

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

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TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 9-100 Adult Citations and Arrests 9-101 Felony Arrests– Adults 9-101.01 Felony and Gross Misdemeanor Arrest Report Requirements Public Information– Judicial Probable Cause 9-101 Adult Citations and Arrests Policy 9-102 9-103 Adult Citations and Misdemeanor Arrests– Adults 9-103 9-102 Booking Authorization and Procedures– Gross Misdemeanor Arrests– Adults 9-104 Arrests for Driving While Intoxicated (DWI) 9-104.01 Arrests for Crimes of Violence 9-105 Arrest Reports/Adult Detention Center 9-105 9-107 Citizen’s Arrest 9-106 9-108 Arrest or Detention of Injured Adults 9-106 Citations in Lieu of Arrest and Arrest Reports 9-107 9-109 Handcuffing Arrestees/Detainees 9-108 9-110 Transportation of Arrestees 9-109 Submitting Reports for Citations and Arrests 9-110 Supervisory Review of Arrests and Citations 9-111 9-114 Police Authority in Immigration Matters 9-112 9-111 Legislative Immunity 9-113 9-112 Diplomatic and Consular Immunity 9-114 9-113 Arrest and/or Detention of Foreign Nationals 9-115 Federal Arrestees– Including AWOLS			APPROVED BY:

MP-8806

Introduction:

Effective with the issuance of this Special Order, Chapter 9-100 of the MPD Policy and Procedure Manual shall be amended as follows:

9-101 Adult Citations and Arrests

(xx/xx/24)

I. Purpose

This policy sets forth the procedures for exercising arrests and citation powers, that are in compliance with federal, state, and local laws, by Minneapolis Police Department (MPD) sworn members.

II. Adult Arrest and Citation Guiding Principles

MPD guiding principles for arrests and citations are:

- [A] Constitutional arrests and citations
- [B] Non-discriminatory policing
- [C] Procedural justice and professional policing
- [D] Duty to de-escalate

A. Constitutional Arrests and Citations

MPD members shall conduct arrests and citations 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. Non-Discriminatory Policing

Members are prohibited from using any of the protected class statuses in P&P 5-104 to any degree when establishing reasonable suspicion or probable cause (PC), 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.

C. 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 during arrests or the issuing of citations. 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.

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

D. Duty to De-escalate

In accordance with P&P 7-802, sworn members have a clear affirmative duty to de-escalate and use de-escalation techniques and tactics whenever feasible, to minimize the need to use force, resolve incidents without the use of force when possible, and to increase the likelihood of voluntary compliance with legitimate and lawful orders. Members' duty to de-escalate continues throughout the entire encounter.

III. General Arrest and Citation Procedures

A. Probable Cause Required

Probable cause (PC) that a person has committed or is committing a criminal or citable offense is required for members to issue a citation or make an arrest.

Members shall not rely on information they know to be materially false or incorrect.

B. Prebook Process

For all arrests to be booked at the Hennepin County Jail (HCJ), the arresting member is required to complete the Hennepin County (HC) Prebook process online. In the event that the Prebook system is down, a paper form shall be completed at HCJ and provided to HCJ personnel.

III. Definitions

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

Arrest: Taking a person into custody, which may be imposed by force or may result from the 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.

Arrestee: A person that has been taken into custody, and the restraint and duration is greater than an investigatory stop or detention.

Detainee: A person who has been stopped, temporarily held/detained and not free to leave.

Citee: A person who has been issued a citation for non-arrestable offenses (i.e. petty misdemeanors).

9-101 — ~~Felony Arrests— Adults~~

(05/29/02)

(A-B)

[Moved to 9-103]

All probable cause adult felony arrests must be authorized at the scene of arrest whenever possible. In the event the supervisor is unable to respond to the scene of the arrest, authorization may be given by radio, telephone or MDT/MDC. The probable cause felony arrest may be authorized by:

- ~~• The arresting officer's supervisor, or~~
- ~~• An investigator from the concerned investigative unit/division, or~~
- ~~• Any other supervisor~~

Supervisors will add their remarks via MDT/MDC to indicate their approval of probable cause and also whether they made the approval at the scene or via radio/telephone or MDT/MDC.

Arrests made on the basis of warrants or PC pickups do not require supervisor's approval.

Prior to transporting arrestees to Hennepin County Adult Detention Center (HCADC), officers should consider a debriefing session. Arrestees shall be taken to HCADC for processing unless requested to be transported to the concerned investigative unit.

The Authority to Detain form (HC 6377) shall be completed. The approving supervisor's name and badge number must be listed in the remarks section of the Authority To Detain form. The name of the supervisor approving the arrest and continued detention of the suspect must be included in the narrative section of the CAPRS report.

The original will be left at the HCADC and the carbon copy shall be given to the Police Typist to accompany the CAPRS report. The 36 Hour Expiration Advisory (HC 6400) shall be completed. In order to comply with the Supreme Court imposed 48 Hour Rule, officers shall note the exact time of arrest. The time of arrest is not when the suspect was booked or when the reports were made. The original 36 Hour Expiration Advisory shall be left at HCADC and the carbon copy will be forwarded with the case to the appropriate investigative unit.

Arrests for criminal sexual conduct (CSC), including PC Pick ups, require an officer to complete a Criminal Sexual Assault Victim Notification form (HC 6170).

