020 Subject: Stalking Reference: MSS 609.749; 518B.01; 609.79; 609.795; 609.224; 609.3232. Stalking Response Protocol at Cornerstone; Battered Women's Advocacy Project
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Introduction

The Henderson Police Department recognizes that there is a strong correlation between domestic violence and stalking behavior. Based on that presumption, the Henderson Police Department will focus its effort on this issue to prevent violence or fear of violence upon the victims.

Information from the National Center for Victims of Crime promulgates that stalking is often the predecessor to murder. Statistics show that 1/3 of the women killed each year are victims of an intimate partner, and, of those, 76% were stalked by that intimate partner prior to their murder.

Peace officers will utilize this policy in response to calls when there may be stalking behavior. This policy prescribes courses of action peace officers should take in response to a reported stalking. This agency will enforce the laws without bias and prejudice based on race, marital status, sexual orientation, social class, age, disability, gender, religion, creed, or natural origin.

## Purpose

The principal purpose of this policy is to establish guidelines and procedures to be followed by peace officers in law enforcement's response to stalking behavior. Additionally, this policy intends:

1. To prevent future incidents by establishing arrest rather than mediation as the preferred law enforcement response to stalking behavior.
2. To afford maximum protection and support to victims that are available in other criminal cases.
3. To reaffirm peace officers' authority and responsibility to make arrest decisions in accordance with established probable cause standards.
4. To promote peace officer safety by ensuring that they are fully prepared as possible to respond to stalking behavior.
5. To complement and coordinate efforts with the development of stalking prosecution plans, so that law enforcement, prosecution and advocacy will be more efficient and successful.
6. To promote law enforcement's accountability to the public in responding to stalking.
7. To document allegations of stalking so there can be meaningful prosecution and delivery of victim services.

## *Identifying Stalking*

### Definitions

For the purpose of this policy, "stalking" refers to a course of conduct or pattern of behavior consisting of repeated harassment or threatened behavior by an individual known to the victim. Stalking includes such activity as: following a person; appearing at a person's home or place of business; making continuous or repeated phone calls; leaving written messages or objects; or vandalizing a person's property. This behavior may be accompanied by threats to injure and may be a precursor to assault or murder.

Note also that under Minnesota statute that intent is not a necessary component, only that the actor's actions caused fear to the victim.

### Stalking Activities

Officers are reminded that stalking is a pattern of behavior by the stalker, therefore activities may take the form of non-criminal activities. Officers must look at the totality of the activities of the stalker and bear in mind the effect these activities have on the victim.

Common activities include repetitive phone calls; unwanted mail, letters, e-mails, gifts or cards; following, monitoring or pursuing victim; and, returning property when not requested.

## Policy

It shall be the policy of the Henderson Police Department to actively investigate stalking behavior and take action to prevent occurrences of stalking behavior.

### Preliminary Investigation

The first item of business for the police officer in a stalking investigation is to determine whether:

- A criminal stalking event has actually occurred, or
- the incident might be a precursor to a stalking case (non-criminal behavior), or

- the incident is a continuation of prior occurrences that amount to a stalking situation. Secondly, the officer must identify the stalker.

1. When a complainant reports “harassing” behavior, the responding officer should consider the possibility of stalking. The officer should focus further questioning to determine if this is an isolated incident or one in a pattern of on-going conduct.

It is not uncommon for a victim to tolerate harassing behavior for some time before reporting it to police. Therefore, whenever a report is made concerning this kind of harassment, the officer should consider the possibility of a stalking offense. There are two parts to the preliminary investigation of a stalking case: the assessment phase and the corroboration phase. In the assessment phase the officer should learn as much as possible about the stalker and his/her method of operation. In the corroboration phase the officer should gather physical and witness-related evidence.

a. Assessing the Complaint. In the assessment phase of the preliminary investigation, the officer and the follow-up investigator should attempt to learn as much as possible about the stalker/suspect. The following information is relevant and should be documented:

- Personal data (name, address, DOB).
- Prior threats or violence with the complainant or any prior victims.
- Any reports of prior stalking behaviors.
- Criminal history and check on any outstanding warrants.
- Mental illness or history of mental stability.
- Alcohol or Drug abuse.
- Access to or possession of firearms.
- Any homicidal or suicidal tendencies.
- Presence of any social inhibitors, i.e., any factors that might inhibit the suspect from engaging in violent behavior, such as family, social position, job, etc.; and
- Proximity to any significant dates, such as anniversaries, birthdays, relationship break-ups, court hearings, and holidays, etc.

b. Once a stalking offense has been confirmed (or at least strongly suspected), the officer should query the complainant-victim regarding the following specific:

- What other suspicious or related incidents or activities have occurred?
- Were police reports made on these prior incidents?
- If police reports were filed, what is the name of the agency and the complaint number(s)?
- What is the approximate length of time the suspect has been directing his or her activities toward the victim?
- Who else has the suspect acted out against; victim’s family, his/her friends, his/her co-workers, or even any other victims, if known?
- Is there an Order for Protection, Harassment Order, or Criminal Court No Contact Order in place against the suspect?
- Has the suspect ever violated any civil or criminal orders in the past? If so, how was the violation reported to the police or the courts?
- Did the suspect ever act violently toward the victim? If so, did the victim report it to the police or take any official action?

- Has the suspect ever threatened the victim? If so, what exactly was said or done?
- Is the victim afraid of the suspect? Is that degree of fear shared by the victim's family, friends, and colleagues?
- How has the victim reacted to unwanted behavior? Has she moved, changed phone numbers, taken self-defense courses, obtained an Order for Protection, Harassment Order, applied for a hand-gun permit, carried pepper spray, etc.? [This is important, and the officer should obtain specifics since the victim's state-of-mind is an important component in proving a stalking case in court.]
- Has the victim done safety planning with the local domestic violence program?
- c. Document the complaint thoroughly and complete a comprehensive preliminary investigation. In your continuing interview with the victim, try to ascertain how much the suspect actually knows about the target/victim and the depth of their relationship, if any. The following data may be important, and the victim should be queried in a tactful manner:
  - How well known is the victim to the suspect? Does the suspect have any knowledge regarding the victim's home address, job or workplace, personal lifestyle, or daily routine?
  - Is the victim vulnerable to attack? Does the victim have sufficient resources to arrange for adequate physical security? What possible change in the victim's lifestyle could make an attack by the suspect less likely?
  - How sophisticated (or naïve) is the victim about the need for caution? How able and willing is the victim to articulate a clear and consistent "I want no contact with you," message to the suspect?

2. Corroborating the Complaint. The next step, as with any other criminal investigation, is to look for evidence and witnesses. For physical evidence, look and ask for the following:

- Any taped telephone messages from the suspect.
  - Any printed copies of email messages from the suspect.
  - Any correspondence (letters, cards, or notes) left or sent by the suspect.
  - Any objects given to the victim or left for the victim by the suspect.
  - Stalking Incident and Behavior Logs (Appendix D).
  - Is the victim working with an advocate?
- a. Your search for evidence is the corroboration phase of the preliminary investigation and the investigating officers should, if appropriate:
- Photograph any evidentiary items vandalized, damaged, or written on, such as walls, vehicles, etc., and process for fingerprints.
  - Collect any physical evidence such as items left for the victim, correspondence, etc., and have it processed for fingerprints.
  - Collect any taped messages from the victim's answering machine.
  - If appropriate, initiate arrangements to obtain records for the victim's telephone.
  - Ask the victim whether he/she has taken any photographs, prepared a Stalking Incident and Behavior Log, gathered the names of witnesses, and/or collected

and bagged any evidentiary items. If the victim has done so, recover the evidence and note clearly in your report how the evidence was gathered.

- Attempt to locate any possible witnesses. Ask the victim first for any family members, friends, or co-workers who might be willing and able to offer any additional information or otherwise corroborate any aspect of the incident in question and/or the ongoing stalking situation.
- If appropriate, conduct a canvass of the crime scene. The crime scene can be at the victim's home, worksite, telephone, computer, vehicle, mailbox, or any other location or instrumentality where the suspect has contacted, confronted, or otherwise harassed the victim.

3. The final phase of the preliminary investigation is victim safety. There are safety matters the officer can discuss with the victim, and if the stalking involves a domestic situation, it is very important that the victim be referred to the local domestic violence/stalking program. Victim advocates and counselors can assist the victim with safety planning, record keeping, and evidence collection. The following are steps you should take with any stalking victim:

- Accounting for the safety of the victim usually means advising and counseling the victim about what you as a police officer can realistically do and what he/she can do to provide a reasonably secure environment.
- Officers should candidly advise stalking victims that the police department cannot realistically guarantee the victim's safety around-the-clock. Victims, to a very large degree, must take responsible measures to ensure their own safety.
- Officers should be cognizant of potential civil liability regarding the suggestions and recommendations they offer to the victim, because stalkers are unpredictable and standardized plans that a particular victim tries to implement may not always work.
- An important aspect of the preliminary investigation is the responding officer's contact with the stalking victim. Acknowledging the legitimacy of the victim's fear and apprehensions and recognizing that stalking behavior can lead to violence is a critical first step in any stalking investigation.
- We encourage each department to review their policies regarding liability.
- In the course of the investigation, the officer should encourage the victim to report any subsequent incidents

#### C. Reporting and Filing Procedures

Officers shall make a written report for any incident of harassment, threat, stalking, violation of a protection order, or for any other offense arising out of a call to a scene involving an event or incident that may be a pattern of conduct, whether or not an arrest has been made. In the case of an arrest or when seeking a warrant, the officer shall document the facts and circumstances which are the basis for establishing probable cause. All forms required by departmental policies must be completed and attached to the report.

Department records systems should enable the tracking of stalking incidents and cases so that locations are flagged, and prior or active case information can be made available to dispatchers and responding officers to enable appropriate response.

Department records systems should share information with regional and national data repositories to support enforcement of protective orders and gun permit certification. The

officer should share the report number with the victim so the victim can provide this case number to other jurisdictions.

Number: Policy Manual 26.00	Effective Date: May 2026
Subject: Investigation of Sexual Assault	

## **POLICY**

It is the policy of the Henderson Police Department to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. When investigating incidents of sexual assault, peace officers shall utilize investigative techniques that are victim centered. Officers should strive to protect the dignity and autonomy of victims by giving them choices, whenever possible, and by helping them to better understand the criminal justice system and its processes. Officers shall coordinate and work cooperatively with the prosecutor's office and assist in conducting any necessary follow-up investigations when directed to do so by the prosecuting attorney or a supervisor.

This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, immigration status, or national origin.

## **DEFINITIONS**

**Child or Minor:** a person under the age of 18.

**Consent:** has the meaning given to it in [MN Statute 609.341](#).

**Criminal Sexual Conduct:** a person who engages in sexual contact or penetration with another person in a criminal manner as identified in [MN Statutes 609.342](#) to [609.3451](#).

