



MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER

BY ORDER OF THE CHIEF OF POLICE

DATE ISSUED: xx xx, 2024	DATE EFFECTIVE: xx xx, 2024	NUMBER: SO24-0xx	PAGE: 1 of 16
TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: <b>Manual Revision –</b> <b><del>8-100 Interacting with Minors Juvenile Administrative Procedures and Search and Seizure</del></b> <b><u>8-101 Engaging with Minors</u></b> <b><del>8-101 Juvenile Policies</del></b> <b><del>8-102 Juvenile Terms and Definitions</del></b> <b><del>8-103 Mandatory Reporting of Maltreatment of Minors</del></b> <b><del>8-104 MECC and Parental Notification of Detained or Arrested Juveniles</del></b> <b><del>8-105 Juvenile Records</del></b> <b><del>8-105.01 Authorized Use of Juvenile Photographs</del></b> <b><del>8-105.02 Juvenile Photograph Expungement</del></b> <b><del>8-106 Juvenile Search and Seizure</del></b> <b><del>8-107 Interviews of Arrested Juveniles</del></b> <b><del>8-108 Arrest or Investigation of Juveniles at Minneapolis Public Schools</del></b> <b><del>8-109 Fingerprinting and Photographing Juveniles</del></b> <b><del>8-110 Juvenile Informants</del></b>			APPROVED BY:

MP-8806

**Introduction:**

Effective with the issuance of this Special Order, Section 8-101 of the MPD Policy and Procedure Manual shall be added as follows:

**8-101 Engaging with Minors**  
(xx/xx/24)

**I. Purpose**

The purpose of this policy is to provide guidance to MPD officers for interacting with juveniles in a developmentally appropriate, trauma-informed, and impartial manner. The goal is to minimize physical and psychological harm to minors while protecting public safety, fostering positive relationships, and promoting a departmental culture that upholds humanity, dignity, de-escalation, and the civil rights of all individuals. building and fostering healthy relationships with

minors, and to reinforce an organizational culture that values humanity, dignity, de-escalation, and the civil rights of all people.

## **II. Engaging with Minors Guiding Principles**

MPD guiding principles are:

- [A] Sanctity of life
- [B] Promote trust, and show respect and dignity
- [C] Procedural justice and professional policing
- [D] Non-discriminatory policing
- [E] Duty to de-escalate
- [F] Recognize protections
- [G] Acknowledge differences

### **A. Sanctity of Life**

Sanctity of life and the protection of the public are the cornerstones of the MPD's use of force policy. Members must recognize and respect the sanctity of life and value of all human life. Members shall make every effort to preserve human life in all situations.

### **B. Promote Trust and Show Respect and Dignity**

Members shall act at all times in a manner that promotes trust between MPD and the community it serves. Members shall exercise a high degree of ethics, professionalism, and respect for the public and the dignity of all people, and without discrimination or prejudice. (see P&P 5-102, P&P 5-103, P&P 5-104 and P&P 5-109)

### **C. Procedural Justice and Professional Policing**

Members shall practice procedural justice and professional policing principles in accordance with 5-109 during all contacts, including searches and arrests, when engaging with minors. Members shall apply the four pillars of procedural justice during interactions with minors, 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 minors using names and pronouns appropriate to their gender as expressed or clarified by the minor.

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

#### **D. Non-Discriminatory Policing**

Members are prohibited from any of the protected class statuses in P&P 5-104 as a factor 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 individual or group. The suspect description should also include other appropriate non-demographic identifying factors, such as clothing or an associated vehicle.

#### **E. Duty to De-escalate**

Sworn members have a clear affirmative duty to de-escalate and use de-escalation techniques and tactics to minimize the need to use force and increase the likelihood of voluntary compliance with legitimate and lawful orders (see P&P 5-301).

As with all situations, members should implement the steps of the critical decision-making model to inform their actions. When reasonably known circumstances indicate it is-feasible to do so, members shall:

1. Attempt to slow down or stabilize the situation so that more time, options, and resources may become available.
  - a. Consider, based on the member's actual observations and in the totality of the circumstances, whether a minor's lack of compliance is a deliberate attempt to resist or whether the subject may be noncompliant due to factors such as a mental health or medical condition, behavioral health challenges, physical or hearing impairment, language barrier, drug or alcohol use, or a crisis situation (P&P 7-809).
2. When feasible, members shall employ developmentally appropriate and trauma-informed de-escalation and communication tactics with minors including, but not limited to:
  - Using a calm and measured tone and neutral demeanor.
  - Using simple and direct language.
  - Avoiding threatening language.
3. Members may use repetition in a clear voice to reinforce instructions. When appropriate, members will allow time for the minor to comply with instructions.
4. Minors may not comply immediately, and members may need to try multiple times without resorting to force or the threat of force.
5. Members shall account for any fear-based reactions minors may experience during an encounter which may manifest as aggression, defensiveness, defiance, or flight.