~~9-101.01 — Felony and Gross Misdemeanor Arrest Report Requirements Public Information — Judicial Probable Cause~~ ~~(05/29/02)~~

~~(A-B)~~

[Moved to 9-103]

For felony and gross misdemeanor arrests, the following guidelines apply:

In Supplement Zero (0) of the CAPRS data entry screen, a pre-written prompt entitled "Public Information" appears. Following this prompt, officers are to briefly detail an incident/arrest. No names, addresses or any other information that would identify a victim or witness shall be entered in this section of the report.

The next prompt is the Judicial Probable Cause Oath statement. Following this prompt, officers shall write approximately one to two paragraphs detailing the probable cause for the arrest.

Supplement One (1) of the CAPRS report shall describe the entire incident in detail.

In cases of an arrest based on a PC arrest bulletin (PC Pick-up), officers shall attach a PC Pick-up to the CAPRS report. Copies of the PC Pick-up may be obtained from the Transcription Unit's file or MPD Net.

After administering a written or oral oath, peace officers can sign a written report of another officer for the purpose of providing probable cause for the underlying arrest.

Officers shall swear to and sign their Judicial Probable Cause statement in front of an MPD notary. Peace Officers can sign a Probable Cause statement written by another officer for the purpose of providing probable cause for arrest.

MPD notaries shall witness the swearing and signing, and after such fact, shall sign the statement with their signature, license number, and the date their license expires.

The senior officer making the arrest is responsible for making sure all Probable Cause statements are notarized.

Transcription Unit staff shall distribute the signed and sworn statements to the Criminal History Unit during weekend and holiday hours and to the investigative units during normal work hours.

Criminal History staff shall fill out the court form and attach it to the arrest report.

This policy also applies to felony arrests of juveniles and to gross misdemeanor arrests.

~~9-102~~ ~~Gross Misdemeanor Arrests—Adults~~

(05/29/02)

(A-B)

[Moved to 9-103]

Supervisor approval is required for gross misdemeanor arrests. All other felony arrest procedures apply to gross misdemeanor arrests.

9-102 ~~9-103 Adult Citations and Misdemeanor Arrests—Adults~~

(05/29/02) (09/16/04) (09/14/18) (xx/xx/24)

(A-B)

[Moved from 9-103]

A. ~~B.~~ Payable Offenses

When a member has PC that an offense has or is being committed and the only misdemeanor charge is a payable offense, officers members shall either issue a warning, a citation, or refer the case for charging by a complaint.

B. ~~A.~~ Non-Payable Offenses

1. Adult misdemeanor violators shall be issued citations in lieu of arrest *unless* the member ~~officer~~ believes that one of the following circumstances (Rule 6 reasons) exists:
 - a. It is necessary ~~t~~To prevent bodily harm to the person ~~accused~~ or another.
 - b. It is necessary ~~t~~To prevent further criminal conduct.
 - c. There is a substantial likelihood that the person ~~accused~~ will fail to respond to a citation.
 - d. The ~~officer~~ member has found that the person ~~accused~~ has an outstanding warrant (not including ~~S~~sign and ~~R~~elease warrants).
2. ~~Officers making an arrest~~ Members booking under one of the circumstances listed above must be able to articulate to the court and shall document in their report the reason(s) why it was necessary to arrest the a-person rather than issuing a citation.
3. Supervisor approval is required when booking for rule 6 reasons.

C. Detaining for Citations and Misdemeanor Arrests

Members shall not detain a person longer than necessary to issue the citation or complete an arrest.

D. ~~C.~~ Proper Identification

1. Members shall attempt to verify a person's identification information prior to the issuing of a citation or an arrest.
 1. ~~Proper~~ identification includes, but is not limited to:
 - Minnesota DVS database,
 - State-issued identification card or Driver's License,
 - Consular ID or matricula consular,
 - U.S. or foreign passport,
 2. ~~In cases where an arrestee would be cited or charged by complaint~~ citation would be issued in lieu of arrest, and
 - The ~~officer~~ member cannot establish proper identification of the ~~accused~~-person,
and
 - The ~~officer~~ member has a specific articulable reason to believe the identification information provided is false,
then:
 - a. The ~~officer~~ member may transport the ~~accused~~-person to the Hennepin County Jail (HCJ) ~~and the jail will use~~ where IBIS will be used to identify them.

- b. Once the process is finished the ~~officer~~ member shall issue the citation, book the person, or forward for charging by complaint, *and*:
 - i. Transport the person back to the original location.;
 - or*
 - ii. If requested, transport the person to another mutually agreed-upon location in Minneapolis in the general vicinity of the original location.;
 - or*
 - iii. If requested, release the person outside the H CJ, Hennepin County Jail.
 - c. If the person was not identified through IBIS, the ~~officer~~ member shall still release the person after issuing the citation or forwarding for charging by complaint.
 - d. In their Police Report, members ~~Officers~~ shall document the attempts made to identify the ~~individual~~ person, the reasons for any transport, and any requests for release or transport outside of the original location.
3. In cases where the arrestee is identified, and the member discovers a felony or gross misdemeanor warrant they shall book the person to HCJ.
 4. In cases where an arrestee is identified, and the member discovers a sign and release warrant, contact the Hennepin County Sheriff's Office (HCSO). HCSO will verify if the arrestee can be released with a court date or if they should be booked to HCJ.

