



# Minneapolis Police Department Policy and Procedure Manual

Number:  
8-300

## Volume Eight - Minors – Policies and Procedures

### Minor Searches, Seizures and Arrests

#### 8-302 Minor Search and Seizure (10/07/08) (07/01/11) (10/10/22) (xx/xx/24)

##### A. DNA Collection from Minors

###### 1. Secure search warrant

- a. Search warrants shall be secured for DNA collection from the person of minor suspects or arrestees, whenever feasible.
- b. The member who executes a search warrant for DNA collection from the person of a minor suspect or arrestee shall ensure a reasonable attempt is made to notify the parent or guardian immediately after executing the warrant.
  - i. The notification may be made by telephone, in person, or by going to the minor's home.

###### 2. Consent for DNA collection

Consent for DNA collection from the person of any minor shall only be sought in exigent circumstances and members shall adhere to the following requirements:

- a. Adult consent required
  - i. A minor suspect or arrested person cannot waive their rights and consent to a DNA collection from their person without first being allowed to engage in a meaningful consultation with an attorney or an informed parent or guardian.
  - ii. Any collection of DNA from the person of a minor suspect or arrestee via consent shall require consent from both the minor and the adult (i.e. attorney, parent or guardian.)
- b. No subterfuge

Collecting or directing the collection of DNA from minors through subterfuge is prohibited. This includes offering a minor a beverage to collect the minor's DNA from the beverage container, even if only in part.

c. Documenting consent

- i. Consent from both the minor and the attorney, parent, or guardian shall be recorded on body worn camera, when applicable (in accordance with P&P 4-223). If body worn camera recording is not applicable, the consent shall be audio recorded.
- ii. Consent from both parties shall be documented in a Police Report.

**B. Fingerprinting and Photographing Minors**

Status offenders, such as minors who are truant or out past curfew, shall not be fingerprinted or photographed.

Fingerprinting and photographing of minors who will be booked will be done by Juvenile Investigations Unit or CAR 21.

1. Minors being booked for a misdemeanor shall not be fingerprinted but may be photographed each time they are arrested in order to maintain a current photo record.
2. All minors being booked for a gross misdemeanor or felony shall be fingerprinted and photographed. If a minor arrested for a gross misdemeanor or felony was not fingerprinted and/or photographed, the arresting members shall document in their Police Report why it was not done.

When members photograph a minor on scene who will not be booked, members should take five photos (from all four sides and a close up of the minor's face). Include the minor's name when uploading the photos to Evidence.com.

Photographs are to be taken in case a minor reoffends, or if a minor is missing or a runaway – members will then have the ability to identify the minor based off clothing, facial features, etc.

Fingerprint records of minors shall be maintained in the Juvenile Investigations Unit.

**C. Interviewing Minors**

Responding members are reminded that interviews should generally be conducted by investigators from the Juvenile Investigations Unit or other specialized units.

Members shall cease questioning and contact the Juvenile Investigations Unit if:

- Questioning would be better conducted by an investigator from the Juvenile Investigations Unit; or
- If any information leads to probable cause for arrest.

Investigators from the Juvenile Investigations Unit will use the Enhanced Miranda Warning, which is:

A specific Miranda Warning where the investigator stops after each component to ensure that the minor understands and acknowledges the component and can restate the component in their own words. The investigator must be confident that the minor understands each of the components.

See P&P 8-xxx for additional information on interviewing of minors.

#### **D. Search of a Premises with Parental Permission**

1. A parent or guardian may give consent to search the room and personal belongings of a child living in the home.
2. The child may have an expectation of privacy if (because the person is 18 years of age or older, is paying rent, or for another reason), the parent may not be able to consent to a search of the child's room.

#### **E. Minors on Direct Supervised Probation**

1. Minors on direct supervised probation have a signed agreement in accordance with terms of their probation authorizing their probation officer(s) to perform a warrantless search of the minor's person and the area under the minor's immediate control at any time.
2. Being in the presence of a Juvenile Probation officer does not provide the same authority to an MPD member.
3. MPD members shall not use probation officers as their agent to perform warrantless searches.

#### **F. Detaining Students**

Whenever possible, members should coordinate with school administration to avoid taking custody of a student during school hours. If necessary to take custody of a minor during school hours, members will work with school administration to ensure it is done in the least intrusive and disruptive way.

#### **G. Searches of School Lockers**

1. Lockers may be inspected or searched by school authorities without a search warrant. School authorities may request to have a member present during the search.
2. If a member believes it is necessary to search a locker, authorization from the school principal or a warrant signed by a judge shall be obtained.

#### **H. Strip Searches of Minors**

Strip searches on minors are likely to be frightening and impact minors more severely than adults. This is especially true for minors who are victims of abuse or neglect.

Strip searches of minors shall be conducted in accordance with P&P 9-203 Strip Searches and Body Cavity Searches.

Members shall only conduct strip searches of minors in exigent circumstances. This can include:

1. If there is probable cause that the minor possesses or has immediate access to a weapon, an implement that may reasonably be construed as a weapon, or contraband that can be used to harm themselves and others.
2. All other less intrusive methods of discovering and removing the weapon, implement that may reasonably be construed as a weapon, or contraband have been exhausted, including the use of alternative search techniques that can be performed while the minor is fully clothed.

Approval shall be obtained from a supervisor at the rank of Lieutenant or above before conducting a strip search on a minor.

A strip search shall be conducted by a member of the same gender as the person being searched and shall also be witnessed by another member or supervisor of the same gender as the person being searched, when practical.

Body cavity searches shall be prohibited unless for life saving purposes.

#### **I. Taking Custody of a Minor not Under Arrest**

1. Curfew and truancy violations

Curfew and truancy violations shall be handled in accordance with P&P 8-303 Minor Status Offenses and Citations.

2. Statutory limits on taking custody

MN Statute section 260C.175 Subd. 1 states: “No child may be taken into immediate custody except:

(1) with an order issued by the court in accordance with the provisions of section 260C.151, subdivision 6, or Laws 1997, chapter 239, article 10, section 10, paragraph (a), clause (3), or 12, paragraph (a), clause (3), or by a warrant issued in accordance with the provisions of section 260C.154;

(2) by a peace officer:

(i) when a child has run away from a parent, guardian, or custodian, or when the peace officer reasonably believes the child has run away from a parent, guardian, or custodian, but only for the purpose of transporting the child home, to the home of a relative, or to another safe place, which may include a shelter care facility; or

(ii) when a child is found in surroundings or conditions which endanger the child's health or welfare or which such peace officer reasonably believes will endanger the child's health or welfare. If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, the taking of the child into custody under this clause shall be consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1922;

(3) by a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision; or

(4) by a peace officer or probation officer under section 260C.143, subdivision 1 or 4.”

Note: there are no exceptions for these limits.

### 3. Protective pat-down searches

Weapon pat-downs shall only be performed when a member has reasonable articulable suspicion, based on specific and articulable facts, that a minor is armed and presently dangerous. Weapon pat-downs shall not be performed solely for member safety.

## **J. Handcuffing, Searching and Transportation of Minors in Other Cases**

In situations not described in this policy, minors shall be handcuffed, searched, and transported under the same rules and procedures as adults (see P&P 5-305 Control Options – Restraints).