**Family or Household Member:** has the same meaning given to it in [MN Statute 518B.01](#), subdivision 2(b).

**Medical Forensic Examiner:** the health care provider conducting a sexual assault medical forensic examination.

**Mentally Incapacitated:** has the meaning given to it in [MN Statute 609.341](#), subdivision 7.

**Physically Helpless:** has the meaning given to it in [MN Statute 609.341](#), subdivision 9.

**Sexual Assault:** refers to an act of sexual abuse in which an individual touches another in a sexual manner without consent or by coercion.

**Sexual Assault Medical Forensic Examination:** means an examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

**Victim Advocate:** refers to a Sexual Assault Counselor defined by [MN Statute 595.02](#), subd. 1(k) and/or Domestic Abuse Advocate as defined by [MN Statute 595.02](#), subdivision 1(l) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist with locating a local victim advocacy agency for the purposes outlined in this policy.

**Victim Centered Approach:** refers to an investigative approach which prioritizes the safety, privacy, and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victim's input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

**Vulnerable Adult:** has the meaning given to it in [MN Statute 626.5572](#), subdivision 21.

## **PURPOSE**

This policy provides peace officers important guidelines and information for responding to reports of sexual assault and affirms the authority and responsibility peace officers have to conduct thorough investigations and to make arrest determinations in accordance with established probable cause standards.

## **PROCEDURE**

### **RESPONDING TO A SEXUAL ASSAULT CALL**

When responding to a sexual assault call, Officers shall respond without delay and follow standard incident response procedures. Upon arrival, Officers should determine whether the victim needs medical attention as well as the location/jurisdiction in which the assault took place. If the assault took place outside of the agency's jurisdiction, the responding officer should assist the victim in contacting the appropriate law enforcement agency and provide any services or assistance requested by the victim. If the victim is unsure of where the assault took place or another jurisdiction cannot be determined, the officer should take the report. Agency personnel shall treat victims of sexual assault with dignity and respect. Agency personnel should also recognize that victims of traumatic incidents may not be willing or able to immediately assist with the criminal investigation.

During initial contact, the responding officer should explain the investigative process to the victim. This explanation should include a description of the various tasks and roles the first responder, investigator, and anyone else with whom the victim will likely interact. Officers are encouraged to connect the victim with local victim advocates as soon as possible. Personnel should inform the victim that there are confidential victim advocates available to address any need they might have and to support them through the criminal justice process. These advocates may be present to support the victim during any interviews that take place. The victim should be provided with contact information for the local victim advocate and Officers are encouraged to contact local victim advocates on the victim's behalf with their permission. Victim advocates are not, without the consent of the victim, allowed to disclose any opinion or information received from or about the victim.

## **INVESTIGATION**

During a sexual assault investigation, peace officers shall ensure the following tasks are completed.

- The responding officer shall collect the victim's preferred contact information.
- Officers shall ask about and document any signs and/or symptoms of injury- including strangulation.
- Officers shall ensure the victim knows they can go to a designated facility for a forensic medical examination. Officers may arrange for transportation for the victim or transport the victim themselves.
- If the victim seeks medical attention or elects to have a forensic medical examination completed, Officers shall attempt to obtain a signed medical release form from the victim.
- Officers shall identify and attempt to interview any potential witnesses to the sexual assault and/or anyone the victim may have told about the assault.
- Officers shall collect any evidence related to the assault, including, but not limited to, clothing, bedding, electronic data, and security footage.

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question-and-answer interviewing format with questioning being as nondirective as possible to elicit spontaneous responses. In recognizing the need for non-traditional interviewing techniques for sexual assault victims, Officers should consider the following points.

- Officers are encouraged to offer to have a confidential victim advocate present as additional support for the victim during the process.
- Officers should conduct the victim interviews in person in a comfortable and welcoming environment to the extent possible.
- Officers should let the victim share details of the event at their own pace.
- Officers should be mindful of the fact that victims may have difficulty remembering incidents in a linear fashion and may remember details in the days and weeks following the assault.

Depending on the victim, additional interviews may be needed to gather any additional necessary information. In some instances, the victim may not have wanted to provide an initial statement at all. Therefore, after the initial interview or interview attempt, the officer or investigator may need to reach out to the victim to conduct a follow-up interview. Personnel should consider reaching out to the victim within a few days of the incident, or minimally, after one sleep cycle to allow the victim to process the event. The details Officers and/or investigators should attempt to discern through victim interviews includes the following:

- Does the victim know the suspect?
- How long has the victim known the suspect?
- What type of relationship does the victim have (past or present) with the suspect?
- Were drugs or alcohol involved in the incident?
- Were there any behaviors or actions that altered the encounter? (i.e., Did the encounter start off consensual and then change based on the behaviors of one or more of the individuals involved?)

- What, if any, specific statements, actions, and/or thoughts did the victim and/or suspect have prior, during, and after the assault?
- What, if any, digital communication exists between those involved? (i.e., Are there social media messages, text messages, or emails between the parties that may be of evidentiary value?)

**Evidence Collection.** Peace officers investigating a sexual assault shall follow standard evidence collection procedures and any other procedures mandated by this agency. When collecting evidence, Officers should consider the following points.

- Officers should collect evidence or document information regarding the environment in which the assault took place, including indications of isolation and soundproofing.
- Officers should document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.
- In situations where it is suspected that drugs or alcohol may have facilitated the assault, Officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, drug paraphernalia, or other related items.
- If the victim has declined a medical examination or a medical forensic examination will not be conducted, the officer should obtain victim consent and take photographs of visible physical injuries, including any healing or old injuries. Victim should be instructed on how to document any bruising or injury that becomes apparent in the hours or days after the altercation. Officers are encouraged to follow-up with the victim a day or two after the reported event to take additional photos if the victim consents.

**Sexual Assault Medical Forensic Examinations.** Prior to a sexual assault medical forensic examination, the investigating officer should do the following:

- Ensure the victim understands the purpose of the sexual assault medical forensic examination and its importance to both their general health and wellness and to the investigation. Officers should inform the victim that forensic medical examinations are completed at zero cost to them.
- Provide the victim general information about the procedure and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or victim advocate. Officers and investigators shall not deny a victim the opportunity to have an exam.
- Officers should be aware and, if necessary, relay to victims who do not want to undergo an exam that there may be additional treatments or medications they are entitled to even if they do not want to have an examination completed. Victims can get additional information on these other treatments from a health care provider or a victim advocate. If possible, law enforcement should transport or arrange transportation of the victim to the designated medical facility.
- Ask the victim to sign a medical release form to gain access to any medical records related to the examination.

Officers should not be present during any part of the examination, including during the medical history. Following the examination, the evidence collected shall be handled according to agency policy and [MN Statute 299C.106](#).

**Minors and Vulnerable Adults.** This agency recognizes that victims are better served by utilizing interview techniques and strategies that eliminate the need for multiple interviews. Members of this agency will be alert for victims who would be best served by the use of specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should limit their actions to the following:

- ensuring the safety of the victim,
- ensuring the scene is safe,
- safeguarding evidence where appropriate,
- collecting any information necessary to identify the suspect, and
- addressing the immediate medical needs of individuals at the scene.

Essentially, initial responding Officers should not attempt to interview the victim in these situations. Instead, Officers should attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and what crime(s) may have occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

Officers responding to victims with special considerations must comply with the mandated reporting requirements of [MN Statutes 260E.06](#) and [626.557](#), as applicable. Officers investigating cases involving victims with special considerations are encouraged to coordinate these investigations with human services. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to human services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian pursuant to [MN Statute 260E.22](#) can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under [MN Statute 260E.06](#) should assess the impact on the victim and the investigation if parents/guardians were notified before involving them.

Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident, they should listen to them but not question them as this may influence any future statements.

Officers responding to a report of sexual assault committed against a family and/or household member must follow the requirements/guidelines of this policy as well as those in the agency's domestic abuse policy.

**Suspect Contact and Interviews.** When circumstances allow, Officers should review the suspect's criminal history record before initiating contact. When reviewing the record, Officers should pay special attention to qualified domestic abuse related offenses and other accusations or charges related to criminal sexual conduct. Initial and subsequent interviews with a suspect should, whenever possible, be conducted in person and recorded. If the suspect does not deny having sexual contact with the victim, but denies the encounter was non-consensual, Officers should:

- collect evidence of past communication, including but not limited to all relevant interactions on social media, through text message, and through any other mediums between the suspect and victim, and
- gather additional details regarding the events that transpired prior to, during, and after the assault in an effort to identify additional potential witnesses, crime scene locations, and evidence.

As part of their investigation, Officers should collect evidence from the suspect- either by consent or with a search warrant. Sexual assault medical forensic examinations may be completed on a suspect by a medical professional. If a forensic examination is not conducted, the investigating officer should ensure the following evidence is collected:

- DNA (that of the suspect and any obtainable that may be from the victim, possibly via fingernail scrapings),
- biological trace evidence (if applicable),
- the suspect's clothing worn during the assault, and
- injury photographs.

Officers should also document the suspect's appearance, the presence of any scars/tattoos, piercings, and any other identifiable marks, features, or attributes.

For sexual assaults involving strangers, Officers should focus investigative efforts on the collection of video, DNA, and other trace evidence that may help identify the perpetrator.

## **VICTIM RIGHTS**

Peace officers have a statutory obligation to inform domestic and sexual assault victims of their rights. Officers must provide victims of sexual assault, minimally, with the information included herein.

- [MN Statute 611A.02](#), subdivision 2(b)(1-6), requires peace officers to provide victims an initial notice of their rights as a victim of a crime.
- [MN Statute 629.341](#), subdivision 3 requires peace officers to inform victims whether a shelter or other services are available in their community. Under this provision, Officers shall also inform the victim of their legal rights and the remedies available to them.

- [MN Statute 611A.27](#), subdivision 1, requires peace officers to release information regarding a sexual assault examination kit to the victim or their delegate upon request. Victims should be informed of their right to request this information.

As stated in [MN Statute 611A.26](#), subdivision 1, no law enforcement agency or prosecutor shall require a victim, or complainant, of sexual assault to submit to a polygraph examination as a condition of proceeding with the investigation or prosecution of the crime. A victim may submit to a polygraph examination if the conditions described in [MN Statute 611A.26](#), subdivisions 2-4 are met.

## **EVIDENCE PRESERVATION**

When a victim calls to report a sexual assault and the assault was recent, dispatchers and/or peace officers should inform the victim of the following to ensure critical evidence is not lost:

- suggest to the victim that he or she not bathe or clean up,
- if the victim needs to urinate, suggest he or she collect the urine in a clean container for test and avoid wiping, and
- place any clothing, blankets, or linens worn or present during or after the assault in a paper bag unwashed.

If the assault happened more than 24 hours ago or the victim has already bathed or washed their clothing/bedding, Officers should reassure the victim that other evidence may still be identified and recovered by other means.