6. Member presence may be intimidating and threatening to minor's, therefore members should approach calmly and respectfully in a non-confrontational manner while avoiding physical contact, if possible, to diffuse tension and anxiety while maintaining safety. Members should avoid using threats and intimidation to gain compliance from minors.
7. Members' duty to de-escalate continues throughout the entire encounter.

#### **F. Recognize Protections**

MPD recognizes that minors are afforded the same constitutional protections as adults, and that MPD may need to take additional measures when interacting with minors to ensure those rights are protected.

#### **G. Acknowledge Differences**

Members must acknowledge that minors are developmentally different from adults and therefore require the use of different approaches during voluntary contacts, investigatory detentions, searches, and custodial contacts.

Unlike adults, minors cannot fully consider the consequences of their behavior, due to the nature of adolescent brain development.

MPD recognizes the position members have as figures of authority to influence minors. A minor's interactions with law enforcement can have a lasting impact on their perceptions of the legitimacy of the justice system and their likelihood of reoffending. When faced with stressful situations such as interactions with law enforcement, minors may react anxiously and distrustfully. This can be exacerbated with minor's who have experienced trauma.

### **III. Policies and Procedures**

#### **A. Trauma-Informed Interactions**

Members should interact with minors in a trauma-informed manner. This includes:

1. Recognizing the signs and symptoms of trauma in minor.
2. Responding in a way that fully integrates knowledge about trauma into policies and practice and avoids re-traumatizing minors.
3. Creating an environment where minors feel safe in interacting with law enforcement.
4. Providing minors with the ability to voice any concerns and gain clarification from the member.

#### **B. Communication with Minors**

In addition to following the procedural justice policy (P&P 5-109), members interacting with minors should focus on:

- Speaking in clear and concise language.

- Slowing down and meeting minors at their mental and physical level (i.e. kneeling or sitting to be at eye level to reduce intimidation, using simple, clear developmentally appropriate language, and repeating instructions to ensure understanding) when feasible. Active listening and patience are crucial, allowing minors to express themselves without feeling rushed.
- Being attentive to a minor's actions over their words. Often, minors may comply even when their words suggest otherwise.
- Allowing minors the chance to express their thoughts.
- Answering any questions that the minor may have.
- Frequently checking with the minor regarding their comprehension of the situation. If the minor does not understand what is being asked of them, members should attempt to rephrase the statement in a way the minor can understand.

In accordance with 5-301, officers should avoid any threatening language.

### **C. Minors Under the Age of 10**

According to Minnesota State Statutes, juveniles minors under the age of 10 cannot commit a crime.

This means that minors under the age of 10 cannot be:

- Arrested;
- Issued a citation;
- Placed in secured detention at the Juvenile Minor Investigations Unit or JDC;
- Fingerprinted or photographed.

1. Juveniles Minors under the age of 10 may be detained to conduct an investigation.
2. Juveniles Minors under 10 years of age shall be taken into custody if a parent or legal guardian cannot be located. Officers Members shall contact First Response a Juvenile on-call investigator and Youth Connection Center (YCC) to determine where the child minor can be placed. A CARPS Police Report shall be completed for the offense, to include whom the juveniles minor was released to and/or the facility that the child minor was transported to.

~~Cases in which a juvenile under 10 years of age is listed as a suspect will be referred to the Hennepin County Attorney's Office with an accompanying Hennepin County Attorney "Delinquent Under 10 Referral Form". These forms can be obtained through the Juvenile Unit or Hennepin County Attorney's Office.~~

*[Moved from 8-304]*

3. Minors under 10 shall not be listed as an arrested person (AP). Another appropriate code shall be used (e.g., other, suspect, etc.).