9-103

(A-B)

9-101 Booking Authorization and Procedures ~~Felony Arrests - Adults~~
(05/29/02) (xx/xx/24)

[Moved from 9-101]

A. Supervisor approval

1. A supervisor shall authorize all ~~probable cause PC~~ PC adult felony arrests. The supervisor shall respond to the scene of the arrest ~~must be authorized at the scene of arrest~~ whenever available ~~possible~~. In the event the supervisor is unable to respond to the scene of the arrest, a supervisor shall provide authorization ~~may be given~~ by radio, telephone or squad computer MDT/MDC. The ~~probable cause PC~~ PC felony arrest ~~may~~ shall be authorized by:
 - The arresting ~~officer's~~ member's supervisor, or
 - An investigator at the rank of Sergeant or above from the concerned investigative unit/division, ~~or~~
 - ~~Any other supervisor~~
2. If the above two supervisors are not available, the member may contact any available supervisor as a last case scenario- members shall make efforts to contact their direct

supervisor first. The name of the supervisor approving the arrest and continued detention of the suspect must be included in the narrative section of the Police Report.

3. Supervisors will add their remarks via squad computer MDT/MDC to indicate their approval of probable cause PC and also whether they made the approval at the scene or via radio, telephone or squad computer, when available MDT/MDC. If a supervisor is not available to add their remarks, they may authorize the member to enter remarks via squad computer to indicate their PC approval, how PC was received (e.g., via on scene, radio, telephone, or squad computer), and the supervisor that provided PC authorization.
4. Arrests made on the basis of warrants or PC pickups do not require supervisor's approval but do require Judicial Probable Cause (JPC) statement completion by the arresting member.

~~Prior to transporting arrestees to Hennepin County Adult Detention Center (HCADC), officers should consider a debriefing session. Arrestees shall be taken to HCADC for processing unless requested to be transported to the concerned investigative unit.~~

9-102 — Gross Misdemeanor Arrests — Adults

(05/29/02)

(A-B)

[Moved from 9-102]

5. Supervisor approval is required not needed for gross misdemeanor arrests when the suspect is being held under PC for charging (subject to the 36- and 48-hour hold rules- see P&P 10-213). For gross misdemeanor arrests where the members complete booking paperwork to release the suspect pending charges a supervisor approval is not required.

B. Booking forms

[Moved from 9-101]

1. The Authority to Detain form (HC 6377) shall be completed through Hennepin County (HC) Prebook database by the booking member. The approving supervisor's name and badge number must be listed in the remarks section of the Authority To Detain form. The name of the supervisor approving the arrest and continued detention of the suspect must be included in the narrative section of the CAPRS report.
2. The original will be left at the HCADC and the carbon copy shall be given to the Police Typist to accompany the CAPRS report. In accordance with P&P 10-213, the 36-Hour Expiration Advisory (HC 6400) form shall be completed in the HC Prebook database. In order to comply with the Supreme Court imposed 48-Hour Rule (P&P 10-213), officers members shall note the exact time of arrest. The time of arrest is considered the time the arrestee is notified that they are being placed under arrest, not the time of when the suspect was booked or report writing when the reports were made. The original 36-Hour Expiration Advisory shall be left at HCADC and the carbon copy will be forwarded with the case to the appropriate investigative unit.

3. For arrests for criminal sexual conduct (CSC), including PC pick-ups, the arresting member shall require an officer to complete a Criminal Sexual Assault Victim Notification form through the HC Prebook database (HC 6170).

9-104.01 — Arrests for Crimes of Violence

(05/29/02)

(A)

[Moved from 9-104.01]

4. Min. Stat. § MN Statute section 629.72 requires that victims of crimes of violence be notified of the an-arrested person's release. Domestic assault victims must also be notified of other relevant case information. Members shall complete a Victim Notification form through HC Prebook.

~~In order to comply with these laws, officers shall complete a Crime of Violence/Attempt Crime of Violence Information Form (HC 6194). This form shall be left at HCADC when the suspect is booked.~~

~~When a juvenile is booked at the Juvenile Detention Center for a crime of violence, a Victim Information Form must be completed. The forms are available at the Juvenile Detention Center.~~

9-101.01 — Felony and Gross Misdemeanor Arrest Report Requirements Public Information — Judicial Probable Cause

(05/29/02)

(A-B)

[Moved from 9-101.01]

C. Judicial Probable Cause Public Information

~~For felony, and gross misdemeanor arrests, and misdemeanor domestic assault arrest, the following requirements guidelines apply:~~

1. ~~In the JPC section in PIMS, Supplement Zero (0) of the CAPRS data entry screen, a pre-written prompt entitled "Public Information" appears. Following this prompt, officers members shall write a short but detailed statement documenting the PC for the arrest of each person. The member shall also include a brief synopsis of the incident. are to briefly detail an incident/arrest.~~
2. ~~No names, addresses or any other information that would identify a victim or witness shall be entered in this the JPC section of the report.~~
3. ~~The next prompt is the Judicial Probable Cause Oath statement. Following this prompt, officers shall write approximately one to two paragraphs detailing the probable cause for the arrest. The member shall thoroughly describe the entire incident in the non-public narrative in the report.~~

~~Supplement One (1) of the CAPRS report shall describe the entire incident in detail.~~