## **STATUTORY REFERENCES**

- [MN STATUTES CHAPTER 260E](#) – Reporting Maltreatment of Minors
- [MN STATUTE 260C.175](#) – Taking Child Into Custody
- [MN STATUTE 260E.22](#) – Interviews
- [MN STATUTE 299C.106](#) – Sexual Assault Examination Kit Handling
- [MN STATUTE 518B.01](#) – Domestic Abuse Act
- [MN STATUTE 595.02](#) – Testimony of Witnesses
- [MN STATUTE 609.341](#) – Definitions
- [MN STATUTE 609.342](#) – Criminal Sexual Conduct in the First Degree
- [MN STATUTE 609.343](#) – Criminal Sexual Conduct in the Second Degree
- [MN STATUTE 609.344](#) – Criminal Sexual Conduct in the Third Degree
- [MN STATUTE 609.345](#) – Criminal Sexual Conduct in the Fourth Degree
- [MN STATUTE 609.3451](#) – Criminal Sexual Conduct in the Fifth Degree
- [MN STATUTE 609.3453](#) – Criminal Sexual Predatory Conduct
- [MN STATUTE 609.3458](#) – Sexual Extortion
- [MN STATUTE 609.3459](#) – Law Enforcement; Reports of Sexual Assaults
- [MN STATUTE 609.347](#) – Evidence in Criminal Sexual Conduct Cases
- [MN STATUTE 609.35](#) – Costs of Medical Examination
- [MN STATUTE 611A.02](#) – Notification of Victim Services and Victims' Rights

- [MN STATUTE 611A.26](#) – Polygraph Examinations; Criminal Sexual Assault Conduct Complaints; Limitations
- [MN STATUTE 611A.27](#) – Victim Rights to Sexual Assault Evidence Information
- [MN STATUTE 626.5572](#) – Definitions
- [MN STATUTE 626.8442](#) – Policies on Sexual Assaults
- [MN STATUTE 629.341](#) – Allowing Probable Cause Arrests for Domestic Violence; Immunity from Liability
- [ADMINISTRATIVE RULE 6700.1615](#) – Required Agency Policies

Number: Policy Manual 27.00                      Effective Date: May 2026  
 Subject: Predatory Registration and Community Notification Policy  
 Reference: MSS 243.166, 244.052, 244.10, Chapter 13

## POLICY

It is the policy of the Henderson Police Department 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. [MN 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, officer 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, officer 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 unhousted 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](mailto: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

**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**

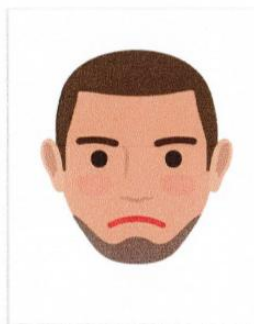
Race: White

Height: 6'3"

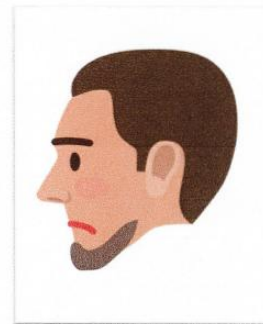
Eyes: Green

Weight: 242 lbs.

Hair: Brown



MM/DD/YYYY



MM/DD/YYYY

**Original Incarceration Date: DD/MM/YYYY**

**Confinement Release: DD/MM/YYYY**

**MM/DD/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**

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**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.

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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

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

**Investigating Agency:** Sometown Police Department

**Release Date:** DDMM/YYYY

**Supervision Agent:** First Last (555) 555-5555

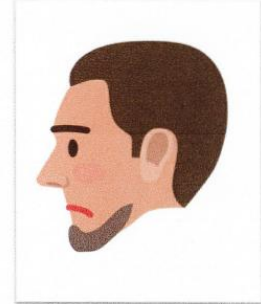
**Offense:** John Doe has a history of sexual contact against known female children. Contact included touch. Doe used his established relationships of trust to attain and exploit unmonitored access. He used kindness and manipulation to maintain control. Additionally, Doe was found to be in possession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

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

**Date of Address Change:** dd/mm/yyyy



MM/DD/YYYY



MM/DD/YYYY

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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.

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## 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	
<b>Name:</b> Click or tap here to enter text.	<b>OID Number:</b> Click or tap here to enter text.
<b>Risk Level:</b> Click or tap here to enter text.	<b>Date of Release/Address Change:</b> 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	
<b>Victim Survivor(s) Name(s):</b> Click or tap here to enter text.	<b>Victim Survivor was/is a Minor:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Person Receiving the Notification (if other than victim):</b> Click or tap here to enter text.	<b>Association to Victim:</b> Click or tap here to enter text.
<b>Person Receiving the Notification Association to the Registrant (if known):</b> Click or tap here to enter text.	
CONTACT INFORMATION - CONFIDENTIAL	
<b>Street Address:</b> Click or tap here to enter text.	<b>City, State, Zip Code:</b> Click or tap here to enter text.
<b>Phone Number(es):</b> Click or tap here to enter text.	<b>Email Address(es):</b> 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](mailto: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](mailto:racn.doc@state.mn.us).

Number: Procedure Manual 28.00	Effective Date: January 2020
Subject: Response to School Emergencies	
Reference: Henderson Schools Response Plan	

Purpose: The purpose of this policy is to outline the basic procedures to be followed in the event of incidences of violence, or suspected violence that affect the greater student population in the elementary and secondary schools within this jurisdiction. This policy is not intended to limit responding officer's discretion, as the fluidity of dynamic situations often lead to necessary immediate reaction and/or improvisation.

Due to the fact that schools can be a focal point for public dissatisfaction or groups attempting to publicize their causes, this policy addresses other possible events.

## I. POLICY

The Henderson Police Department will take all possible measures to minimize the effects of school emergencies and incidents requiring an Immediate Action Response for Active School Shooters.

## II. DEFINITIONS

- A. Bomb Threat: Any communication reported to any person warning of an explosive device or substance placed where it may cause injury or damage.
- B. Active Shooter: Any situation where a known or unknown individual(s) is utilizing an instrument that causes a high probability of substantial bodily harm or death to school personnel, students or responding emergency service personnel.
- C. Non-Active Shooter: A situation where the individual(s) from definition B have ceased immediate actions and their location unknown.
- D. Barricaded Subject: Any person in, or believed to be in, a location who resists being taken into custody. The person may have used, or threatened to use, firearms or other weapons to avoid apprehension. The person poses a threat to themselves or others.
- E. Hostage Situation: An incident in which any person seizes hostages in order to deter police action, or to attempt to coerce police or other officials to agree to his/her demands.
- F. Civil Disturbance: mass demonstrations, riots, etc.
- G. Acts of Terrorism: The unlawful use or threatened use of force or violence against people or property to coerce or intimidate Governments or societies, often to achieve political, religious, or ideological objectives.

## III. ALL INCLUSIVE RESPONSE CONSIDERATION

- A. Officers are to respond quickly to the scene. Officers may use lights and siren for quicker response but should extinguish the siren at least 1000 yards away from the school buildings; and extinguish emergency lights when visible from school buildings unless extenuating circumstances dictate otherwise. Individual positions will be influenced by the event, personnel already on scene and availability of personnel. Until the Chief of Police is on

scene, the responding Officer will be considered the Incident Commander (IC) for the event until relieved by the Chief of Police.

- B. IC should request assistance from Sibley County Sheriff's Office, other police departments, fire and medical, and the IC should specify a location for those services to stage.
- C. IC should consider the need for establishing of perimeters to best protect all involved in the event as well as protecting crime scenes and preventing escape of suspect, if applicable.

#### IV. EVENT SPECIFIC RESPONSE

##### A. Bomb Threats

1. When the Police Department receives notification of a bomb threat at a school, the officer on duty will inquire the course of action that the principal intends to take. Any decision to evacuate is at the discretion of the school administration.
2. The responding officer(s) will meet with the administrators and begin gathering the particulars of the incident.
3. The IC will contact the Fire Department and advise them of the threat. The IC and FD C/O will determine if their department will be responding to the scene or be placed in stand-by.
4. If the building is evacuated, officer will assist the school in providing for the safety of the students and faculty and assist the school with securing the property. Responding officer will be responsible for placing vehicle and/or barricade and/or personnel to effectively repel entry of unwanted individuals onto school property.
5. Re-entry to the school will be determined finally by the school administration if no device is found.
6. Upon the discovery of a suspicious package, device or bomb, the police shall assume control of the scene, notify the proper school administrators and assist with an evacuation at the direction of the school personnel if necessary. The police department will arrange for the disposal of the device.
7. Officers at or about the scene are to utilize precautions that are in accordance with their training or are otherwise prudent. The safety of persons, including emergency response personnel, is the primary consideration in implementing this policy. Safety considerations include:
  - a. Officers at the scene should not use their radios or other RF devices (cell phones, etc.)
  - b. Officers should not attempt to move or disarm explosive devices or suspicious items that they reasonably suspect may be an explosive device.

##### B. Active Shooter

#### Policy

It is the policy of the Henderson Police Department to protect human life by any legal means. Officers responding to an active shooter incident will accomplish this goal by immediately using any legal means at their disposal to make contact with the active shooter and stop the suspect(s). This may include arrest, containment, surrender and the use of deadly force if necessary, at the time.

The philosophy driving this policy recognizes that the active shooter must be stopped before he/she can destroy any more innocent lives. This will be the duty and responsibility of the initial responding officers, and they will use all legal means to accomplish it.

1. The prioritization of activities, in their order of importance is:
  - a) Stop the active shooter
  - b) Rescue the victims
  - c) Provide medical assistance
  - d) Preserve the crime scene
  - e) While it is important to provide medical treatment to the wounded, it is our duty as law enforcement officers to first protect all innocent lives by stopping the active shooter.

2. Definitions

*Active Shooter:* One or more subjects who participate in a random or systematic shooting spree, demonstrating their intent to continuously harm others. Their overriding objective appears to be that of mass murder, rather than other criminal conduct, such as robbery, hostage taking, etc.

*Rescue/Recovery Teams:* Teams of later responding officers who enter the scene to render first aid to wounded persons and remove them from the hostile environment. Rescue/Recovery teams shall also evacuate innocent persons from the hostile environment.

*Incident Commander:* Any law enforcement official who will command, control and coordinate the use of resources and personnel at an active shooter incident.

3. Operational Strategies

a) Initial Response – Search and Neutralize

1. It is the responsibility of a first responding officer to find the active shooter(s) and utilize all lawful and necessary force to terminate the threat, unless a Contact Team has activated.
2. The first supporting officers to arrive on the scene will form a Contact Team. This team will determine if the responding officer has made contact with the Active Shooter.
3. Later responding officers shall form a perimeter to stop the escape of an active shooter. Active shooters emerging from cover or concealment are to be stopped by perimeter officers using all lawful and necessary force.
4. It is anticipated that innocent civilians will be fleeing the active shooter. Fleeing victims are to be searched and directed to a place of safety designated by the Incident Commander.

b) Second Response – Evacuation

1. Once all active shooters have been stopped, focus shifts to evacuation of all living persons from the hostile environment. The area will continue to be viewed, as hostile even though no more hostile action is known to be taking place. It is possible that, yet another one or more active shooters have abandoned their efforts in hopes of escape or mingling with innocent persons.

