



Minneapolis Police Department Policy and Procedure Manual

Number:
9-200

Volume Nine – Enforcement Policies

Adult Stops, Searches, Seizures and Warrants

9-201 Stops, Contacts and Weapons Pat-Downs (07/01/11) (01/25/16) (06/29/16) (10/05/16) (06/28/17) (xx/xx/24)

I. Purpose

This policy sets forth the procedures for conducting lawful contacts and detentions, that are in compliance with federal, state, and local laws, by Minneapolis Police Department (MPD) sworn members.

II. Search and Seizure Guiding Principles

MPD's guiding principles are:

- [A] Constitutional stops
- [B] Distinct and separate actions
- [C] Non-discriminatory policing
- [D] Procedural justice and professional policing
- [E] Gender and searches

A. Constitutional Stops and Seizures

Members shall conduct stops and seizures only in accordance with MPD policies and all the rights given to people under the United States Constitution, Minnesota State Constitution, and the MN Human Rights Act.

B. Distinct and Separate Actions

1. Voluntary contacts, field interviews, investigative detentions, vehicle stops, weapons pat-downs, searches, and arrests are distinct and separate actions, and each is governed by different legal and policy standards depending on the action.
2. Investigative detentions and voluntary contacts between the police and the community **do not** automatically justify a weapons pat-down or a search.
3. The nature of an interaction may change due to the member's actions during the interaction.

C. Non-Discriminatory Policing

Members are prohibited from any of the protected class statuses in P&P 5-104 to any degree when establishing reasonable suspicion or probable cause, except that:

Members may consider the protected class statuses in P&P 5-104 of a specific suspect or suspects in an ongoing criminal investigation when such information is part of a specific and detailed suspect description tied to a time and place. This consideration must be based on credible, reliable, and recent locally based information that links specific unlawful or suspicious activity to the person or group. The suspect description should also include other appropriate non-demographic identifying factors, such as clothing or an associated vehicle.

D. Procedural Justice and Professional Policing

Members shall use procedural justice and professional policing principles in accordance with P&P 5-109 during all contacts, including searches and seizures. Members shall apply the four pillars of procedural justice during all interactions, which are:

- **Voice:** Providing people the opportunity to explain their actions and ask questions before making a final decision.
- **Neutrality:** Making transparent, neutral decisions based only on relevant information.
- **Respect:** Being professional and courteous throughout the interaction and treat people with dignity and concern for their rights.
- **Trustworthiness:** Conveying trustworthiness throughout interactions by acting with professionalism, understanding, and transparency.

Such conduct fosters community trust, increases confidence in the police, and encourages greater cooperation to achieve shared public safety goals.

Members shall address, and in documentation, refer to people using names and pronouns appropriate to their gender as expressed or clarified by the person.

All members shall introduce or identify themselves by rank, last name, and agency, as soon as reasonable and practical.

E. Gender and Searches

1. In accordance with P&P 7-3001, transgender, gender queer, and non-binary people shall not be subject to more invasive, humiliating, or demeaning frisk and search procedures than other people in the field or in police facilities.
2. For a search, members shall, when feasible, ask transgender, gender queer, and non-binary people their preference with regard to the gender of the member searching them.

For example, “What gender member would you prefer to search you?”

- a. People’s preferences will be honored, when feasible.

- b. A person may be identified as transgender, gender queer, or non-binary if the person informs the member that they are transgender, gender queer, or non-binary, or if the member has a reason to believe that the person may be transgender, gender queer, or non-binary based on gender expression or prior interactions.

III. Procedures/Regulations

A. Voluntary Contacts

Voluntary contacts, such as business checks and directed patrols, shall be conducted in a friendly, professional manner. Most voluntary contacts do not require any written documentation or Body-Worn Camera (BWC) recording (see P&P 4-223 for activation requirements.) If the member seeks information about a suspected crime, the voluntary contact becomes a field interview.

B. Field Interviews

Although these contacts do not rise to the level of a stop or arrest, community members may interpret them as inherently coercive because they are conducted by law enforcement.

1. Legitimate purposes

- a. A member may initiate field interviews for legitimate law enforcement purposes.
- b. Members shall not take actions that could create reasonable suspicion unless they have specific facts to justify those actions (such as “jump outs”).
- c. Members shall not target treatment facilities and prior arrestees for drug possession, based solely on knowledge of drug addiction.