4. ~~In cases of an arrest based on a PC arrest bulletin (PC pick-up), officers members shall confirm attach a PC pick-up on the daily information brief and contact the necessary investigator to ensure the PC pick-up is still valid. to the CAPRS report. Copies of the PC Pick-up may be obtained from the Transcription Unit's file or MPD Net.~~
5. ~~After administering a written or oral oath, peace officers can sign a written report of another officer member for the purpose of providing the justification and PC probable cause for the underlying arrest.~~
6. ~~Records Information staff shall fill out the court form and attach it to the arrest report.~~
7. ~~All documentation related to the justification of and PC for felony and gross misdemeanor arrests shall be completed by the member before going off-duty.~~

~~Officers shall swear to and sign their Judicial Probable Cause statement in front of an MPD notary. Peace Officers can sign a Probable Cause statement written by another officer for the purpose of providing probable cause for arrest.~~

~~MPD notaries shall witness the swearing and signing, and after such fact, shall sign the statement with their signature, license number, and the date their license expires.~~

~~The senior officer making the arrest is responsible for making sure all Probable Cause statements are notarized.~~

~~Transcription Unit staff shall distribute the signed and sworn statements to the Criminal History Unit during weekend and holiday hours and to the investigative units during normal work hours.~~

~~Criminal History staff shall fill out the court form and attach it to the arrest report.~~

~~This policy also applies to felony arrests of juveniles and to gross misdemeanor arrests.~~

9-104 Arrests for Driving While Intoxicated (DWI)

(05/29/02) (xx/xx/24)

(A-B)

~~When suspects are arrested for DWI, they shall be taken to the Chemical Testing office, Room 19, for testing and video taping procedures. Suspects may be released after testing and issued a citation if they meet the conditions for issuing a citation in lieu of arrest.~~

All people arrested for a DWI shall be brought to HCJ for the booking identification and fingerprinting process in accordance with MN Statute section 229.C.10.

People arrested for misdemeanor DWI will be released after the booking identification and fingerprinting process unless a Rule 6 reason is present (see P&P 9-102).

Testing for DWIs shall be completed in accordance with P&P 7-605.

9-104.01 — Arrests for Crimes of Violence

(05/29/02)

(A)

[Moved to 9-103]

Minn. Stat. §629.72 requires that victims of crimes of violence be notified of an arrested person's release. Domestic assault victims must also be notified of other relevant case information.

In order to comply with these laws, officers shall complete a Crime of Violence/Attempt Crime of Violence Information Form (HC 6194). This form shall be left at HCADC when the suspect is booked.

When a juvenile is booked at the Juvenile Detention Center for a crime of violence, a Victim Information Form must be completed. The forms are available at the Juvenile Detention Center.

9-105 — Arrest Reports/Adult Detention Center

(05/29/02)

(A)

MPD is required to provide HCADC with a copy of the arrest report. Arrest reports are automatically routed to HCADC via the CAPRS system.

In the event that the CAPRS system is down, arrest reports shall be entered off line and printed. Officers shall deliver a photocopy of the arrest report to HCADC.

9-105 9-107 Citizen's Arrests

(05/29/02) (xx/xx/24)

(A-B)

[Moved from 9-107]

Citizen arrests for misdemeanor crimes can only be made when the crime was committed in the complainant's presence.

- A.** Citizens making arrests must complete a Citizen's Arrest Form (MP-3406) provided by members at the scene. The form shall be scanned to Property and Evidence and placed in the respective precinct evidence locker. ~~Security personnel from businesses that make arrests on a regular basis may be allowed to use the standard CAPRS offense report instead of the Citizen's Arrest form.~~
- B.** ~~Officers~~ Members shall determine whether the circumstances justify taking the accused person into custody. If ~~officers~~ members feel that the arrest does not meet legal standards is illegal, the ~~officer~~ member shall refer the complainant to the City Attorney's Office.
- C.** If the accused person is to be taken into custody, ~~officers~~ members shall verify the identity of the complainant and assist in completing the Citizen's Arrest Report. Complainants should be advised that the City Attorney will notify them if a formal complaint is needed.

Note: See P&P 7-606 regarding citizen's arrests for traffic violations. ~~Manual Section for Citizen's Arrest—Traffic Violation.~~

~~9-106 Citations in Lieu of Arrest and Arrest Reports~~

~~(05/29/02) (03/17/03)~~

~~(A)~~

~~[Moved to 9-102]~~

~~A CAPRS report must be completed when a citation is issued for the following:~~

- ~~• A non traffic offense;~~
- ~~• A traffic offense charged in connection with an accident;~~
- ~~• Any citizen's arrest;~~
- ~~• Driving after Revocation (DAR);~~
- ~~• Driving after Suspension (DAS);~~
- ~~• Driving after Cancellation (DAC);~~
- ~~• On charges of DWI, Careless Driving, Reckless Driving or any violation of the Open Bottle law.~~

~~Note: See Volume 8 for procedures for handling Juvenile traffic, criminal and status offenses.~~

9-106 **9-108 Arrests or Detention of Injured Adults**

~~(05/29/02) (05/19/08) (06/13/14)~~ (xx/xx/24)

~~(A-B)~~

~~[Moved from 9-108]~~

~~A. If the arrested person is experiencing an acute medical emergency, members shall request emergency medical services (EMS) as soon as practical (P&P 7-350). Adult arrestees, who are in need of medical attention and are not cleared for booking by EMS or jail staff shall be transported to Hennepin County Medical Center (HCMC) or to a local hospital for medical evaluation and treatment.~~

- ~~1. While awaiting EMS, MPD members assisting a person having an acute medical crisis shall provide any necessary first aid consistent with MPD training.~~
- ~~2. Naloxone (Narcan) shall be administered only in accordance with P&P 7-348.~~
- ~~3. Members shall reference P&P 7-350 for additional information on emergency medical response procedures.~~