### **D. Interacting with Minor Witnesses**

In accordance with P&P 10-216, minors witnesses shall not be subject to a detention or an interview against their will, solely because they are witnesses. Additionally:

1. Members investigating crimes shall make a reasonable attempt to locate a parent or guardian who can be present during the interview unless:
  - Reasonable efforts have failed to secure the presence of a parent or guardian, a Minor Investigations Unit investigator shall be present during the interview.
  - The offense involves a family member of the minor or if the parent or guardian is a suspect in the offense being investigated.
2. Members shall not interview a minor witness who is experiencing an emotional or behavioral health crisis or has an apparent mental health or developmental disability.
3. Members should ensure the security and privacy of the minor witness to the extent possible.
4. Members should ensure the comfort and overall well-being of the minor witness to the extent possible.
5. Members should use simple, developmentally appropriate language to ensure the minor understands that their responses are voluntary, they are not being detained, and that they are free to depart at any time (P&P 10-216). In accordance with P&P 9-201, members shall refrain from using words or actions that tend to communicate that the minor is not free to leave or that they must answer questions.
6. If members are in need of any clarification for appropriate next steps, they shall contact any of the following resources:
  - a. On-call minor investigations unit investigator.
  - b. Shift supervisor.
  - c. Car 710 or 712.

#### **E. Interacting with Minor Victims**

Members conducting an investigation with a minor victim shall:

1. Contact the minor's parent or guardian prior to receive consent to interview with the minor unless one of the below-listed exceptions applies:
  - a. If there is an immediate need to render aid, protect their safety, or to protect public safety. If medical attention is required members shall be in accordance with P&P 7-350.
  - b. Members have reasonable suspicion that the parent or guardian is the perpetrator of the offense. Members shall inform the minor that they can have a different parent, guardian, or supportive adult present if they wish.
  - c. If the minor initiated the call for service or otherwise requested law enforcement assistance. Members shall inform the minor that they can have a parent, guardian, or other supportive adult present if they wish.

2. If members are in need of any clarification for appropriate next steps, they shall contact any of the following resources:
  - a. On-call minor investigations unit investigator.
  - b. Shift supervisor.
  - c. Car 710 or 712.
3. Review next steps of the case with minor's parent or guardian to establish a clear understanding of what to expect.
4. Complete and submit all necessary reports and notifications, unless otherwise directed by a supervisor.
5. Members responding to a case of sexual assault with a minor victim shall follow P&P 7-349, including the requirements that:
  - a. Unless evidence or the investigation would be compromised, initial responding members should not attempt to interview the victim in situations in which a minor is involved. Instead, members should attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and whether a crime occurred. Members should seek to obtain information from parents, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrator (see P&P 7-349 for additional steps to be taken).
  - b. Members must comply with mandated reporting requirements when applicable (see P&P 7-349).

#### **F. Custody Disputes**

See P&P 8-210 for situations involving requests or disputes of legal custody.

#### **G. Domestic Abuse**

See P&P 7-314 for requirements and procedures in domestic abuse cases, as well as the sections in this policy covering minor witnesses, victims and offenders.

#### **H. Minor Offenders**

At all times, officers shall remain aware of and protect the rights of each minor offender or suspect who comes under MPD control. When no other alternative to arrest is feasible, officers shall process the minor in an expedient manner, in accordance with P&P 8-300.

#### **I. Minor Confidential Informants**

8-110 — Juvenile Informants

(03/06/97) (10/07/08)

(A-D)

The use of any juvenile as a Confidential Informant (CI) or Confidential Reliable Informant (CRI) is prohibited. This policy does not restrict or prohibit department personnel from accepting and utilizing information voluntarily offered by juveniles or obtained from them during the course of an investigation. Department personnel may actively solicit information and assistance from juveniles in the solving of crimes.

Minors require special review and approval before they can be used as confidential informants, and shall not be used except when approved and used in accordance with P&P 10-203.

*[Moved from 8-110]*

#### **IV. Definitions**

**Developmentally Appropriate:** Term used to reflect a general understanding of the social, emotional, physical, neurological, behavioral, and moral aspects of development in a minor.

**Juvenile Diversion:** Diversion is a program that provides minors an opportunity to avoid being charged and having a minor court record, through community accountability measures. This involves a diversion agreement and acceptance of responsibility. A program coordinated through the Juvenile Unit, which provides diversion/options for first time juvenile offenders.