2. The Incident Commander shall call in all necessary resources to form teams to search the hostile environment for wounded persons and innocent persons in hiding.
  3. Wounded persons shall be removed from the hostile environment to a triage area of safety where they will receive medical treatment. Removal of wounded persons shall be the responsibility of the Rescue/Recovery team.
  4. The Incident Commander may admit medical personnel into the hostile environment if, in the opinion of the Rescue/Recovery team, the wounded person cannot be safely evacuated. In this case a police officer will accompany medical personnel into the hostile area.
  5. Rescue/Recovery team members prior to being evacuated to a safe area by the Incident Commander shall search uninjured civilians in the hostile environment for weapons. One Rescue/Recovery team member is to serve as cover officer while other team members are searching for weapons.
  6. Rescue/Recovery teams shall continue to search the hostile environment until all living persons have been evacuated.
  7. Only the Incident Commander shall declare a hostile environment safe. At this point, the hostile environment becomes a crime scene at which time the Incident Commander shall call in necessary resources to conduct an investigation.
- i. Non-Active Shooters
2. Non-Active Shooter will be considered to be barricaded suspects and will be responded to as described in the Barricaded Subject protocol that follows this section. Should the Non-Active Shooter become an Active Shooter again, the previously described protocol for an Active Shooter will become effective.
- ii. Barricaded Subject/Hostage Situation
- 1) Responsibilities of Initial Responding Officer(s) include:
    - a. If the initial responding officer believes that he has encountered a barricade or hostage situation, Dispatch will be advised, and the Chief of Police will respond to the scene. Officer should also request response from SWAT.
      - i. Additional officers shall be requested to respond for establishing a perimeter to cut off escape routes and prevent other persons from entering the area.
  - 2) The first responding officer will relay the following information to the Dispatch as soon as possible after arrival:
    - a. The exact location of the suspects(s) and hostages(s), if known;
    - b. A description of the suspect(s) and/or hostages, if known;
    - c. What weapons the suspect may be armed with, if known;
    - d. Request for other emergency equipment and personnel as needed;
    - e. Number of injured persons and extent of injuries;
    - f. Any suspect vehicle description, if known;
    - g. Approaches for additional responding units for safety and containment purposes, if this can be determined.

Number: Policy Manual 29.00

Effective Date: May 2026

Subject: Criminal Conduct on School Buses

Reference: MSS 169.4581

## **POLICY**

Henderson Police Department 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

Number: Policy Manual 30.00

Effective Date: May 2026

Subject: Endangered, Abducted and/or Missing Children and Adults

Reference: MSS260.121, 299C.52

## POLICY

The Henderson Police Department personnel shall respond to and investigate all reports of missing and/or 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/or endangered, and includes the procedures required by MN Statute [299C.52](#).

The Henderson Police Department recognizes there is a critical need for immediate and consistent response to reports of missing and/or 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/or 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/or 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/or 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 canvass 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/or 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

Number: Policy Manual 31.00      Effective Date: January 2020  
 Subject: Infectious Disease Control Policy

The purpose of this policy is to provide information concerning infectious disease control procedures in order to permit Henderson Police Officers to continue providing a proper level of service to the public and still maintain a significant level of protection for all involved.

### Policy

It is the policy of this department that officers shall comply with the following infectious disease precautions and procedures:

1. Discretion should be used by officers to limit their exposure to contagious diseases.
2. Protective disposable gloves and other infectious disease control materials should be used by officers to prevent transmission of contagious diseases. Direct contact with blood and other bodily fluids should be avoided whenever possible. Officers are required to keep their department issued protective equipment available and ready for use while on their tour of duty.
3. Officers shall not eat, drink, or smoke at a crime scene where body fluids are present or other contagious factors exist.
4. Officers should be aware that certain prescribed medications such as steroids and asthma medications suppress their immune systems and make them more susceptible to infectious disease. Members should consult with their private physician if they are taking prescription drugs.
5. Pregnant officers should be advised to report to their physician any direct contact with body fluids in the line of duty. Infectious virus can cause severe problems in newborns.

All officers will receive infectious disease training at the initial job assignment and annually after that.

### Definitions

*Universal precautions:* A system of infectious disease control, which assumes that every direct contact with body fluids is infectious and requires every employee exposed to direct contact with body fluids to be protected as though such body fluids were HBV or HIV infected. Therefore, universal precautions are intended to protect employees from parenteral, mucous, membrane, and non-intact skin exposures to blood borne pathogens.

*Work practice controls:* Controls that reduce the likelihood of exposure by altering the manner in which a task is performed.

### Custody Procedures

1. Where violence and an altercation are likely, protective disposable gloves should be worn. **EXTREME CAUTION** should be used during the search of suspected drug users or dealers. Officers should tell these subjects to remove all items from their pockets, turn pockets inside out, to remove bulky external clothing for closer inspection. Officers should inquire specifically about

needles and sharp items before a search of these subjects is conducted. If the subject admits possession of a needle or a sharp item, the officer should instruct the subject to remove the item. If the subject refuses, the subject should be physically restrained before the officer attempts to remove the item. Officers should conduct a light pat-type search in areas where needles or sharp items may be located before employing a groping-type search of the area. A visual inspection of property should be made before officers search the property. Purses, bags, eyeglass cases, or other containers should be emptied, and the contents visibly examined before the property is handled. Assume that each subject to be searched may possess a hypodermic needle, razor blade, pocketknife, or similar small, sharp object. As incidental needle sticks represent the most common potentially infectious exposure to the law enforcement personnel, officers should use the utmost caution in searching persons and property.

2. Whenever it is necessary to transport a subject who has blood or body fluids present on his person or clothing, officers should remember and use universally accepted methods of handling these persons.
3. Subjects with blood or body fluids present on their persons should be transported separately from other subjects when possible.
4. Officers have an obligation to inform other support personnel (BCA agents and lab personnel, fire fighters, paramedics, detox personnel, detention facility staff, etc.) whenever a transfer of custody occurs and the subject has blood or body fluids present upon his person and the subject has made a voluntary statement that he has contagious/infectious disease or when this condition is suspected.
5. Officers should indicate on an appropriate arrest form when a subject taken into custody makes a voluntary statement that he has an infectious disease; verbatim narratives also will be included when preparing offense reports. Additionally, a notation should be made when a subject has blood or body fluids present on his person or clothing if this person has indicated that he has an infectious disease. This information shall be reported to custody personnel at the detention facility or whomever custody is transferred to.
6. Subjects taken into custody with blood or body fluids present on the person shall be taken directly to and placed in a designated holding area for processing.
7. Officers responding to a call where a complainant is alleging that he has been intentionally infected with an infectious disease shall notify a supervisor of the circumstances at the scene. A full detailed written report must follow.

#### Vehicle Maintenance

2. Disinfect ion procedures shall be observed when a vehicle becomes contaminated with blood or bodily fluid from any subject suspected of having a contagious disease.
3. The Chief of Police shall be notified, and the vehicle taken to a proper place for disinfecting procedure.
4. Recommended disinfect ion procedures are as follows:
  - a. Protective disposable gloves will be worn during all phases of disinfections.
  - b. Any excessive blood or body fluids should first be wipes up with disposable absorbent paper towels or other approved absorbent material. Afterwards, the absorbent material should be immediately placed in a plastic bag and then placed in the designated contaminated item receptacle.
  - c. A broad-spectrum activity veridical-germicidal solution of bleach mixed one to nine with water shall be prepared.
  - d. The affected areas should be cleansed with the veridical-germicidal solution of bleach mixed one to nine with water and allowed to air dry.

- e. All disposable contaminated cleaning items shall be placed in plastic bags and placed in a designated contaminated item receptacle.

#### Handling and Storage of Property and Evidence

1. Evidence containing suspected blood or other body fluids shall be handled with protective gloves. If the stain or sample is dry, it should be placed in a paper bag. A proper evidence tag and a special label noting comments should be affixed to the outside of the package. If the evidence consists of a syringe and needle, the needle portion should be made safe in such a manner that the sharp point is covered and blunt. The needle/syringe should be placed in a clear plastic bag so that it can be seen by persons handling the evidence. Liquid samples should be collected as a liquid and stored in a bottle or, if located on clothing or similar materials, should be air-dried and packaged as described above.
2. Always wash thoroughly with soap and water after handling any items suspected of being contaminated with blood or any other bodily fluids. Wash even if you have worn gloves.
3. All officers working a crime scene should be acutely aware of all precautions when handling, processing, and storing potentially infectious disease contaminated evidence or property.
4. Any clothing or evidence that is contaminated with suspected AIDS, hepatitis B, or other contagious diseases shall be placed in a secure evidence storage area and clearly labeled with the above information, and the Chief of Police should be notified of this activity.
5. All bloody clothing or evidence and sacks containing clothing or evidence shall be handled with protective, disposable gloves.
6. All officers shall wash their hands thoroughly after handling any possible contaminated clothing or other evidence. All property for disposal shall be kept in sealed, plastic bags and placed in the biohazard receptacle.

#### EXPOSURE TO INFECTIOUS DISEASE OR CONTAMINATED MATERIALS DURING TOUR/LINE OF DUTY:

1. Documentation will be prepared when officers have cause to believe they have had high-risk exposure during line of duty activity. Examples of high-risk exposure are:
  - a. The handling of bloody or wet items where scratches, cuts, or open sores are noticed on the area of contact.
  - b. Direct contact with body fluids from a subject on an area where there is an open sore or cut.
  - c. Direct mouth-to-mouth resuscitation (CPR).
  - d. The receiving of a cut or puncture wound as a result of searching or arresting a subject.
  - e. Other high-risk exposure.
2. The Chief of Police will be contacted, and the officer will complete a written report detailing the extent of exposure.
3. An "Injured on Duty" report will be completed by the officer and forwarded to the Chief of Police.
4. Officers shall be evaluated clinically and serologically for evidence of infection after the exposure. This follow up procedure will be completed by the Sibley County Department of Health.

#### Disposal of Infectious Waste and Contaminated Equipment

The Chief of Police will be contacted as soon as practical after the contamination has taken place and he/she will make arrangements for disposal of the infected material through an approved method.

Number: Policy Manual 32.00	Effective Date: May 2026
Subject: Lighting Exemption for Law Enforcement Vehicles	
Reference: 169.541	

## LIGHTING EXEMPTION FOR LAW ENFORCEMENT VEHICLES

### POLICY 33.00

Revised May 2026 – Chief D. Koski

#### POLICY

It is the policy of the (*name of the law enforcement agency*) to provide uniform guidelines 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 Statute 609.487](#)- Fleeing Peace Officer; Motor Vehicle; Other.

When the circumstances described above do not apply, a peace 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 peace officer does so in the performance of their duties, 2) the conduct is reasonable, and 3) the peace 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

Number: Policy Manual 33.00  
Subject: Seatbelt Enforcement

Effective Date: January 2020

**SEAT BELT AND CHILD RESTRAINT VIOLATIONS:** Failure to use vehicle restraints is the leading cause of fatalities and serious injuries during a crash. This violation endangers other motorists and passengers and adds an enormous burden on the costs for society for injuries and fatalities. Data clearly indicates that a significant number of people in fatal crashes during the nighttime were not using their seat belts. Therefore, enforcement of the vehicle restraint laws is a high priority for this agency. The following guidelines should be followed when taking enforcement action.