~~B. Arrested subjects who have a high probability of requiring hospitalization, including those with known or suspected drug ingestion, shall be brought to HCMC whenever possible. Note: HCSO's contract is with HCMC and they prefer to take custody of arrestees at HCMC.~~

~~B. C. Officers Members are responsible for the custody of their arrestees while the arrestee is receiving medical attention.~~

- C. If an arrestee who will be booked into HCJ is brought to the hospital for medical treatment, MPD shall retain custody of the arrestee until the arrestee is transferred to HCJ. This does not apply to arrestees who will be issued a citation in lieu of booking or otherwise released without being booked.
- ~~D. D-~~ If an injured arrestee is delayed at the hospital longer than the arresting member is ~~officers~~ are able to wait, ~~officers~~ members shall contact a supervisor. Hospital personnel or hospital security will not hold or guard an arrestee.
- E. E. ~~Officers shall retain custody of arrested felons needing medical attention until the arrestee can be transported to HCJ. If an arrestee will be admitted to the hospital, the arresting member shall notify their on-duty supervisor, who will arrange for relief if necessary.~~
- F. F. ~~In the case of felony arrestees admitted to the hospital, the arresting officers shall notify their on-duty supervisor, who shall then contact the on-duty jail supervisor to arrange for relief. The arresting member's precinct shall retain custodial responsibility until properly relieved.~~
- G. G. ~~Officers assigned to the precinct where the arrest was made shall have custodial responsibility until properly relieved by the Hennepin County Sheriff's Office (HCSO). If an arrestee is brought to HCJ for booking and they are rejected due to needing medical evaluation or treatment, members shall ensure the arrestee is transported to the nearest available medical facility (e.g., via ambulance, squad, etc.).~~

9-106 — Arrest or Detention of Injured Adults

(05/29/02) (05/19/08) (06/13/14)

(A-B)

[Moved to 9-106]

- ~~A. Adult arrestees, who are in need of medical attention and are not cleared for booking by EMS or jail staff shall be transported to Hennepin County Medical Center (HCMC) or to a local hospital for medical evaluation and treatment.~~
- ~~B. Arrested subjects who have a high probability of requiring hospitalization, including those with known or suspected drug ingestion, shall be brought to HCMC whenever possible. Note: HCSO's contract is with HCMC and they prefer to take custody of arrestees at HCMC.~~
- ~~C. Officers are responsible for the custody of their arrestees while receiving medical attention.~~
- ~~D. If an injured arrestee is delayed at the hospital longer than the arresting officers are able to wait, officers shall contact a supervisor. Hospital personnel or hospital security will not hold or guard an arrestee.~~
- ~~E. Officers shall retain custody of arrested felons needing medical attention until the arrestee can be transported to HCJ.~~
- ~~F. In the case of felony arrestees admitted to the hospital, the arresting officers shall notify their on-duty supervisor, who shall then contact the on-duty jail supervisor to arrange for relief.~~

~~G. Officers assigned to the precinct where the arrest was made shall have custodial responsibility until properly relieved by the Hennepin County Sheriff's Office (HCSO).~~

9-107 — **Citizen's Arrests**

~~(05/29/02)~~

~~(A-B)~~

~~*[Moved to 9-105]*~~

~~Citizen arrests for misdemeanor crimes can only be made when the crime was committed in the complainant's presence.~~

~~Citizens making arrests must complete a Citizen's Arrest Form (MP 3406). Security personnel from businesses that make arrests on a regular basis may be allowed to use the standard CAPRS offense report instead of the Citizen's Arrest form.~~

~~Officers shall determine whether the circumstances justify taking the accused into custody. If officers feel that the arrest is illegal, the officer shall refer the complainant to the City Attorney's Office.~~

~~If the accused is to be taken into custody, officers shall verify the identity of the complainant and assist in completing the Citizen's Arrest Report. Complainants should be advised that the City Attorney will notify them if a formal complaint is needed.~~

~~Note: See Manual Section for Citizen's Arrest – Traffic Violation.~~

9-107 **9-109 Handcuffing Arrestees and Detainees**

~~(05/29/02) (xx/xx/24)~~

~~*[Moved to 9-109]*~~

~~All detainees/arrestees shall be handcuffed behind the back, unless a physical condition or other circumstances including sickness, injury or disability, does not allow for it. Handcuffs should also be double locked as soon as possible. Prisoners being transported to HCADC shall be handcuffed. Prisoners shall be handcuffed whenever taken outside the confines of the jail, except when handcuffing would deter the completion of an investigation.~~

~~Plastic handcuffs may be used to supplement standard handcuffs in emergency situations. They may also be used in mass arrest situations and are available in all sergeants' vehicles. Plastic handcuffs should not be used in felony arrests or for restraining mentally ill individuals.~~

~~Handcuffing shall be applied in accordance with P&P 5-305.~~

9-108 **9-110 Transportation of Arrestees**

~~(05/29/02) (07/19/18) (xx/xx/24)~~

~~*[Moved from 9-108]*~~

9-109 — Handcuffing Arrestees/Detainees

(05/29/02)

(A-B)

[Moved to 9-107]