**Child:** A person ~~Juvenile~~ under the age of 12.

**Minor:** A person ~~An individual~~ who is under the age of 18.

**Trauma:** An emotional response that results from exposure to an incident or series of events that are emotionally disturbing or life threatening with lasting effects on a person or communities functioning and mental, physical, social, emotional and/or spiritual well-being.

**Trauma-Informed:** Strategies, approaches or tactics that consider symptoms of trauma and mental health conditions when determining how to interact with a person.

*[Definitions moved from 8-102 - Juvenile Terms and Definitions and distributed between 8-100, 8-200, & 8-300]*

*[Moved to 8-200]*

*8-103 Mandatory Reporting of Maltreatment of Minors*

*[Moved to 8-300]*

*8-105.01 Authorized Use of Juvenile Photographs*

*8-105.2 Juvenile Photograph Expungement*

*8-106 Juvenile Search and Seizure*

*8-107 Interviews of Arrested Juveniles*

*8-108 – Arrest or Investigation of Juveniles at Minneapolis Public Schools*



**8-101 — Juvenile Policies**  
(10/07/08)

In the event that a Minnesota State Statute, Hennepin County or City of Minneapolis Ordinance referenced within sections 8-100, 8-200 and 8-300 is amended prior to the affected policy being updated, the statute or ordinance changes shall supersede the MPD juvenile policy.

**8-102 — Juvenile Terms and Definitions**  
(10/07/08)

**Amber Alert Program:** Utilizes the State's Emergency Alert System (EAS) and Minnesota Crime Alert Network (MNCAN). It allows law enforcement agencies to collaborate with local broadcasters through the use of an early warning system to alert the public when a child is in danger.

**Community Based First Response (First Response):** First Response social workers are available 24 hours per day, 7 days per week. First Response handles emergency shelter placements, telephone assessments of families in crisis and takes child & adult protection reports.

**Family Violence Unit – Child Abuse Section:** The Family Violence Child Abuse Section investigates cases involving adult or juvenile suspects for crimes of child abuse, physical or sexual abuse, child endangerment, neglect, deprivation of parental rights and parental kidnapping. The unit also reviews HLTWEL and juvenile CIC reports.

**Juvenile:** An individual who is under the age of eighteen (18) years.

**Juvenile Criminal Apprehension Team (JCAT):** A component of the Juvenile Unit that focuses on apprehending wanted juveniles.

**Juvenile Detention Center (JDC):** Located at 510 Park Avenue in downtown Minneapolis.

**Juvenile Diversion:** A program coordinated through the Juvenile Unit, which provides diversion/options for first time juvenile offenders.

**Juvenile Miranda:** Each component of the Miranda Warning is understood and acknowledged by the juvenile. The investigator must be confident that the juvenile understands each of the components.

**Juvenile Supervision Center (JSC):** JSC receives juveniles ages 10-17, who have been detained for curfew, truancy and other offenses which do not meet JDC booking criteria and whose parent/legal guardian is unable to be located. JSC is located in Room 21A, City Hall.

**Juvenile Unit:** MPD Juvenile Unit primarily investigates Robbery, Assault, Domestic Assault and Missing Person cases in which the offender is at least 10 years old and under 18 years of age. Cases involving juvenile offenders less than 10 years of age will be investigated by the Juvenile

Unit and referred to an appropriate agency for follow up. The Juvenile Unit also investigates school-related crimes.

The Juvenile Unit provides identification and processing services, as well as short term detention for arrested juveniles. During the hours of Juvenile Unit operation, juveniles arrested for any felony, gross misdemeanor or domestic assault shall be brought to the unit for processing. Staffing and workload permitting, Juvenile Unit investigators will transport juveniles to the appropriate destination after intake is completed.

The Juvenile Unit maintains all Runaway and Missing Juvenile files and serves as the central repository for juvenile criminal history records. The Juvenile Unit also provides investigative support to other units with on-going investigations involving juvenile suspects.

**The Link:** The Link provides intervention services and community outreach at the JSC.

**Low-level Offender:** A juvenile arrested for a non-status offense that does not meet JDC booking criteria

**Medical Neglect:** Medical neglect is the failure to provide appropriate health care for a child, thus placing the child at risk for serious disability, disfigurement or death. Concern is warranted not only when a parent/legal guardian refuses medical care for a child in an emergency or for an acute illness, but also when a parent/legal guardian ignores medical recommendations for a child with a treatable chronic disease or disability, resulting in frequent hospitalizations or significant deterioration.

