



Minneapolis Police Department Policy and Procedure Manual

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Volume Ten - Investigations

Investigative Procedures

10-213 36-Hour Hold and 48 Hour Hold Rules

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(A-B)

The 36-hour rule means that an arrested party must have been charged or released from custody no more than 36 hours from the time he was arrested. The 36 hours exclude the day of the arrest, Sundays and holidays. The clock for the 36-hour rule starts running at 0001 hours on the day following the arrest. The County Attorney, in extremely significant cases, may be able to petition to the court to extend the 36-hour rule. This extension can only be authorized through the County Attorney's Office.

The 48-hour rule means that all warrantless arrests on "Probable Cause" must have a judicial review within 48 hours of the arrest if we are going to continue to detain the arrestee. The 48-hour rule goes into effect at the instant the suspect is notified of being placed under arrest (not the time of the booking or time the reports are made). This rule does not replace the 36-hour rule; it is a separate rule and both rules must be followed. Investigators should note that in some cases, the 36-hour hold period is longer than the 48-hour period.

If, in the normal course of an investigation, an investigator presents the case to the County Attorney's Office, a complaint is drafted, sworn to and signed before the Court, within the 48 and 36-hour period, no separate judicial review is required.

If, however, a judicial review of "Probable Cause to Detain" becomes necessary as a result of the 48-hour rule, it is the investigator's responsibility to bring this to the attention of the County Attorney's Office and to supply them with the documentation needed to support the "Probable Cause" for the arrest and continued detention.

During business hours, as soon as an investigator realizes that the judicial review of the "Probable Cause" for arrest is necessary under the 48-hour rule, to continue detention through the duration of the 36-hour rule period, he/she shall deliver to the Hennepin County Attorney's Office supporting documentation. The Hennepin County Attorney's staff will obtain judicial review of these cases and fax copies back to the investigator of the Court's decision. If the Court makes a finding of "Probable Cause" and approves continued detention, it is the responsibility of the investigator to notify the Hennepin County Jail. If the court does not find "Probable Cause" and will not approve continued detention, the investigator shall release the arrestee as appropriate (no charge, pending complaint, tab charge, etc.).

On Saturdays, the Investigative unit representative and the duty officer will evaluate all "Probable Cause" holds. On Sundays and holidays, the Day Watch Watch Commander will

conduct the review of "Probable Cause" holds. In juvenile cases, juvenile investigators have exclusive responsibility for handling the arrest and all "Probable Cause" determinations.

It is the responsibility of the Juvenile Division investigator to notify the Hennepin County Juvenile Detention Center of the continued detention or release of a suspect after the "Probable Cause" hearing.