2. Person is free to leave

- a. The person is free to end the field interview at any time and refuse to answer the member’s questions.
- b. Members shall inform the person that they do not have to respond to questions and are free to leave. If a person refuses to answer questions during a field interview, they must be permitted to leave and not coerced to stay (e.g., blocking path of the person’s vehicle, touching to restrict the person’s movement, holding the person’s property, etc.).
- c. Members shall reply in the affirmative if asked by the person whether they are free to leave or may decline to answer questions.
- d. Members shall use non-coercive words, tone of voice, and actions that inform a reasonable person that the encounter, as well as their responses are provided voluntarily.

- e. A person's refusal to stop, refusal to answer questions, decision to end the encounter, or to walk or run away, cannot be used as the basis for establishing reasonable suspicion or restricting the person's ability to leave.
- f. Members shall not engage in conduct that would lead a reasonable person to believe they must comply, provide identification, respond, or to do anything such as leave the area.

3. Member introduction

Before asking any questions, members shall introduce themselves by their rank, last name, and agency (P&P 5-109) unless exigent circumstances require gathering information immediately.

4. Explain the purpose

As soon as possible, after the member has introduced themselves and informed the person that they are free to leave, the member shall explain the purpose of the encounter (P&P 5-109).

5. Identification of the person

- a. If asking a person to identify themselves, members shall inform the person that providing identification is voluntary.
- b. People are not required to carry any means of identification, nor are people required to identify themselves or account for their presence in a public place.

6. BWC required

In accordance with P&P 4-223, BWC activation is required for field interviews.

7. Initiate a call for service

In accordance with P&P 7-103, a call for service shall be initiated for a field interview.

8. Duration

The duration of the field interview should be as brief as possible. The success or failure of a meaningful field interview rests on the members ability to put the person at ease and establish a rapport.

C. Investigative Detentions

1. Reasonable suspicion required

Reasonable suspicion is required for all investigative detentions. The following subcategories are factors in establishing reasonable suspicion:

a. Articulable facts

- i. The member must have specific, articulable facts that, along with reasonable assumptions, support a belief that the person is committing, is about to commit, or has committed a crime, petty misdemeanor, or traffic offense.
- ii. One factor alone is typically not sufficient to establish reasonable suspicion and circumstances will vary in each case.
- iii. An anonymous tip must be sufficiently detailed, and all facts and circumstances must indicate the tip's reliability to give rise to reasonable suspicion.
- iv. The mere speculation that a person is carrying a gun is not sufficient.
- v. Neither is a very general description based on demographics and clothing.

b. Location

Members shall not make an investigative detention based **solely** on a person's presence in an area known for criminal activity.

- i. A member may use the fact that a location is known for a particular type of criminal activity as one fact among multiple factors that, when combined, establish reasonable suspicion. To conclude that the type of criminal activity in a specific location contributes to establishing reasonable suspicion, the member should be able to articulate how the nature, frequency, and recency of the criminal activity are relevant to the suspected crime.
 - For example, the fact that drug dealing is known to occur on a specific corner at a particular time of day within the past two weeks could be one fact that, when considered together with other facts, establishes reasonable suspicion that two people exchanging money on that corner at that time of day are engaged in a drug transaction.
 - By contrast, the fact that there has been a recent increase of nighttime, forced rear window burglaries in a particular area does not help to establish reasonable suspicion that a person flagging down cars in that area during the daytime is a burglar.
 - A location known for a specific type of criminal activity must be clearly defined (e.g., an address, a specific business location, a specific corner, a specific block or park, etc.) and cannot be a general area (e.g., a district, or an entire neighborhood) to be used as a factor in establishing reasonable suspicion.
- ii. Members shall avoid broad, boilerplate phrases such as "high crime area" when articulating reasonable suspicion.

c. Proximity to crime scene

Members shall not make an investigative detention based **solely** on a person's proximity to the scene of a reported or suspected crime.