~~All detainees/arrestees shall be handcuffed behind the back, unless a physical condition or other circumstances including sickness, injury or disability, does not allow for it. Handcuffs should also be double locked as soon as possible. Prisoners being transported to HCADC shall be handcuffed. Prisoners shall be handcuffed whenever taken outside the confines of the jail, except when handcuffing would deter the completion of an investigation.~~

~~Plastic handcuffs may be used to supplement standard handcuffs in emergency situations. They may also be used in mass arrest situations and are available in all sergeants' vehicles. Plastic handcuffs should not be used in felony arrests or for restraining mentally ill individuals.~~

9-109 Submitting Reports for Citations and Arrests

(xx/xx/24)

- A. Arresting members shall notify an on-duty supervisor of any pending reports before the end of their shift, and are encouraged to alert the supervisor as soon as the report is completed.
 - 1. The report shall be reviewed for approval by an on-duty supervisor by the end of their shift.
 - 2. Before the arresting member is relieved from their shift, they shall ensure that the report is approved, including any necessary revisions.
- B. Reports shall contain PC for either the arrest or issuing of the citation in a specific and clear manner.
 - 1. Members shall use specific and descriptive language and shall not use **only** boilerplate language.

9-110 — Transportation of Arrestees

[Moved to 9-108]

9-110 Supervisory Review of Arrests and Citations

(xx/xx/24)

A. Preliminary Review

- 1. Supervisors shall first complete an initial review of all reports of arrests and citations in accordance with P&P 4-601 Report Responsibility to ensure the report has all of the required elements. Supervisors shall approve or return the report by the end of their shift.

2. 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.
3. No report shall sit in the pending queue longer than 24 hours without a supervisor review and approval.
4. 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.

B. Comprehensive Review

1. Supervisors shall complete a comprehensive review of all elements of the report within 72 hours of the arrest or citation. The comprehensive review may be done at the same as the preliminary review or can be completed within 72 hours.
2. The supervisor conducting the comprehensive review shall document and report:
 - a. Arrests or citations that appear unsupported by PC or are otherwise in violation of MPD policy or law.
 - b. “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.
 - c. 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.
 - d. Violations of the non-discriminatory policing policy (P&P 5-104).
3. If further review is necessary to properly assess one of the above required elements (a-d) or any other potential policy or legal issues, the supervisor shall send the comprehensive review to the shift Lieutenant or another secondary reviewer.
4. The secondary reviewer shall review relevant BWC video and other evidence as necessary to complete the review.
5. If the responding supervisor identifies opportunities for growth or improvement, they shall provide the feedback and make any needed referrals to training, within 72 hours of their review of the incident, absent documented exceptional circumstances.
6. All policy violations shall be reported in accordance with P&P 2-101.
 - e. This includes the immediate notification requirements for force that appears to be unreasonable or constitute possible misconduct and instances of discriminatory policing. In such cases, the responding supervisor shall make direct contact with the Internal Affairs Commander immediately by phone (no voicemail messages or text messages), in accordance with P&P 2-101.

7. If the responding supervisor is making a referral to training and also reported a violation to Internal Affairs, the supervisor shall inform training so they can coordinate with Internal Affairs.
8. Supervisors who fail to conduct complete, thorough, and accurate reviews of arrests and citations may be subject to discipline.

9-111 — Legislative Immunity

(05/29/02)

(A)

[Moved to 9-112]

Officers shall observe legislators' privilege from arrest as set forth in the State of Minnesota Constitution, Article IV, Section 10:

"The members of each house shall in all cases, except treason, felony, and breach of the peace be privileged from arrest during the session of their respective houses, and in going to or returning from the same."

9-111 9-114 Police Authority in Immigration Matters

(05/29/02) (04/02/18) (xx/xx/24)

[Moved from 9-114]

- A. The United States Code, 8 U.S.C. §1101, empowers the U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE), Department of Homeland Security, as the sole authority in immigration matters.
- B. The MPD works cooperatively with all federal agencies, but the MPD does not operate its programs for the purpose of enforcing federal immigration laws. In addition, City of Minneapolis Ordinance §19.30 prohibits undertaking "any law enforcement action for the purpose of detecting the presence of undocumented persons, or to verify immigration status," except for a narrow exception for enforcing criminal laws such as relating to human trafficking and smuggling where immigration status is an element of the crime.
- C. ~~Officers~~ Members shall not undertake any law enforcement action for the purpose of detecting the presence of undocumented persons, or to verify immigration status, including but not limited to questioning any person about their immigration status.
 1. The **only exception** to this prohibition is when immigration status is an element of a crime. This is a very limited exception and applies only to the types of federal crimes prohibited under 8 U.S.C. §1324, that relate to the crimes of human trafficking and smuggling.
 2. When questioning, arresting, or detaining any person under this exception, the member ~~officer~~ must articulate and document the reason the member ~~officer~~ believes the exception applies.

3. ~~Officers~~ Members will take reports for missing, lost, or stolen identification cards of ~~for~~ foreign nationals in accordance with P&P 4-600 Specific Report Policies and Procedures.