1. Patrol officers must be vigilant for vehicle restraint violations and all observed violations throughout the day and nighttime and officers are expected to take enforcement action.
2. Along with special awareness for impaired drivers during the nighttime, officers should also use patrol strategies during the nighttime to observe seat belt violations and take enforcement action.

Number: Policy Manual 34.00  
Subject: Supervision of Part-Time Peace Officers

Effective Date: May 2026

## **SUPERVISION OF PART-TIME LICENSED PEACE OFFICERS**

### **Policy 35.00**

#### **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 Administrative Rule 6700.1110](#). Therefore, the following policy is provided to assist the Henderson Police Department 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

Number: Policy Manual 35.00	Effective Date: May 2026
Subject: Eyewitness Identification Procedures	

### **EYEWITNESS IDENTIFICATION PROCEDURES**

#### **POLICY**

Officers shall adhere to the procedures for conducting eyewitness identifications set forth in this policy. This policy establishes guidelines for eyewitness identification procedures involving show-ups, photo arrays, and line-ups. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration.

## PURPOSE

It is the purpose of this policy to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eyewitness identification protocols. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

## DEFINITIONS

**Administrator:** means the law enforcement official conducting the identification procedure.

**Blind Presentation:** means the administrator conducting the identification procedure does not know the suspect's identity.

**Blinded Presentation:** means the administrator may know the identity of the suspect but does not know which photo array member is being viewed by the eyewitness at any given time.

**Confidence Statement:** means a statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

**Filler:** refers to a live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

**Line-up:** means the process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

**Photo Array:** is a means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

**Show-up:** means the in-person presentation of a single suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate the individual as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

**Sequential:** means the presentation of a series of photographs or individuals to a witness one at a time.

**Simultaneous:** means the presentation of a series of photographs or individuals to a witness all at once.

## PROCEDURES

Generally, only one identification procedure should be used per witness per suspect and investigative event. This means that multiple identification procedures regarding the same witness and suspect

should not be conducted. Witnesses should be separated when identifying suspects and should not share or be aware of the responses of other witnesses. Officers should carefully avoid the use of statements, cues, casual comments, or information that may influence the witness's decision making in any way during the identification process. After an identification has been made, the administering Officers shall ask the witness to provide a confidence statement and document the witness's response. Finally, the administering Officers shall ask the witness to complete and sign an Eyewitness Identification Procedure Form. All identification procedures should be video and/or audio recorded whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording documented. Additionally, still photographs used for the purpose of eyewitness identification shall also be documented and copies preserved with the case file documents.

The witness shall be given a copy of the following instructions prior to viewing a photo array or line-up. The administrator shall read the instructions aloud before the identification procedure.

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

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

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

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

*Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat or other changes in appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.*

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

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

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

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

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

## **PHOTOGRAPHIC ARRAYS**

Photographic arrays are the preferred method/procedure of achieving an eyewitness identification of a suspect. When a photographic array cannot be done or a different method is more reasonable under the circumstances, an Officers may use a line-up or show-up.

**Creating a Photo Array.** When using photographic arrays, Officers should follow the basic guidelines described in this policy.

- Use contemporary photos.
- Do not mix color and black and white photos.
- Photo arrays should consist of six individuals- the suspect and five fillers.
- Use photos of the same size and basic composition.
- Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.
- Do not include more than one photo of the same suspect.
- Cover any portions of mug shots or other photos that provide identifying information on the subject – and similarly cover other photos used in the array.
- Where the suspect has a unique feature, such as a scar, tattoo, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.
- Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- Fillers should not be reused in arrays for different suspects shown to the same witness.
- Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness’s description of the offender.
- If there is more than one suspect, include only one in each photo array.
- Place the suspect in different positions in each photo array for each witness.

**Presenting a Photo Array.** The primary investigating Officers is responsible for ensuring these described procedures are followed.

- Inform the witness that the suspect may or may not be in the photo array.
- During a photo array presentation, no one who is aware of the suspect’s identity should be present.
- Photo arrays should be presented by a blind administrator.
- If a blind administrator is not available, a blinded administrator may present the photo array using the following procedures.
  - Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used).
  - The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that they cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.
  - The administrator should position themselves so that they cannot see inside the folders as they are viewed by the witness.
- The photo array should be preserved, together with full information about the identification process, as part of the case file and documented in a report.

- The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
- If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.
- Witnesses should not be permitted to see or be shown any photos of the suspect prior to the photo array.

*Appendix A: Sequential Photo Display Form*

### **LINE-UPS**

**Creating the Line-up.** When using a line-up, Officers should follow the basic guidelines described in this policy.

- Live line-ups shall be conducted using a blind administrator.
- Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
- Line-ups should, minimally, consist of six individuals - the suspect and five fillers.
- Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.
- Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.
- If there is more than one suspect, include only one in each line-up.
- Place the suspect in different positions in each line-up for each witness.

**Conducting the Line-up.** The primary investigating Officers is responsible for ensuring the procedures described herein are followed.

- Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.
- Ensuring compliance with any legal requirements for transfer of the subject to the line-up location if the individual is incarcerated at a detention center.
- Making arrangements to have persons act as fillers.
- That the witness was informed the suspect may or may not be in the line-up prior to the live line-up.
- Ensuring that the suspect's right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspect's right to counsel.

- Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line-up and to observe the manner in which the line-up is conducted.
- Only the suspect's attorney may be present for a line-up.
- Witnesses should not be permitted to see or be shown the suspects or their photos prior to the line-up.

## **SHOW-UPS**

**Conducting a Show-up.** The use of show-ups should be avoided whenever possible. The use of a line-up or photo array procedure is preferred. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.

- Document the witness's description of the perpetrator prior to conducting the show-up.
- Conduct a show-up only when the suspect is detained within a reasonable time frame after the commission of the offense and within a close physical proximity to the location of the crime.
- Do not use a show-up procedure if probable cause to arrest the suspect has already been established.
- If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by Officers, unless safety concerns make this impractical.
- Caution the witness that the person he or she is about to see may or may not be the perpetrator—and it is equally important to clear an innocent person. The witness should also be advised that the investigation will continue regardless of the outcome of the show-up.
- Do not conduct the show-up with more than one witness present at a time.
- Separate witnesses and do not allow communication between them before or after conducting a show-up.
- If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.
- Do not present the same suspect to the same witness more than once.
- Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.
- Remind the witness not to talk about the show-up to other witnesses until law enforcement or prosecutors deem it permissible.
- Document the time and location of the show-up, the Officers present, the result of the procedure, and any other relevant information.

## **STATUTORY REFERENCES**

- [MN STATUTE 626.8433](#) – Eyewitness Identification Policies Required
- [ADMINISTRATIVE RULE 6700.1615](#) – Required Agency Policies

**SEQUENTIAL PHOTO DISPLAY FORM**  
(Witness Side)

Dept.: \_\_\_\_\_ C.N.: \_\_\_\_\_ OFFENSE: \_\_\_\_\_ Line-up ID# \_\_\_\_\_

WITNESS: \_\_\_\_\_ DOB \_\_\_\_\_ ADMINISTRATOR: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ INVESTIGATOR ASSIGNED: \_\_\_\_\_

**READ TO WITNESS BEFORE PHOTO DISPLAY:**

\_\_\_ 1. I am about to show you a set of photos. The person who committed the crime  
[or: \_\_\_\_\_] may or may not be included.

**(SELECT ONE OF THESE OPTIONS AND READ.)**

\_\_\_ 2. (IA) I do not know whether the person being investigated is included **OR**

\_\_\_ 2. (FE) I do not know the order of the photos.

\_\_\_ 3. Even if you identify someone during this procedure, I will continue to show you all photos in the series.

\_\_\_ 4. Keep in mind that a photo may be an old one. Some things, like hair styles, can be changed, and skin colors may look slightly different in photographs.

\_\_\_ 5. You should not feel you have to make an identification. It is just as important to clear innocent persons as it is to identify the guilty. Whether or not you identify someone, the investigation will continue.

\_\_\_ 6. You will see only one photo at a time. They are not in any particular order. Take as much time as you need to look at each one. You should avoid discussing this procedure or the results with any other potential witness in the case.

Please initial here if you understand these instructions. \_\_\_\_\_ **(WITNESS TO INITIAL)**

**TO BE COMPLETED BY WITNESS AFTER PHOTO DISPLAY:**

The sequential photo line-up I was shown consisted of \_\_\_ photos.

I am unable to select any photo as being the person(s) who \_\_\_\_\_.

I have selected photo(s) # \_\_\_\_\_ as the person who \_\_\_\_\_.

(IF SELECTION MADE) How certain are you of your identification?

\_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Witness signature

**(Have witness sign and date any photo picked and attach to this report.)**

**SEQUENTIAL PHOTO DISPLAY FORM**  
(Administrator Side)

C.N. \_\_\_\_\_ Witness: \_\_\_\_\_ Line-up ID # \_\_\_\_\_

Administrator  does  does not know identity of suspect.

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**Instructions to administrator (READ BEFORE SHOWING PHOTO DISPLAY):**

A sequential photo line-up must either be presented by an *independent administrator* [IA] (a person who does *not* know the identity of the suspect) or, if unavailable, a *functional equivalent* [FE] method must be used. Functional equivalent means (1) that the administrator cannot see and does not know the order of the photos and (2) that the witness knows the administrator does not know the order. Before beginning the photo display, determine which of these two methods is used (IA or FE), select the appropriate instruction # 2 and cross out the inapplicable # 2.

Fill out the case information on the top of the form. Read instructions on reverse side to witness and have witness initial at end. Show photos one at a time. Only one photo at a time may be visible. As each photo is displayed, ask "Is this the person who [insert crime]?" If yes, ask, "How certain are you of your identification?" Even if identification is made, continue showing remaining photos. After all photos have been displayed, repeat display **ONLY** if witness requests it. In any repeat, **ALL** photos must be displayed in the same sequence, even if the witness only requests to see a particular photo or photos again.

Ask witness to complete witness portion of the form and sign it. If any selection is made, have the witness sign and date the photo (or photos) selected. The photo display used must be preserved. (Attach copy to this form.) **BE CAREFUL NOT TO PROVIDE ANY FEEDBACK TO WITNESS ON EITHER IDENTIFICATION OR NON-IDENTIFICATION.**

After witness has completed witness portion of the form, complete administrator portion of the form. This includes asking the certainty question, administrator observations and number of times display was shown. Departmental policy may also require a standard supplementary report.

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**To be completed during and after photo display:**

Comments made by the witness about any photograph during the photo display (note photo number):

**(If identification made)** How certain are you of your identification?

Additional observations by administrator (e.g., any physical response or other comments by witness):

Sequential line-up was shown  once / \_\_\_\_\_ times

\_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Administrator's signature

**Have witness complete front side. Attach copy of photo display used. Have witness sign and date any photo picked.**

Number: Policy Manual 36.00

Effective Date: May 2026

Subject: Allegations of Misconduct

Reference: *MN RULES* 6700.2200 through 6700.2600

## 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 Henderson Police Department. 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 Henderson Police Department to accept and to fairly and impartially investigate all complaints of misconduct to determine the validity of allegations; and to impose any corrective 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 [MN 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 [MN 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 Administrative 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 should 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 an 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 [MN 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 14](#), or [MN 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
- [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

PUBLIC ASSEMBLY AND FIRST AMENDMENT ACTIVITY  
POLICY 37.00  
Implemented May 2026

## PURPOSE

The purpose of this policy is to provide Henderson Police Department personnel written guidelines regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment activity. The Henderson Police Department supports the individual rights of freedom of speech, expression, and peaceful assembly, which are protected by the United States Constitution and the Minnesota State Constitution. However, neither constitution protects criminal activity or threats against citizens, businesses, or critical infrastructure.