**Minnesota Crime Alert Network (MNCAN):** A statewide communications network that enables law enforcement agencies to quickly alert the public about crime or criminals that may affect them.

**NCIC:** National Crime Information Center.

**Parent/Legal Guardian:** "Parent" means the birth or adoptive mother or father of a child and does not apply to a person whose parental rights have been terminated in relation to the child. A legal "guardian" is a person who has been appointed by a judge or social services agency, to take care of a minor child (to include foster parents).

**Runaway:** An unmarried child under the age of 18 years who is absent from the home of a parent or guardian or other lawful placement without the consent of the parent, guardian, or lawful custodian.

**Seales Interview:** Audio recording of a custodial interview.

**School Resource Officer (SRO):** SRO's are assigned to Minneapolis Public Schools and work together with school administrators, students, the Juvenile Unit, and the community to ensure school safety and security.

**Status Offender:** A juvenile status offender is a juvenile who is taken into police custody for an offense that would not be a crime if committed by an adult. This includes: truancy, curfew violations, runaway and underage possession or consumption of tobacco and alcohol products.

**8-103** — **Mandatory Reporting of Maltreatment of Minors**  
(10/07/08)

(A-D)

~~Sworn employees who receive a complaint of child abuse or neglect, or who become aware of such circumstances shall complete a CAPRS report which will be routed to the Family Violence Unit. Personnel from the Family Violence Unit shall report the incident to Hennepin County Child Protection.~~

**8-104** — **MECC and Parental Notification of Detained or Arrested Juveniles**  
(12/14/07) (10/07/08)

(A-D)

~~When juveniles are transported to any MPD facility or to a hospital for medical treatment, the transporting officer(s) shall notify MECC in order to prevent a Missing Person Report from inadvertently being taken. The transporting officer(s) shall ensure a reasonable attempt is made to notify the parent/legal guardian as to the juvenile's status.~~

~~It shall be the responsibility of the investigator/investigative unit to notify the parent/legal guardian, when a juvenile is received by them from officers. Juvenile Detention Center, Juvenile Supervision Center and MPD Juvenile Unit staff will attempt notification for juveniles admitted to their respective facilities.~~

**8-105** — **Juvenile Records**  
(10/07/08)

(A-D)

~~Records of juveniles who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older. These records are private data and may only be disseminated:~~

- ~~1. To the child or the child's parent or legal guardian unless disclosure of a record would interfere with an ongoing investigation;~~
- ~~2. By order of the juvenile court;~~
- ~~3. To the Minnesota Crime Victim's Reparations Board;~~
- ~~4. According to Minnesota State Statute 121A.28, which states that a law enforcement agency can provide the school where a student is enrolled with information regarding incidents in which the law enforcement agency has probable cause to believe the student has committed a controlled substance crime; possessed drug paraphernalia or simulated controlled substances; or consumed, purchased or possessed alcohol as a minor; and~~
- ~~5. As authorized under Minnesota State Statute 13.82, subdivision 2 which refers to information that is public data. **Note:** The only personal identifying information that can be released relating to a juvenile is the juvenile's age and sex.~~

**8-105.01** — **Authorized Use of Juvenile Photographs**  
(10/07/08)

(A-D)

Photographs of juveniles may be used only for institution management purposes, case supervision by probation agents and to assist law enforcement agencies to apprehend juvenile offenders. Juvenile photographs shall not be distributed to the public unless the criminal proceeding and/or complaint are available to the public and the child is 16 years of age or older.

## **8-105.02 — Juvenile Photograph Expungement**

(10/07/08)

(A-D)

Photographs of juveniles who have been adjudicated delinquent under Minnesota State Statute Chapter 260 shall not be expunged from law enforcement records or databases. Photos of juveniles who have not been adjudicated shall be destroyed (expunged) when the child reaches the age of 19 years.

## **8-106 — Juvenile Search and Seizure**

(10/07/08) (07/01/11) (10/10/22)

### **A. DNA Collection from Juveniles**

#### **1. Secure search warrant**

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

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

Consent for DNA collection from the person of any juvenile suspect or arrestee, shall adhere to the following requirements.

##### **a. Adult consent required**

- i. A juvenile 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 juvenile suspect or arrested person via consent shall require consent from both the juvenile and the adult.

b. Documenting consent

- i.—Consent from both parties 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 the Police Report.