~~9-112~~ — ~~Diplomatic and Consular Immunity~~

~~(05/29/02)~~

(A)

[Moved to 9-113]

~~Under international and federal law, diplomatic and consular officials are granted varying degrees of immunity and personal inviolability (i.e. freedom from arrest, detention, search etc.) depending on the position they hold. However, the privilege of personal inviolability must be balanced with the responsibility of the United States and its government bodies to protect the safety of its citizens. Police authorities may intervene to the extent necessary to halt activity that poses imminent danger to the safety of the public or when it is apparent that a serious crime may otherwise be committed.~~

1. ~~Diplomatic agents, family members recognized as part of their household, and members of their administrative and technical staff and their households enjoy full immunity from arrest, detention, criminal prosecution, and search of their person, property or residence.~~
2. ~~Members of their service staff have no privileges or immunities except for immunity from prosecution for acts related to performance of their official duties. Family members of the service staff have no privileges or immunity.~~
3. ~~Family members of diplomatic agents who are also U.S. citizens have no privileges or immunities. Staff members or their families who are U.S. citizens or permanent residents of the U.S. have no privileges or immunities.~~
4. ~~Consular officials, their families and staffs have no privileges or immunity related to arrest, detention, or search and seizure. The only exception is that career consular officers enjoy immunity from arrest unless the arrest is pursuant to a felony warrant.~~

~~The only authoritative document that can reliably identify a diplomatic or consular official is the identity card issued by the Department of State, Protocol Office. Other documents such as foreign diplomatic passports, U.S. diplomatic visas, tax exemption cards, or vehicle registration issued by the State Department do not conclusively indicate the diplomatic status of an individual. Officers presented with this type of identification should assume that the suspect might have some degree of immunity and attempt to verify further the diplomatic status of the suspect.~~

~~The on-duty Watch Commander must be notified of any incidents involving diplomats or consular officials. These incidents must still be fully documented on the CAPRS reports. The federal government, acting through the State Department may be able to take corrective action against foreign diplomats who violate U.S. criminal law.~~

9-112 ~~9-111~~ **Legislative Immunity**

~~(05/29/02)~~ (xx/xx/24)

(A)

[Moved from 9-111]

~~Officers~~ Members shall observe legislators' privilege from arrest as set forth in the State of Minnesota Constitution, Article IV, Section 10:

"The members of each house shall in all cases, except treason, felony, and breach of the peace be privileged from arrest during the session of their respective houses, and in going to or returning from the same."

9-113 — ~~Arrest and/or Detention of Foreign Nationals~~

~~(05/29/02)~~

(A)

[Moved to 9-114]

~~It is the obligation of the United States, including local municipalities, to notify foreign authorities when foreign nationals are arrested or otherwise detained.~~

~~If a foreign national is arrested or detained, the following must be done:~~

- ~~1. Immediately inform the foreign national of his/her right to have his/her government notified concerning the arrest or detention.~~
- ~~2. If the foreign national asks that such notification be made, do so without delay by informing the consulate or embassy.~~
- ~~3. In the case of certain countries, such notification must be made without delay regardless of whether the arrestee/detainee so wishes. The Operations Development Unit and MECC have a copy of the Foreign Consular Offices in the United States that contains all pertinent phone numbers for Consular/Embassy offices. These are:~~

- ~~● Algeria~~
- ~~● Antigua and Barbuda~~
- ~~● Armenia~~
- ~~● Azerbaijan~~
- ~~● Bahamas~~
- ~~● Barbados~~
- ~~● Belarus~~
- ~~● Belize~~
- ~~● Brunei~~
- ~~● Bulgaria~~
- ~~● China~~
- ~~● Cost Rica~~
- ~~● Cyprus~~
- ~~● Czech Republic~~
- ~~● Dominica~~
- ~~● Fiji~~
- ~~● Gambia~~
- ~~● George~~

- Ghana
- Grenada
- Guyana
- Hong Kong
- Hungary
- Jamaica
- Kazakhstan
- Kiribati
- Kuwait
- Kyrgyzstan
- Malaysia
- Malta
- Mauritius
- Moldova
- Mongolia
- Nigeria
- Philippines
- Poland (only non-permanent residents)
- Romania
- Russian Federation
- St. Kitts/Nevis
- St. Lucia
- St. Vincent/Grenadines
- Seychelles
- Sierra Leone
- Singapore
- Slovakia
- Tajikistan
- Tanzania
- Tonga
- Trinidad/Tobago
- Tunisia
- Turkmenistan
- Tuvalu
- Ukraine
- United Kingdom
- Uzbekistan
- Zambia
- Zimbabwe

Foreign consular officials have the right to visit their arrested/detained nationals unless the arrestee/detainee objects to such visits.

Under international and federal law, diplomatic and consular officials are granted varying degrees of immunity and personal inviolability (i.e. freedom from arrest, detention, search etc.) depending on the position they hold. However, the privilege of personal inviolability must be balanced with the responsibility of the United States and its government bodies to protect the

safety of its citizens. Police authorities may intervene to the extent necessary to halt activity that poses imminent danger to the safety of the public or when it is apparent that a serious crime may otherwise be committed.

1. Diplomatic agents, family members recognized as part of their household, and members of their administrative and technical staff and their households enjoy full immunity from arrest, detention, criminal prosecution, and search of their person, property or residence.
2. Members of their service staff have no privileges or immunities except for immunity from prosecution for acts related to performance of their official duties. Family members of the service staff have no privileges or immunity.
3. Family members of diplomatic agents who are also U.S. citizens have no privileges or immunities. Staff members or their families who are U.S. citizens or permanent residents of the U.S. have no privileges or immunities.
4. Consular officials, their families and staffs have no privileges or immunity related to arrest, detention, or search and seizure. The only exception is that career consular officers enjoy immunity from arrest unless the arrest is pursuant to a felony warrant.