- i. Members may use a person's proximity to the scene of a specific reported or suspected crime as a factor in formulating reasonable suspicion that the person committed that specific crime. However, members must explain how close the person was to the scene and why it was reasonable to believe the person was involved, based on their proximity to the scene. Relevant factors to consider include how recently the crime occurred and whether the person could have travelled that distance in that time, whether the member observes the person's behavior consistent with someone who just committed the crime, and whether the person matches any witness descriptions or observations of the incident.
- ii. This does not prohibit a member from "freezing" a crime scene in accordance with P&P 10-100.

d. Presence in company of others

Members shall not make an investigative detention based solely on the person's presence in the company of others suspected of criminal activity. The member must have additional reasonable articulable facts that the person is engaged, has been engaged, or is about to be engaged in criminal activity.

e. Response to police presence

- i. Sworn members shall not make an investigative detention based **solely** on a person's response to the presence of police, including a person's attempt to avoid contact with a sworn member (e.g., walking away, declining to talk, running away, or crossing the street to avoid contact). People may avoid contact with police for many reasons other than involvement in criminal activity.
- ii. Sworn members shall not intentionally provoke or attempt to provoke flight to justify an investigate detention or a foot pursuit (P&P 7-811).
 - For example, a member may not drive at a high rate of speed toward a group congregated on a corner, aggressively brake, and exit quickly with the intention of stopping anyone in the group who flees.

f. Unprovoked flight

If otherwise consistent with this policy, a member may conduct an investigative detention when a person in a location known for specific criminal activity runs, unprovoked, from the police and the member can articulate reasonable suspicion to believe the person is running because they are involved in the type of criminal activity prevalent in that location. This includes articulating how the person's

unprovoked flight is linked to their suspected participation in the type of criminal activity prevalent in that location.

Examples of facts that may establish a link between a person's unprovoked flight and the type of criminal activity prevalent in a location include:

- The member observes the person engaging in actions consistent with the occurrence of the specific crime prevalent at that location.
- The member has personal knowledge that the person has committed the crime previously.
- The member has personal knowledge that there was a recent call for service about that crime being committed at that location.

g. False information

Members shall not rely on information known at the time of reliance to be materially false or incorrect in establishing reasonable suspicion or probable cause (PC).

2. BWC required

- a. In accordance with P&P 4-223, BWC activation is required for investigative detentions.
- b. If activation was not already required, BWCs shall be activated as soon as the member observes activity on which they base their reasonable suspicion.
- c. When feasible, members shall state the basis for the detention on their BWC prior to making contact with the person or vehicle.

3. Notify dispatch

Members shall notify MECC, including the location of the detention, the number of persons being stopped, whether additional units are needed, and when safe to do so, a brief basis for the detention.

4. Backup

Members shall determine whether the circumstances warrant a request for backup assistance and whether the investigative detention can and should be delayed until such backup arrives.

5. Length of detention

- a. An investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the detention.

- b. The investigative detention shall not involve any delays that are unnecessary to the legitimate investigation of the members.
 - c. An investigative detention may turn into an arrest if it lasts for an unreasonably long time.
6. Scope of stop
 - a. The scope of the stop must be tied to the basis for it.
 - b. Members shall limit questions to those relevant and necessary to resolve the members suspicions.

7. Conversion to arrest

Actions that would indicate to a reasonable person that they are being arrested or indefinitely detained may convert an investigative detention ~~stop~~ into an arrest, which would require PC or an arrest warrant.

These actions may include displays of weapons, handcuffing the person, other shows of force or uses of force, etc.

8. Further actions

Unless justified by the reasonable suspicion for the initial detention, members must have additional, specific justification, to further restrict a person's freedom during an investigative detention by doing any of the following:

- Taking a person's identification or driver's license away from the immediate vicinity.
- Ordering a driver or occupant motorist to exit a vehicle.
- Directing a person to stand (or remain standing), sit, or lie in any place not of their choosing.
- Applying handcuffs.
- Transporting a person any distance away from the scene of the initial stop (including for the purpose of witness identification).
- Placing a person into a police vehicle.
- Any use of force, including pointing a firearm.
- Performing a weapons pat-down.

9. Introduce member

- a. Before asking any questions, members shall introduce themselves by their rank, last name, and agency (P&P 5-109) unless exigent circumstances require gathering information immediately.

- b. Members conducting an investigative detention ~~stop~~ shall provide the person with their business card or similarly accessible identification, which must include their first name, last name, and badge number.

10. Inform person of detention

Members shall inform the person detained that they are **not** free to leave and shall explain the reason for the detention, as soon as feasible after making contact.