When dealing with First Amendment activity, officers shall ensure their actions are within the scope of the constitutions.

- The [First Amendment](#) to the Constitution of the United States of America states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."
- The [Bill of Rights in Article 1](#) of the Minnesota Constitution addresses the rights of free speech and the liberty of the press.

## POLICY

The Henderson Police Department will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority reasonably required to address a crowd management or crowd control issue. The policy of the Henderson Police Department regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a public assembly or First Amendment activity. Agency personnel must not harass, intimidate, or discriminate against or unreasonably interfere with persons engaged in the lawful exercise of their rights. This policy concerning crowd management, crowd control, crowd dispersal, and police responses to violence and disorder applies to spontaneous demonstrations, crowd event situations, and planned demonstrations or crowd events regardless of the permit status of the event. This policy shall be reviewed annually by all personnel.

## DEFINITIONS

**Chemical Agent Munitions:** refers to munitions designed to deliver chemical agents from a launcher or when hand thrown.

**Control Holds:** refers to soft empty hand control techniques that do not involve striking.

**Crowd Management:** means techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.

**Crowd Control:** means techniques used to address unlawful public assemblies.

**Deadly Force:** has the meaning given to it in [MN Statute 609.066](#), subdivision 1.

**Direct Fired Munitions:** refers to less-lethal munitions designed to be fired at a specific target.

**First Amendment Activities:** First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the Minnesota State Constitution.

The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

**Great Bodily Harm:** has the same meaning given to it in [MN Statute 609.02](#), subdivision 8.

**Legal Observers:** refers to individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests, and other activities. The following may be indicia of a legal observer: wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.

**Less-lethal Munitions:** has the same meaning given to it in [MN Statute 609.066](#), subdivision 1.

**Media:** means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge, or some distinctive clothing that identifies the wearer as a member of the press.

## **PROCEDURES**

This policy does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

## **RESPONSE TO CROWD SITUATIONS**

**Operational Planning.** For preplanned First Amendment events within this agency's jurisdiction, supervisory/command staff shall develop an operational plan. The plan shall be communicated to and should be followed by personnel involved in the operation. The operational plan, at a minimum, should include the following information:

- the event date, time, and location,

- the type of event and the groups involved (organizer information may be included, if available),
- a description of the anticipated weather conditions,
- agency personnel assignments,
- details regarding the equipment and additional resources available (including mutual support agencies), and
- any other operational information that would be helpful to involved personnel.

For unplanned First Amendment events, the first responding officer should assess the event without interfering with attendees. From the assessment, the officer shall relay the following information, if it is known, to dispatch and command staff:

- the location of the event,
- the approximate number of attendees,
- the purpose of the event,
- whether any indicators of unlawful activity are present, and
- the officer's predicted ability/need to continue monitoring the event.

**Uniform.** All officers responding to First Amendment assemblies must at all times, including when wearing protective gear, display their agency name and a unique personal identifier in compliance with this department's uniform policy. The chief law enforcement officer must maintain a record of any peace officer at the scene who is not in compliance with this requirement due to exigent circumstances.

**Officer Conduct.** All peace officers responding to public assemblies must be mindful of their personal conduct and remain professional.

- Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against peace officers does not constitute a reason for an arrest or for any use of force against such individuals.
- Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
- Officers must not act or fail to act based on the opinions being expressed.
- Officers must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity.

**Lawful Assembly.** Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting, and loitering.

**Unlawful Assembly.** According to [MN Statute 609.705](#), an assembly is considered unlawful when three or more persons assemble 1) with the intent to commit an unlawful act by force; 2) with intent to carry out any purpose in a manner that will disturb or threaten the public peace; or 3) without an

unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace. It is a misdemeanor for an individual to participate in an unlawful assembly.

- The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly.
- The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
- Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or officers are threatened with dangerous circumstances.
- Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

**Declaration(s) of Unlawful Assembly.** If the on-scene supervisor/incident commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) must be recorded. The declaration and dispersal order must be announced to the assembly. The name(s) of the officers announcing the dispersal order should be recorded, with the time(s) and date(s) documented. The dispersal order must include:

- the name and rank of the person and agency giving the order,
- a declaration of “unlawful assembly” and the reason(s) for the declaration,
- information regarding egress or escape routes that may be used by individuals to disperse,
- the specific consequences that will result due to a failure to comply with the dispersal order, and
- how long individuals have to comply with the dispersal order.

Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements must be made from different locations when the demonstration is large and noisy. The dispersal announcements should be repeated after commencement of the dispersal operation so that individuals who were not present for the original broadcast will understand that they must leave the area. The announcements must specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officers must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.

**Crowd Dispersal.** Crowd dispersal techniques should not be initiated until Officers have made repeated announcements to the crowd, or are aware that repeated announcements have been made, asking members of the crowd to voluntarily disperse. The dispersal orders should have also informed individuals in the crowd of the specific consequences that will result due to a failure to disperse (i.e., arrest). Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with a peace officer’s commands before action

is taken. If verbal announcements to disperse do not result in voluntary movement by the crowd, peace officers may utilize additional crowd dispersal tactics. Additional crowd dispersal tactics must be approved and ordered by the on-scene supervisor/incident commander before agency staff may deploy additional crowd dispersal tactics/tools. The use of these crowd dispersal tactics shall be consistent with department policy. Peace officers must use the minimal amount of intervention reasonably necessary to address a crowd management or control issue.

If a group or crowd subsequently participates in another assembly at a different geographical location after receiving a dispersal order, so the participants are not engaged in unlawful activity, the assembly cannot be dispersed. A secondary assembly may only be dispersed after a determination of unlawful assembly and new declarations and dispersal orders have been issued.

### **TACTICS AND WEAPONS TO DISPERSE OR CONTROL A NON-COMPLIANT CROWD**

The purpose of this section is to provide officers guidance on use of force determinations when dealing with non-compliant crowds and/or crowd dispersals. Nothing in this policy prohibits an [officer] from using appropriate force in order to defend themselves or others as outlined by this agency's Use of Force policy or MN Statute.

**Contact Weapons.** Contact weapons shall be used only when soft and hard empty hand controls have failed to bring the subject or situation under control, and it reasonably appears other such methods would be ineffective. Contact weapons may only be used in the manner described herein, unless the use of deadly force is warranted.

- Batons may be visibly displayed and held in a ready position during squad or platoon formations.
- When reasonably necessary for the protection of peace officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons or other contact weapons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
- Contact weapons may be used to defend Officers from an actively aggressive suspect.
- Contact weapons may be used to strike an actively aggressive suspect for the purpose of rendering that person temporarily incapacitated in order to bring the situation under control. Officers may only strike areas of the body identified in their training that result only in incapacitation.
- Intentionally striking an individual in the head or neck with a contact weapon is only justified in the use of deadly force.
- Indiscriminately swinging or striking individuals in a crowd is prohibited.

**Direct Fired Munitions.** Direct fired munitions may never be used indiscriminately against a group or crowd even if some individuals are involved in violent or disruptive behavior/criminal activity. A(n) officers use of direct fired munitions must be in alignment with this policy.

- Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of direct fired munitions.
- Officers using munitions must be trained and qualified in their use per department policy.
- Officers are authorized to deploy direct fire munitions in accordance with their training and manufacturer specifications.
- Officers shall not discharge direct fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force is justified.
- When circumstances permit, the on-scene supervisor/incident commander must attempt to accomplish the policing goal without the use of direct fired munitions as described above, and, if practical, an audible warning shall be given to a subject before deployment of the weapon.

**Aerosol Chemical Agents.** Aerosol chemical agents must be used during a crowd event in accordance with this agency's policies.

- Aerosol hand-held chemical agents shall be used in accordance with the officer's training and manufacturer specifications.
- High volume OC delivery systems, such as a MK9, are designed for and may be used during a crowd event against individuals and/or groups of individuals engaged in unlawful acts or endangering public safety and/or security.
- Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
- Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
- When possible, persons should be removed quickly from any area where chemical agents have been used. Officers must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent. If/when possible, decontamination efforts must be made.
- Subjects who have been affected by chemical agents shall be placed in the recovery position if a seated or standing position cannot be achieved.
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**Chemical Munitions.** Chemical munitions may be used for crowd control and dispersal when:

- a threat of imminent harm or serious property damage is present, or other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,
- sufficient egress exists to safely allow the crowd to disperse, and
- the use of chemical munitions is approved by the on-scene supervisor/incident commander.

When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions. Additionally, each chemical munition round deployed must be recorded. The information that shall be recorded for each chemical munition round deployed and be available to the public upon request includes:

- the name the chemical munition used,
- the location the munition was deployed,

- the time the munition was deployed, and
- the safety data sheets (SDS) for the type of chemical agent used.

When chemical munitions are used and when feasible, an emergency responder will be on standby at a safe distance near the target area. Chloroacetophenone (CN) chemical munitions are prohibited.

**Conducted Energy Weapons (CEWs).** CEWs must not be used for the purposes of crowd control, crowd containment, or crowd dispersal.

### **MEDIA**

The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums. The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble. Officers will not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity. The media must not be targeted for dispersal or enforcement action because of their media status. Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

### **LEGAL OBSERVERS**

Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen. Legal observers and monitors must comply with all dispersal orders unless the on-site supervisor/incident commander chooses to allow individual legal observers and monitors to remain in an area after a dispersal order. Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

### **STATUTORY REFERENCES**

- [FIRST AMENDMENT OF THE US CONSTITUTION](#)
- [MINNESOTA CONSTITUTION](#)
- [MN STATUTE 609.06](#) – Authorized Use of Force
- [MN STATUTE 609.066](#) – Authorized Use of Deadly Force by Peace Officers
- [MN STATUTE 609.705](#) – Unlawful Assembly
- [MN STATUTE 609.71](#) – Riot
- [ADMINISTRATIVE RULE 6700.1615](#) – Required Agency Policies

AVOIDING RACIAL PROFILING POLICY 38.00 Implemented May 2026
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The Henderson Police Department is committed to impartial policing and reinforcing procedures that assure the public we are providing service and enforcing laws in a fair and equitable manner to all.

## DEFINITIONS

**Racial Profiling**: has the same meaning given to it in [MN Statute 626.8471](#), subdivision 2.

## PROCEDURES

Pedestrian/vehicle stops, detentions, arrests, searches, and property seizures by peace officers shall be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. Peace officers must be able to articulate specific facts, circumstances, and conclusions that support reasonable suspicion or probable cause when conducting investigations or other law enforcement related functions.