**~~B. Search of a Premises with Parental Permission~~**

- 1.—A parent/legal guardian may give consent to the search of a room and personal belongings of a minor child living in the home.
- 2.—If the child has an expectation of privacy (because the child is an adult, is paying rent, or for another reason), the parent may not be able to consent to a search of the child's room.

**~~C. Juveniles on Direct Supervised Probation~~**

- 1.—Juveniles 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 juvenile's person and the area under the juvenile'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 officer.
- 3.—MPD officers shall not use probation officers as their agent to perform warrantless searches.

**~~D. 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 law enforcement officer present during the search.
- 2.—If a police officer believes it is necessary to search a locker, authorization from the school principal or a warrant signed by a judge shall be obtained.

**~~E. Strip Searches of Juveniles~~**

The strip search of any juvenile shall be done in accordance with P&P 9-201 Search and Seizure.

**~~F. Taking Custody of a Juvenile not Under Arrest~~**

- 1.—Curfew and truancy violations

Curfew and truancy violations shall be handled in accordance with P&P 8-200.

## ~~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~~

~~When taking custody of a juvenile (child) for a curfew or truancy violation or for one of the other reasons specified in MN Statute section 260C.175 Subd. 1, the following provisions apply (MN Statute section 260C.175 Subd. 3):~~

~~a. “Officers may perform a protective pat down search of the child in order to protect the officer's safety.~~

~~b. 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.~~

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

## **G. Handcuffing, Searching and Transportation of Juveniles in Other Cases**

In situations not described in this policy, juveniles shall be handcuffed, searched and transported under the same rules and procedures as adults.

## **8-107 — Interviews of Arrested Juveniles**

(10/07/08)

(A-D)

All juveniles taken into custody shall be advised of the nature of the crime in which they are suspected. Prior to any in-custody interview, all juveniles shall be advised of their Miranda Rights in Juvenile Miranda format and in accordance with the Scales decision. The child's physical condition, age, intelligence, educational level, prior experience with the juvenile justice system, and ability to comprehend the meaning and effect of statements should be carefully evaluated in each case.

The officer/investigator shall document the interview in a corresponding CAPRS statement.

Officers and investigators may allow a parent/legal guardian to be present during an interview of their child, if the presence of the parent/legal guardian is not deemed to be coercive or inhibiting.

If the juvenile refuses to be interviewed, investigators may re-approach at another time. If the juvenile requests an attorney, all questioning and contact must cease. A juvenile who has consulted with or retained an attorney (i.e. public defender at JDC), can not be contacted without approval of that attorney.

## **8-108 — Arrest or Investigation of Juveniles at Minneapolis Public Schools**

(12/14/07)

(A-D)

When an investigation requires the arrest or questioning of a student on school grounds or premises during school hours, officers shall solicit the cooperation of the School Resource Officer (SRO) and the Principal or other school administrative personnel. Assistance should be obtained prior to approaching a student on school property. When a juvenile is removed from school by police for any reason, the officer must sign the student out from school and thereby assume responsibility for the student. Furthermore, the officer(s) shall make a reasonable attempt to contact the parent/legal guardian of the juvenile, to advise them of the juvenile's status.

(10/07/08)

## **8-109 — Fingerprinting and Photographing Juveniles**

(10/07/08)

(A-D)

Fingerprinting and photographing will be done by personnel from the Juvenile Unit, Juvenile Detention Center or the Crime Lab.

- Status offenders shall not be fingerprinted or photographed.
- Juveniles arrested for a misdemeanor shall not be fingerprinted, but may be photographed each time they are arrested in order to maintain a current photo record.
- All juveniles arrested for a gross misdemeanor or felony shall be fingerprinted and photographed. If a juvenile arrested for a gross misdemeanor or felony was not fingerprinted and/or photographed, the arresting officer(s) shall document in their CAPRS report why it was not done.

Fingerprint records of juveniles shall be maintained in the Crime Lab.

**8-110 — Juvenile Informants**

(03/06/97) (10/07/08)

(A-D)

~~The use of any juvenile as a Confidential Informant (CI) or Confidential Reliable Informant (CRI) is prohibited. This policy does not restrict or prohibit department personnel from accepting and utilizing information voluntarily offered by juveniles or obtained from them during the course of an investigation. Department personnel may actively solicit information and assistance from juveniles in the solving of crimes.~~

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