11. Transport

- a. Members shall not transport a person who is the subject of an investigative detention to another location (including a precinct) for fingerprinting, questioning, or other investigatory purposes, unless one the following conditions apply:
 - The member has PC to make an arrest of the person.
 - The person requests to speak with members in a different location and is transported for questioning.
 - For the safety of the member or the person who was stopped for questioning.
- b. If a person will be transported, members shall transport the person no farther than necessary, to minimize the duration and intrusiveness of the stop.
- c. When a transport is requested or necessary, members shall notify a supervisor of the request or the intent to transport.
- d. When a transport is requested or necessary, members shall document the transport in the Police Report and via BWC.

12. Release of the person

Members shall immediately release a person from an investigative detention if the member no longer has reasonable suspicion that the person is committing, is about to commit, or has committed a crime, and the member has not developed PC to arrest within a reasonable time.

This may occur when, upon stopping the person, the member learns that the person is not a specific suspect being sought or that the person's actions or behaviors are justified and do not indicate a violation of law.

13. Explain reasons

If releasing a person from an investigative detention, the member shall explain the reason for the initial investigative detention and the reason for the release in a Police Report.

14. Provide record of the detention

When members complete an investigatory detention that does not result in a citation or arrest, the member shall provide a card to the people involved in the interaction with the member's first and last name, and the case control number that corresponds to the interaction and corresponds to the underlying documentation that may exist.

15. Transport back to initial location

If the person was taken to another location, provide return transportation to the scene of the initial detention. If the conditions at the original scene are dangerous for the member or the person, the person should be returned as close as possible to the location.

16. Weapons Pat-Downs

a. Justification

- i. A member must have specific and articulable facts, combined with rational assumptions from these facts, that the person is armed and presently dangerous to complete a weapons pat-down. Weapons Pat-Down's shall not be performed solely for officer safety (members must articulate the factors beyond the boilerplate term). Members should consider the following factors when considering whether to complete a weapons pat-down:
 - The type of crime suspected, particularly when it is a crime of violence where the use or threat of deadly weapons is involved.
 - The hour of the day and the location where the stop takes place.
 - The number of members present at the time of the stop.
 - Prior knowledge from dispatch or another source, that indicates the person may be armed and presently dangerous.
 - Visual indications that suggest the person is carrying a firearm or other deadly weapon, such as a bulge under the person's clothing, although members shall be mindful that most people carry mobile phones, wallets, or other personal items in their pockets and a bulge could indicate such personal items.
 - Whether the person is engaging in erratic, suspicious or nervous behavior.
 - Whether the person is acting in a threatening manner or refusing to cooperate, comply or follow instructions.
- ii. Weapons pat-downs shall not be used to conduct full searches designed to produce evidence or other incriminating material. See P&P 9-202 for more information on the plain feel exception.
- iii. Members shall not conduct a weapons pat-down based solely on a person's consent.

b. Distinct actions

An investigative detention and a weapons pat-down are two distinct actions, and both require independent reasonable suspicion (e.g., to stop a person there must be reasonable suspicion of criminal activity, but to stop a person and perform a weapon pat-down there must be reasonable suspicion of criminal activity for the investigative detention and reasonable suspicion that the person is armed and presently dangerous for the weapons pat-down).

c. Two members

Whenever available, weapon pat-downs should be conducted by at least two members, including one who performs the weapon pat-down and another who provides protective cover.

d. Gender identity preference

If a member of the same gender or the person's stated gender preference is present, that member shall conduct the weapons pat-down when available and appropriate.

e. Outer clothing only

Members are permitted only to pat the outer clothing of the person.

- i. Members shall not place their hands in pockets or reach into an article of clothing unless the member feels an object, they reasonably believe is a weapon, such as a firearm, knife, club, or other item, that could be used to harm the member or others.
- ii. The member shall not manipulate an object underneath clothing in an effort to determine the nature of the object.

f. Other objects being carried

- i. Members shall not open an object that a person is carrying, such as a handbag, suitcase, briefcase, sack, or other object that may conceal a weapon. Instead, the member should place it out of the person's reach.
- ii. The member shall not manipulate the exterior or search the interior of the object the person is carrying.
- iii. If the member reasonably suspects that harm may result if the unsearched object is returned to the person, the member may briefly feel the exterior of the object in order to determine if the object contains a weapon or other dangerous item.