Agency personnel shall be impartial when executing their job-related duties. This means officers shall not solely consider race, ethnicity, national origin, gender, sexual orientation, or religion in establishing reasonable suspicion or probable cause. Officers may consider the descriptors listed above when they relate to and/or specifically link to suspected unlawful or suspicious activity by a particular individual or group of individuals. In such instances, the above-mentioned attributes may be used in the same manner as age, height, weight, or other physical characteristics of specific suspects.

To prevent the perception of bias, when interacting with suspects, victims, or other members of the community, officers must:

- be respectful and professional,
- introduce or identify themselves to the citizen(s) and state the reason for the contact as soon as practical unless providing information compromises [*officer*] or public safety,
- ensure detentions are compliant with state and federal law,
- attempt to answer any relevant questions the citizen may have regarding the contact including relevant referrals to other agencies when appropriate,
- provide their last name or badge number when requested, and
- explain the basis and reason for the stop, especially when reasonable suspicion does not result in a finding of criminal or unlawful behavior/conduct.

## DUTY TO REPORT

Officers shall promptly report any suspected or known instances of bias-based policing to a supervisor. Agency personnel should, when reasonable to do so, intervene to prevent any biased-based actions by another [*officer*]. If a supervisor receives a report of biased-based policing, the supervisor shall inform the CLEO as soon as practical so the agency may, if warranted, initiate an internal investigation into the alleged conduct.

## VIOLATIONS

Sustained violations of this policy will result in remedial training and/or disciplinary action up to termination. Confirmed violations of this policy must be reported to the POST Board in accordance with the reporting requirements in [MN Statute 626.8457](#).

## TRAINING

All agency personnel must review this policy annually.

### STATUTORY REFERENCES

- [MN STATUTE 626.8457](#) – Professional Conduct of Peace Officers
- [MN STATUTE 626.8471](#) – Avoiding Racial Profiling; Policies and Learning Objectives Required
- [ADMINISTRATIVE RULE 6700.1615](#) – Required Agency Policies

### CONFIDENTIAL INFORMANTS

Policy 39.00

Implemented May 2026

The purpose of this policy is to inform Henderson Police Department personnel of how the recruitment, control, and use of confidential informants must occur.

### DEFINITIONS

**Compelling Public Interest:** refers to a situation in which a failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.

**Confidential Informant or CI:** refers to an individual who provides information about criminal activity to a law enforcement agency. In their capacity as a CI, individuals may:

- make controlled buys or controlled sales of contraband, controlled substances, or other items that are material to a criminal investigation;
- supply information about suspected or actual criminal activities to law enforcement; or
- provide information pertinent to ongoing criminal intelligence gathering or criminal investigative efforts.

**Controlled Buy:** means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen or participated in by law enforcement personnel with the knowledge of a confidential informant.

**Confidential Informant File:** means a file maintained to document all information that pertains to a confidential informant.

**Controlled Sale:** means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen or participated in by law enforcement personnel with the knowledge of a confidential informant.

**Overseeing Agent:** means the peace officer primarily responsible for the supervision and management of a confidential informant.

**Target Offender:** means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

## **PROCEDURES**

### **INITIAL SUITABILITY DETERMINATION**

An initial suitability determination and report must be completed on any individual who is being considered for a role as a CI. The report must be submitted to an individual who has proper delegated authority for determining whether a person may be a CI. The report must include sufficient detail regarding the risks and benefits of using the individual so that a sound determination may be made. The following information must be addressed in the report, when applicable:

- age, sex, and residence;
- employment status or occupation;
- affiliation with legitimate businesses and illegal or suspicious enterprises;
- extent to which potential information, associations, or other assistance could benefit a present or future investigation;
- relationship with the target of an investigation;
- motivation in providing information or assistance;
- risk of adversely affecting an existing or future investigation;
- extent to which provided information can be corroborated;
- prior record as a witness;
- criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged with a crime;
- risk to the public or as a flight risk;
- consultation with the individual's probation, parole, or supervised release agent, if any;
- consideration and documentation of the individual's diagnosis and history of mental illness, substance use disorder, traumatic brain injury, or disability;
- whether the individual has overdosed in the previous 12 months;
- relationship to anyone in law enforcement;
- risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement; and
- prior or current service as a CI with this or another law enforcement organization.

Prior to approving an individual as a CI, an individual with the proper delegated authority must review the initial suitability determination report. Any prospective or current CI must be excluded from engaging in a controlled buy or sale if the prospective or current CI:

- is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness, or

- is participating in a treatment-based drug court program or treatment court; except that the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.

Documentation and special consideration must be made of the risks involved in engaging a prospective or current CI in the controlled buy or sale of a controlled substance if the individual is known to have experienced, or has reported experiencing, a drug overdose in the previous 12 months. Any prospective or current CI who is known to abuse substances, or is at risk for abusing substances, should be provided referral to prevention or treatment services. Any prospective or current CI that has a physical or mental illness that impairs the ability of the individual to understand instructions and make informed decisions should be referred to a mental health professional or other appropriate medical professional, or a case manager/social worker from the county social services agency, or other substance abuse and mental health services.

Each CI's suitability must be reviewed every 6 months, at a minimum, during which time the CI's overseeing agent must submit a Continuing Suitability Report addressing the foregoing issues in this section as applicable. An initial suitability determination must be conducted on a reactivated CI regardless of the length of inactivity. Any information that may negatively affect a CI's suitability during the course of their use must be documented in the CI's file and forwarded to the appropriate authorized personnel as soon as possible. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of CIs periodically as part of the informant management process. If a supervisor is unable to attend a CI briefing, another agent or investigatory partner must attend the meeting so 2 agents/peace officers are present. When a CI is active for more than 12 consecutive months, a supervisory meeting with the CI must be conducted without the overseeing agent. CI contracts must be terminated, and the CI file placed in inactive status when the CI has not been utilized for 6 months or more.

**Exigent Confidential Informants.** When an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent, the initial suitability determination may be deferred. In these cases, the individual may be utilized as a CI for a period not to exceed 12 hours from the time of arrest. An exigent confidential informant may be used if all of the conditions listed below are met:

- the individual is not excluded from utilization as a CI per the conditions described in this policy;
- there is a compelling public interest or exigent circumstances that demand immediate utilization of the individual as a CI and any delay would significantly and negatively affect any investigation; and
- a supervisor has reviewed and approved the individual for utilization as a CI under these circumstances.

An initial suitability determination must be conducted after the 12-hour window if the CI decides to engage in any further investigative activities.

**Special Confidential Informants.** Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the agency's CLEO or their designee and the

office of the prosecutor or county attorney should be consulted prior to the use of these individuals as CIs. The following individuals are considered “special” confidential informants and require additional review and approval prior to taking on a CI role:

- juveniles,
- individuals obligated by legal privilege of confidentiality, and
- government officials.

A juvenile under the age of 18 may only participate in a controlled buy or sale if his or her parent(s) or guardian(s) have provided the agency or overseeing officer written permission. The use of a juvenile CI may only be granted by the supervising authority when there is a compelling public interest. Juveniles who are wards of the State may not be used as a CI.

The use of any special CI identified in this policy requires special review and approval by the supervising authority and the prosecutor’s/county attorney’s office.

**STATUTORY REFERENCES**

- [MN STATUTE 626.8476](#) – Confidential Informants
- [ADMINISTRATIVE RULE 6700.1615](#) – Required Agency Policies

Body Worn Cameras Policy 40.00 Implemented May 2026
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**PURPOSE**

The primary purpose of using BWCs is to capture evidence arising from police-citizen encounters. While this technology allows for the collection of valuable information, it opens many questions about how to balance public demands for accountability and transparency with the privacy concerns of those being recorded. In deciding what to record, this policy also reflects a balance between the desire to establish exacting and detailed requirements and the reality that officers must attend to their primary duties and the safety of all concerned, often in circumstances that are tense, uncertain, and rapidly evolving

**POLICY**

It is the policy of this department to authorize and require the use of department issued BWCs as set forth below, and to administer BWC data as provided by law.

**SCOPE**

This policy governs the use of BWCs in the course of official duties. It does not apply to the use of squad-based (dash-cam) recording systems. Unless otherwise prohibited by law, the chief or chief’s designee may supersede this policy by providing specific instructions for BWC use to individual officers, or by providing specific instructions pertaining to particular events or classes of events, including but not limited to political rallies and demonstrations. The chief or designee may also provide specific instructions or standard operating procedures for BWC use to officers assigned to specialized details, such as carrying out duties in courts or guarding prisoners or patients in hospitals and mental health facilities.

## DEFINITIONS

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

- B. **MGDPA or Data Practices Act** refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.
- C. **Records Retention Schedule** refers, depending on context, to the General Records Retention Schedule for Minnesota Cities (last revised March 2021) or to the agency's records retention schedule approved pursuant to Minnesota Statutes section 138.17. \
- D. **Law enforcement-related** refers to activities or information pertaining to a stop, arrest, search, seizure, use of force, investigation, citation, or charging decision.
- E. **Evidentiary value** means that the information may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.
- F. **General citizen contact** means an informal encounter with a citizen that is not and does not become law enforcement-related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation. Examples include, but are not limited to, assisting a motorist with directions, summoning a wrecker, or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.
- G. **Adversarial** refers to a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.
- H. **Unintentionally recorded footage** is a video recording that results from an officer's inadvertence or neglect in operating the officer's BWC, provided that no portion of the resulting recording has evidentiary value. Examples of unintentionally recorded footage include, but are not limited to, recordings made in station house locker rooms and restrooms, and recordings made while officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded.
- I. **Official duties**, for purposes of this policy, refers to law enforcement activities and services performed by an officer of this agency while on duty. In circumstances where an officer is also employed by another agency as a peace officer, the officer is not performing official duties on behalf of this agency while acting in the course and scope of their employment for the other agency.

## USE AND DOCUMENTATION

- A. Officers may use only department issued BWCs while engaged in the performance of official duties.
- B. Officers who are engaged in the performance of official duties and have been issued BWCs shall use and operate them in compliance with this policy. This requirement includes situations where the officer is under the command and control of another chief law enforcement officer or federal law enforcement official while performing official duties for this agency.
- C. Officers shall conduct a function test of their issued BWCs at the beginning of each shift. Officers noting a malfunction during testing or at any other time shall promptly report it to the officer's supervisor and shall document the report in writing. Supervisors shall take prompt action to address malfunctions and document the steps taken in writing.
- D. Officers shall wear their issued BWC at or above the midline of the waist in a position that maximizes the capacity of the device to record video footage of the officer's activities.
- E. Officers must document BWC use and non-use as follows:
  - 1. Whenever an officer makes a recording, the existence of the recording shall be documented in an incident report.
  - 2. Whenever an officer fails to record an activity that is required to be recorded under this policy or fails to record for the entire duration of the activity, the officer must document the circumstances and reasons for not recording in an incident report. Supervisors shall review these reports and initiate any corrective action deemed necessary.
- F. The department will maintain the following records and documents relating to BWC use, which are classified as public data:
  - a. The total number of BWCs owned or maintained by the agency;
  - b. A daily record of the total number of BWCs actually deployed and used by officers;
  - c. The total amount of recorded BWC data collected and maintained; and
  - d. This policy, together with the applicable records retention schedule.