g. Suspected weapon identified

- i. If, during a weapons pat-down, the member feels an item which is the shape and size of a weapon that could be used to harm the member or others, the member may reach into or disturb the article of clothing and remove the item.
- ii. If the person detained is arrested because an unlawful weapon was found, a search incident to arrest may be conducted in accordance with P&P 9-202.

h. Plain Feel

If, during a permissible weapons pat-down, or during the process of removing a suspected weapon found during a permissible weapons pat-down, the member discovers other items which are immediately apparent to be contraband or evidence of a crime, the member may lawfully seize those items, and the items may be considered when establishing PC to make an arrest or to conduct a search of the person.

i. Release of the person

If the person detained is to be released because no weapon was found, and there is no PC for an arrest, the member shall immediately release the person in accordance with the related sections under investigative detentions above.

j. Identification

- i. If no weapons are found during the weapon pat-down and members have no other reasonable suspicion of criminal activity, members shall not ID the person.
- ii. If unlawful weapons are found, members may ID the person.

17. Report required

Following an investigative detention, the member shall complete a Police Report, and shall include the following information:

- a. A detailed description of the circumstances that led to the investigative detention, including the facts that established reasonable suspicion for the detention (prior to the detention being made).
- b. Approximate duration of the detention.
- c. A complete description of the person, including height, weight, hair color, eye color, skin tone, identifying features (e.g., tattoos, scars, etc.), clothing type and color, and any other notable features or descriptors relevant to reasonable suspicion.
- d. The location of the detention, including the address or nearest intersection.

- e. The outcome of the detention, including whether a citation was issued, an arrest was made, a warning was issued, or the person was released due to the lack of continuing reasonable suspicion.
- f. Whether a weapons pat-down was done, and if so, the facts establishing reasonable suspicion that the person was armed and presently dangerous, and that the pat-down was necessary, and whether anything was identified during the pat-down.
- g. Whether a search was conducted based on PC, and if so, the facts establishing PC for the search.
- h. Whether a search returned any unlawful weapons, narcotics, or other contraband, and the nature of the contraband.
- i. Whether the investigative detention began as a voluntary contact or field interview.
- j. Whether the person was moved from the initial stop location, and if so, where they were taken to, and why they were moved from the stop location.
- k. If the member receives information during the call or the facts that the member observes indicate that a person has or is experiencing behavioral health disabilities.
- l. Members **shall not** use boilerplate language alone when describing the basis for an investigative detention.
- m. Members shall use specific and descriptive language individualized to the person stopped and the circumstances of the stop to describe the basis of the contact. The amount of detail required depends on the complexity of the encounter.

D. Consent Searches Prohibited During Stops

In accordance with P&P 9-202, members shall not conduct a search based on consent during a pedestrian or vehicle stop. Members may **only** conduct a search during a pedestrian or vehicle stop if there is a basis for the search other than consent.

E. Traffic Stops

In addition to the other requirements for investigative detention, the following additional requirements specific to stops involving vehicles apply:

1. Limitation regarding questioning passengers

While members may professionally greet passengers in a vehicle, members shall not question or require identification from passengers during a vehicle stop for a traffic violation or violations unless:

- a. The member has reasonable suspicion or PC that the passenger has committed a crime or an applicable traffic violation (such as not wearing a seat belt).

- i. If a member sees a passenger without their seat belt buckled during a vehicle stop, this provides them with reasonable articulable suspicion to ID and cite the passenger.
 - b. The member has a basis to believe that the passenger is being trafficked, experiencing domestic violence, is at risk from the driver or another person in the vehicle, or otherwise appears to require immediate medical assistance.
 - c. The member is confirming that the passenger is willing and able to drive the vehicle away to avoid impound of the vehicle.
2. Vehicle stops limited for certain types

Members shall not initiate a traffic stop when the only offenses are those listed below unless it is a commercial vehicle, or the member determines that the driver is operating the vehicle unsafely or creating an imminent safety hazard based on the totality of the circumstances:

- Failure to display registration tabs.
 - Driving with expired registration tabs.
 - Failure to illuminate license plate.
 - Rim or frame obscuring license plate, except for the plate letters and numbers.
 - Driving with only one functioning and visible headlight, brake light, or taillight.
 - Driving with only one functional sideview mirror present.
 - Driving without a rearview mirror, with the rearview mirror obstructed, or with an item dangling from the rearview mirror.
 - Driving without working windshield wipers.
 - Failure to signal a lane change or a turn.
 - Cracked windshield unless it substantially obscures the driver's view.
 - Window tint does not comply with Minnesota law.
- a. Members may lawfully stop or detain a driver for operating a vehicle in an unsafe manner or creating an imminent hazard to safety, even if they are engaged in one or more of the prohibited offenses.
 - b. The member shall document on their BWC and in the Police Report the unsafe operation or imminent safety hazard.
 - c. Simply because a driver is engaging in one or more of the above offenses (i-x) does not necessarily mean that they are operating the vehicle in an unsafe manner or creating an imminent hazard to safety. The member must determine if the driver is operating the vehicle unsafely or creating an imminent safety hazard based on the totality of the circumstances.
 - d. Members may mail a notice of repair issues to a vehicle owner when the only offenses are in the above list.

3. No citations for equipment violations

Members shall not issue a citation for any equipment violation including those in the above offenses list, subject to the following exceptions:

- a. If an equipment violation on a motor vehicle resulted in a motor vehicle crash or harm to another the driver may be cited or charged by complaint.
- b. If the member feels the equipment issue poses an imminent safety hazard or causes a public nuisance (e.g. loud mufflers, etc.), the member shall advise the driver to park the vehicle and get the issue resolved prior to driving the vehicle again.
- c. If a member encounters the same person operating the same vehicle with unresolved, imminent safety hazards or causing a public nuisance within a reasonable timeframe following the initial encounter, they may issue a citation.

This does not permit members to initiate a stop for one of the above listed offenses.

4. Non-equipment violations

- a. This policy does not limit the ability of members to arrest people who have committed a criminal offense or have any outstanding warrants.
- b. If the incident does not involve an equipment violation, the member shall still inform the driver of the equipment violation when appropriate and available.

5. Issuing a Lights On! Coupon

For the below equipment issues, members shall not issue a citation but may issue a Lights On! Coupon. If a coupon is issued, the member should advise the driver of the location at which the repair can be made.

a. Applicable violations

Lights On! Coupons can be issued for the following equipment violations:

- Headlights.
- Turn signals.
- Rear lights.
- Rear license plate lights (subject to the conditions in section [c]).
- Parking lights.

b. Coupons not available

If Lights On! Coupons are not available, but the incident meets the Lights On! criteria, the member shall do all of the following:

- i. Advise the driver of the equipment violation.
 - ii. Provide a Blue Card (P&P 4-608) to the driver.
 - iii. Advise the driver to bring the Blue Card to the nearest precinct to get a Lights On! Coupon.
 - c. Coupon supply

Lights On! Coupons will be stocked at each precinct.

 - i. If no coupons are available, members shall request more coupons through their chain of command.
 - ii. The Chief's office will coordinate delivery of additional coupons.
6. Marijuana
 - a. The odor of marijuana does not provide members PC to search a vehicle, cite, or arrest a person.
 - b. Members will need additional evidence such as packaging, behavior indicating the person is under the influence, etc. in order to cite or any arrest a person for marijuana.
 - c. This provision does not prevent members from conducting a field sobriety test during a vehicle stop.
7. Initiating a traffic Stop

When making a traffic law enforcement (TLE) stop:

 - a. Members shall ensure that their BWC is activated prior to initiating the stop, in accordance with P&P 4-223.
 - b. Members shall state the basis for the stop on their BWC upon initiating the stop, when appropriate.
 - c. Members shall notify the dispatcher of the location of the stop and the license number of the vehicle being stopped, and initiate a call for service in accordance with P&P 7-103.

F. Disorderly Conduct and Obstruction of Legal Process

Conducting any of these in public or private space is considered disorderly conduct:

- Engaging in brawls or fights (see exception below).
- Disturbing an assembly or meeting, not unlawful in its character.

- Engaging in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonable to arouse, alarm, anger, or resentment in others.