## **GENERAL GUIDELINES FOR RECORDING**

- A. Officers shall activate their BWCs when they become involved in, should reasonably anticipate becoming involved in, or when witnessing another officer engage in a pursuit, *Terry* stop of a motorist or pedestrian, search, seizure, arrest, use of force, adversarial contact, and during other activities likely to yield information having evidentiary value. However, officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so,

but such instances of not recording when otherwise required must be documented as specified in the Use and Documentation guidelines, part (E)(2) (above).

- B. Officers have discretion to record or not record general citizen contacts.
- C. Officers have no affirmative duty to inform people that a BWC is being operated or that the individuals are being recorded.
- D. Once activated, officers should continue recording with their BWCs until the conclusion of the incident or encounter, or until it becomes apparent that additional recording is unlikely to capture information having evidentiary value. The officer having charge of a scene shall direct that recording be discontinued when additional recording is unlikely to capture information having evidentiary value. If the recording is discontinued while an investigation, response, or incident is ongoing, the officer shall state the reasons for ceasing the recording on camera before deactivating their BWC. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value.
- E. Officers shall not intentionally block the BWC's audio or visual recording functionality to defeat the purposes of this policy.
- F. Notwithstanding any other provision in this policy, officers shall not use their BWCs to record other agency personnel during non-enforcement related activities, such as during pre- and post-shift time in locker rooms, during meal breaks, or during other private conversations, unless the recording is authorized as part of an administrative or criminal investigation.
- G. Officers shall not intentionally edit, alter, or erase any BWC recording made with a peace officer's portable recording system or data and metadata related to the recording prior the expiration of the applicable retention period under section 13.825 Subdivision 3, except that the full, unedited, and unredacted recording of a peace officer using deadly force must be maintained indefinitely.

### **SPECIAL GUIDELINES FOR RECORDING**

Officers may, in the exercise of sound discretion, use their BWCs:

- A. To record any police-citizen encounter if there is reason to believe the recording would potentially yield information having evidentiary value unless such recording is otherwise expressly prohibited.
- B. To take recorded statements from persons believed to be victims of and witnesses to crimes, and persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness, or suspect.

In addition,

- C. Officers need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value. When responding to an

apparent mental health crisis or event, BWCs shall be activated as necessary to document any use of force and the basis for it, the basis for any transport

hold, and any other information having evidentiary value, but need not be activated when doing so would serve only to record symptoms or behaviors believed to be attributable to the mental health issue.

- D. Officers shall use their BWCs and squad-based audio/video systems to record their transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers, and jails, but otherwise should not record in these facilities unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident.

## **DOWNLOADING AND LABELING DATA**

- A. Each officer using a BWC is responsible for transferring or assuring the proper transfer of the data from their camera to the Motorola Solutions cloud by the end of that officer's shift. However, if the officer is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of the officer's BWC and assume responsibility for transferring the data from it.
- B. Officers shall label the BWC data files at the time of capture or transfer to storage. Officers should consult with a supervisor if in doubt as to the appropriate labeling.
  - 1. **Evidence—criminal:** The information has evidentiary value with respect to an actual or suspected criminal incident or charging decision.
  - 2. **Evidence—force:** Whether or not enforcement action was taken or an arrest resulted, the event involved the application of force by an officer of this agency of sufficient degree or under circumstances triggering a requirement for supervisory review. Recordings that document the use of deadly are covered separately.
  - 3. **Evidence—deadly force:** The event involved the application of deadly force by a peace officer, regardless of whether death occurred.
  - 4. **Evidence—administrative:** The incident involved an adversarial encounter or resulted in a complaint against the officer.
  - 5. **Evidence—other:** The recording has potential evidentiary value for reasons identified by the officer at the time of labeling.
  - 6. **Training:** The event was such that it may have value for training.
  - 7. **Not evidence:** The recording does not contain any of the foregoing categories of information and has no apparent evidentiary value. Recordings of general citizen contacts and unintentionally recorded footage are not evidence.

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

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

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

#### **ADMINISTERING ACCESS TO BODY WORN CAMERA DATA**

A. **Death resulting from force—access to data by survivors and legal counsel.** Notwithstanding any other law or policy to the contrary, when an individual dies as a result of force used by an officer of this agency, all BWC data documenting the incident, redacted

only as required by law, must be made available for inspection by any of the following individuals within five days of their request:

1. The deceased individual's next of kin.
2. The legal representative of the deceased individual's next of kin.
3. The other parent of the deceased individual's child.

The request may be denied if there is a compelling reason that inspection would interfere with an active investigation. If access is denied, the chief of police must provide a prompt, written denial to the requestor with a short description of the compelling reason that access was denied. The written denial must also provide notice that relief may be sought from the district court pursuant to Minnesota Statutes section 13.82, subdivision 7.

- B. Death resulting from force—release of data to the public.** When an individual dies as a result of force used by an officer of this agency, all BWC data documenting the incident, redacted only as required by law, must be released and classified as public within 14 days after the incident, unless the chief of police asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by Minnesota Statutes section 13.82, subdivision 7.
- C. Data subjects.** Under Minnesota law, the following are considered data subjects for purposes of administering access to BWC data:
1. Any person or entity whose image or voice is documented in the data.
  2. The officer who collected the data.
  3. Any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording.
- D. BWC data is presumptively private.** BWC recordings are classified as private data about the data subjects unless there is a specific law that provides differently. As a result:
1. BWC data pertaining to people is presumed private, as is BWC data pertaining to businesses or other entities.
  2. Some BWC data is classified as confidential (*see* part E, below).
  3. Some BWC data is classified as public (*see* part F, below).
- E. Confidential data.** BWC data that is collected or created as part of an active criminal investigation is confidential. This classification takes precedence over the “private” classification listed above in part D, and the “public” classifications listed below in parts F(2)(a) and (b). However, special classifications and access rights are applicable to BWC data

documenting incidents where an officer's use of force results in death (*see* parts A and B, above).

**F. Public data.**

1. Data that documents the final disposition of a disciplinary action against a public employee is classified as public without regard to any ongoing criminal investigation.
2. The following data is public unless it is part of an active criminal investigation or is subject to a more restrictive classification. For instance, data that reveals protected identities under Minnesota Statutes section 13.82, subdivision 17 (e.g., certain victims, witnesses, and others), should not be released even if it would otherwise fit into a category of data classified as public.
  - a. Data that record, describe, or otherwise document actions and circumstances surrounding the use of force by a peace officer that results in substantial bodily harm, or the discharge of a firearm by a peace officer in the course of duty other than for training or the killing of an animal that is sick, injured, or dangerous.
  - b. Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than a peace officer) who has not consented to the public release must be redacted [*if practicable*]. In addition, any data on undercover officers must be redacted.

**G. Access to BWC data by non-employees.** Officers shall refer members of the media or public seeking access to BWC data to the chief of police or their designee, who shall process the request in accordance with the MGDPA and other governing laws. In particular:

1. An individual shall be provided with access and allowed to review recorded BWC data about him- or herself and other data subjects in the recording, but access shall not be granted:
  - a. If the data was collected or created as part of an active investigation.
  - b. To portions of the data that the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minnesota Statutes section 13.82, subdivision 17.
2. Unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, but subject to the following guidelines on redaction:
  - a. Data on other individuals in the recording who do not consent to the release must be redacted.
  - b. Data that would identify undercover officers must be redacted.

- c. Data on other officers who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.

H. **Access by peace officers and law enforcement employees.** No employee may have access to the department's BWC data except for legitimate law enforcement or data administration purposes:

1. Officers may access and view stored BWC video only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. Officers may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident.
2. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to uploading BWC data recorded or maintained by this agency to public and social media websites.
3. Employees seeking to inspect or have copies of BWC data for non-business reasons may make a request for it in the same manner as any member of the public.

I. **Other authorized disclosures of data.** Officers may display portions of BWC footage to witnesses as necessary for purposes of investigation as allowed by Minnesota Statutes

section 13.82, subdivision 15, as may be amended from time to time. Officers should generally limit these displays in order to protect against the incidental disclosure of identities that are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video. In addition,

1. BWC data may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure.
2. BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

## **DATA SECURITY SAFEGUARDS**

- A. Personally owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access or view agency BWC data.
- B. This policy prohibits altering, erasing, or destroying any BWC data or metadata prior to the expiration of the applicable retention period.

- C. As required by Minnesota Statutes section 13.825, subdivision 9, as may be amended from time to time, this agency shall obtain an independent biennial audit of its BWC program.

### **AGENCY USE OF DATA**

- A. At least once a month, supervisors will randomly review BWC usage by each officer to whom a BWC is issued, or available for use, to ensure compliance with this policy and to identify any performance areas in which additional training or guidance is required. This review will include a minimum of 3 recordings which will be documented in a database maintained by this department.
- B. In addition, supervisors and other assigned personnel may access BWC data for the purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about officer misconduct or performance.
- C. Nothing in this policy limits or prohibits the use of BWC data as evidence of misconduct or as a basis for discipline.
- D. Officers should contact their supervisors to discuss retaining and using BWC footage for training purposes. Officer objections to preserving or using certain footage for training will be considered on a case-by-case basis. Field training officers may utilize BWC data  
  
with trainees for the purpose of providing coaching and feedback on the trainees' performance.

### **DATA RETENTION**

- A. Retention periods for BWC data are established by law and the Records Retention Schedule. When a particular recording is subject to more than one retention period, it shall be maintained for the longest applicable period.
- B. All BWC data shall be retained for a minimum period of 90 days. There are no exceptions for erroneously recorded or non-evidentiary data.
- C. Certain kinds of BWC data must be maintained for a minimum period of one year. These are:
  - 1. Data that documents the discharge of a firearm by a peace officer in the course of duty.
  - 2. Data that documents an incident resulting in a formal complaint against an officer. However, a longer retention period applies if the recording is relevant to an internal affairs investigation.
- D. Data documenting the use of force by a peace officer that results in substantial bodily harm, or force that is of a sufficient type or degree to require supervisory review under the agency's policy, must be retained for a minimum period of seven years.

- E. Data determined to have evidentiary value in any internal affairs investigation must be retained for five years after termination or separation of the employee who is the subject of the investigation.
- F. Other data having evidentiary value shall be retained for the period specified by law or the records retention schedule.
- G. Subject to Part H (below), all other BWC footage that is classified as non-evidentiary, becomes classified as non-evidentiary, or is not maintained for training shall be destroyed after 90 days.
- H. Upon written request by a BWC data subject, the agency shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 180 days. The agency will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received.
- I. The department shall maintain an inventory of BWC recordings having evidentiary value.
- J. The department will post this policy, together with its records retention schedule, on its website.

## **COMPLIANCE**

Supervisors shall monitor for compliance with this policy. Noncompliance may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minnesota Statutes section 13.09.

## **REFERENCES AND REVISIONS:**

REFERENCES: MN STATUTE 13.825 PORTABLE RECORDING SYSTEM.