Intentionally conducting any of these offenses is considered obstructing legal process:

- Obstructing, hindering, or preventing the lawful execution of any legal process, civil or criminal, or apprehension of another on a charge of conviction of a criminal offense.
 - Obstructing, resisting, or interfering with a peace officer while the member is engaging in performance of official duties.
 - Interfering with or obstructing a firefighter while they are engaging in performance of official duties.
 - Interfering with or obstructing members of an ambulance service personnel crew (i.e. EMTs, paramedics, etc.) who are providing, or attempting to provide emergency care.
 - Using threatening or forceful endeavors to obstruct any member.
1. If members encounter people that are engaged in disorderly conduct or obstruction of legal process (or both), members shall do the following. These requirements do not apply when a person is actively involved in an assault, engaged in a physical altercation, or using physical force to obstruct a member, firefighter, or ambulance service personnel crew:
 - a. Activate their BWC (P&P 4-223).
 - b. Announce over the radio their location and that they are issuing a warning for disorderly conduct or obstruction, if appropriate.
 - c. Request that the person or people stop engaging in the conduct or legal obstruction.
 - d. Permit a reasonable amount of time based on the totality of the circumstances for the people or persons to comply with the request to; and
 - e. Ensure the warning is recorded on their BWC.
 2. When issuing a warning for either disorderly conduct or legal obstruction of legal process, members shall state that the person or people are not being detained and are free to leave.
 3. The warning shall be documented on BWC, Computer Aided Dispatch (CAD), and by police radio. If the people or person stops the conduct than members do not have to document the warning in a Police Report.
 4. If the people or the person does not stop the conduct after a reasonable amount of time and given the totality of the circumstances, members have discretion to either detain and issue the appropriate citations or arrest the person or people engaging in the conduct.

5. All enforcement activities that take place shall be documented in a Police Report.

G. Supervisory Review of Stops

1. Preliminary review

- a. Supervisors shall first complete an initial review of all reports of stops in accordance with P&P 4-601 Report Responsibility to ensure the report contains all of the required elements. Supervisors shall approve or return the report for revision by the end of their shift.
- b. Supervisors are responsible for reviewing any pending reports by the end of their shift. This includes reports generated from part-time or other similar assignments in that precinct.
- c. No report shall sit in the pending queue longer than 24 hours without a supervisor review and approval.
- d. If all elements of the report are not completed accurately and thoroughly, the supervisor will send the report back to the member. The member must make the necessary changes and send the report back to the supervisor before the end of their shift.

2. Comprehensive review

- a. Supervisors shall complete a comprehensive review of all elements of the report within 72 hours of the search. The comprehensive review may be done at the same as the preliminary review or can be completed within 72 hours.
- b. The supervisor conducting the comprehensive review shall document and report:
 - i. Stops that appear unsupported by PC or are otherwise in violation of MPD policy or law.
 - ii. “Boilerplate” or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indications that the reports or forms may contain information that was not accurate at the time it was reported.
 - iii. Lack of clarity with respect to the specific role and involvement of each MPD member, including specifying which member saw or heard information or engaged with or observed a person engaging in a particular manner or completing a particular activity.
 - iv. Violations of the non-discriminatory policing policy (P&P 5-104).
- c. If further review is necessary to properly assess one of the above required elements (i-iv) or any other potential policy or legal issues, the supervisor shall send the comprehensive review to the shift Lieutenant or another secondary reviewer (which

can be a supervisor at least one rank above the person who completed the report that is being reviewed).

- d. The secondary reviewer shall review relevant BWC video and other evidence as necessary to complete the review.
- e. If violations or misconduct is found during any review of the report, the supervisor or secondary reviewer shall make a referral to Internal Affairs.
- f. Supervisors who fail to conduct complete, thorough, and accurate reviews of stops may be subject to discipline.

IV. Definitions

Boilerplate Language: Words or phrases that are standardized, “canned” or patterned and that do not describe a specific event, situation or set of circumstances (e.g., “furtive movement” or “fighting stance”). The use of boilerplate language alone is restricted or prohibited, as described in policy.

Reasonable Suspicion: An objective legal standard that is less than probable cause but more than a hunch or mere speculation.

1. Reasonable suspicion, which must be articulable, depends on all circumstances which the member observes and the reasonable assumptions that are drawn based on the member’s training and experience.
2. Reasonable suspicion can result from a combination of particular facts, which may appear harmless in and of themselves, but taken together amount to reasonable suspicion.
 - a. Reasonable suspicion should be founded on specific and objective facts or observations about how a person behaves, what the person is seen or heard doing, and the circumstances or situation in regard to the person, as either witnessed or known by the member.
3. Accordingly, reasonable suspicion must be described with reference to facts or observations about a particular person’s actions or the particular circumstances that a member encounters.
4. In accordance with P&P 5-104, the physical characteristics of a person are never, by themselves, sufficient. Instead, members may take into account the reported descriptors in P&P 5-104 of a specific suspect or suspects using credible, reliable, recent, locally based information that links specific, suspected, unlawful or suspicious activity to a particular person or group of people, and when the description also includes other appropriate non-demographic identifying factors (such as clothing or an associated vehicle).

Probable Cause (PC): Where facts and circumstances taken as a whole, known to the member at the time of the arrest, would lead a reasonable member to believe that a particular person has committed or is committing a crime. As with reasonable suspicion, probable cause is based upon an objective assessment of the facts and circumstances presented to or known by the member.

Mere Speculation: Assertions, ideas, or conjectures based on minimal or no evidence, often characterized by guesswork or assumptions without substantial support from facts or reliable information.

Types of Contacts:

Detention/Stop: If a reasonable person under the circumstances would believe they are not free to leave, a “detention” and/or “stop” has occurred. This includes, arrests, investigative detentions, vehicle stops, some crisis interventions, and health and welfare situations.

Arrest: Taking a person into custody, which may be imposed by force or may result from a person submitting to a member. An arrest is a restraint of greater scope or duration than an investigatory stop or detention. An arrest requires probable cause that a crime was committed or is being committed. This includes booking, citing in lieu of booking, and releasing pending charges.

Investigative Detention: An investigative detention is the temporary involuntary detention and questioning of a person where the person was stopped based on reasonable suspicion that the person is committing, is about to commit, or has committed a crime, petty misdemeanor, or traffic offense.

1. An investigative detention occurs whenever a member uses words or takes actions to:
 - Make a person halt or stop or restrict their ability to leave.
 - Compel a person to perform some act, such as ordering a person to show their hands, sit on a curb, etc.
2. If a reasonable person under the circumstances would believe that they are not free to leave, a “detention” and/or “stop” has occurred.

Pretext Stop: A stop initiated by members for a minor violation, with the actual purpose of investigating or searching for evidence of another, unrelated crime.

Vehicle Stop: The involuntary detention of a vehicle and the driver or the occupants of the vehicle.

Vehicle Stop- Criminal Investigation: Stopping a vehicle based on reasonable suspicion that the driver or occupants are committing, are about to commit, or have committed a crime. This is a type of investigative detention.

Vehicle Stop- Traffic Violation: Stopping a vehicle for a traffic violation for which the member has probable cause to believe occurred.

Voluntary Contact: A consensual and non-investigative encounter between a member and a person, with the intent of engaging in a casual or non-investigative conversation (e.g., chatting with a local business owner or resident). The person is free to leave or decline any request by the member at any point.

Field Interview: A voluntary contact during which a member may ask questions or try to gain information about possible criminal activity while making it clear that the person is free to leave and not obligated to answer the member's questions.

Weapons Pat-Down: Also known as a “frisk” or “terry frisk,” a weapons pat-down is a brief, non-probing running of the hands over the outside of a person's clothing, without manipulating objects. Weapon pat-down's are authorized when a member has reasonable suspicion that the person is armed and presently dangerous.

Search: Sometimes called a “full search,” is an inspection, examination or viewing of people, places, or items in which a person has a legitimate expectation of privacy. A search may be physical, visual, informational, or virtual.

1. A physical search could include grasping, prying into or manipulating persons or objects (e.g., reaching into a purse or pocket, feeling inside of the trunk of a car; physical manipulation of a duffel bag, etc.).
2. In some circumstances, a canine sniff may constitute a search as well (see P&P 7-807 Authorized Use of Canines).
3. Collecting someone's DNA from their person is a search.
4. An informational or virtual search could include searching of certain types of paper or electronic records for information.

Related Policies

4-223 Body Worn Cameras & In-Car Cameras

4-601 Report Responsibility

4-608 Victim Assistance Cards (Blue Cards)

5-104 Non-Discriminatory Policing

5-109 Procedural Justice and Professional Policing

7-103 Calls for Service

7-807 Authorized Use of Canines

7-811 Foot Pursuits

7-3001 Interactions with Transgender and Gender Non-Confirming Individuals

9-202 Warrantless Searches

10-100 Crime Scene Processing

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