The only authoritative document that can reliably identify a diplomatic or consular official is the identity card issued by the Department of State, Protocol Office. Other documents such as foreign diplomatic passports, U.S. diplomatic visas, tax exemption cards, or vehicle registration issued by the State Department do not conclusively indicate the diplomatic status of an individual. Officers presented with this type of identification should assume that the suspect might have some degree of immunity and attempt to verify further the diplomatic status of the suspect.

The on-duty Watch Commander must be notified of any incidents involving diplomats or consular officials. These incidents must still be fully documented on the CAPRS reports. The federal government, acting through the State Department may be able to take corrective action against foreign diplomats who violate U.S. criminal law.

9-113 9-112 Diplomatic and Consular Immunity

(05/29/02) (xx/xx/24)

(A)

[Moved from 9-112]

A. Under international and federal law, diplomatic and consular officials are granted varying degrees of immunity and personal inviolability (e.g., i.e., freedom from arrest, detention, search etc.) depending on the position they hold. However, the privilege of personal inviolability must be balanced with the responsibility of the United States and its government bodies to protect the safety of its citizens. Police authorities may intervene to the extent necessary to halt activity that poses imminent danger to the safety of the public or when it is apparent that a serious crime may otherwise be committed.

1. Diplomatic agents, family members recognized as part of their household, and members of their administrative and technical staff and their households enjoy full immunity from arrest, detention, criminal prosecution, and search of their person, property or residence.

2. Members of their service staff have no privileges or immunities except for immunity from prosecution for acts related to performance of their official duties. Family members of the service staff have no privileges or immunity.
 3. Family members of diplomatic agents who are also U.S. citizens have no privileges or immunities. Staff members or their families who are U.S. citizens or permanent residents of the U.S. have no privileges or immunities.
 4. Consular officials, their families and staffs have no privileges or immunity related to arrest, detention, or search and seizure. The only exception is that career consular officers enjoy immunity from arrest unless the arrest is pursuant to a felony warrant.
- B.** The only authoritative document that can reliably identify a diplomatic or consular official is the identity card issued by the Department of State, Protocol Office. Other documents such as foreign diplomatic passports, U.S. diplomatic visas, tax exemption cards, or vehicle registration issued by the State Department do not conclusively indicate the diplomatic status of a person ~~an individual~~. ~~Officers~~ Members presented with this type of identification should assume that the person ~~suspect~~ might have some degree of immunity and attempt to verify further the diplomatic status of the person ~~suspect~~.
- C.** The on-duty Watch Commander must be notified of any incidents involving diplomats or consular officials. These incidents must still be fully documented in the Police Report ~~on the CAPRS reports~~. The federal government, acting through the State Department may be able to take corrective action against foreign diplomats who violate U.S. criminal law.

[Moved from 9-112]

9-114 — ~~Police Authority in Immigration Matters~~

~~(05/29/02) (04/02/18)~~

[Moved to 9-111]

- ~~A. The United States Code, 8 U.S.C. §1101, empowers the U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE), Department of Homeland Security, as the sole authority in immigration matters.~~
- ~~B. The MPD works cooperatively with all federal agencies, but the MPD does not operate its programs for the purpose of enforcing federal immigration laws. In addition, City of Minneapolis Ordinance §19.30 prohibits undertaking “any law enforcement action for the purpose of detecting the presence of undocumented persons, or to verify immigrations status,” except for a narrow exception for enforcing criminal laws such as relating to human trafficking and smuggling where immigration status is an element of the crime.~~
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1. ~~The only exception to this prohibition is when immigration status is an element of a crime. This is a very limited exception and applies only to the types of federal crimes prohibited under 8 U.S.C. §1324, that relate to the crimes of human trafficking and smuggling.~~
2. ~~When questioning, arresting, or detaining any person under this exception, the officer must articulate and document the reason the officer believes the exception applies.~~
3. ~~Officers will take reports for missing, lost or stolen identification cards for foreign nationals in accordance with P&P 4-600 Specific Report Policies and Procedures.~~

9-114

~~9-111 Arrest and/or Detention of Foreign Nationals~~

(05/29/02) ~~(xx/xx/24)~~

(A)

[Moved from 9-111]

- A.** It is the obligation of the United States, including local municipalities, to notify foreign authorities when foreign nationals are arrested or otherwise detained.
- B.** If a foreign national is arrested or detained, the following must be done:
 1. Members shall immediately inform the foreign national of their his/her right to have their his/her government notified of concerning the arrest or detention.
 2. If the foreign national asks that such notification be made, members shall do so without delay by informing the consulate or embassy.
 3. In the case of certain countries, such notification must be made without delay regardless of whether the foreign national arrestee/detainee so wishes. ~~The Operations Development Unit and MECC has have a list copy~~ of the Foreign Consular Offices in the United States that contains all pertinent phone numbers for Consular/ and Embassy offices. These are:
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 - Algeria
 - Antigua and Barbuda
 - Armenia
 - Azerbaijan
 - Bahamas
 - Barbados
 - Belarus
 - Belize
 - Brunei
 - Bulgaria
 - China
 - Costa Rica
 - Cyprus
 - Czech Republic

- Dominica
- Fiji
- Gambia ~~eria~~
- George
- Ghana
- Grenada
- Guyana
- Hong Kong
- Hungary
- Jamaica
- Kazakhstan
- Kiribati
- Kuwait
- Kyrgyzstan
- Malaysia
- Malta
- Mauritius
- Moldova
- Mongolia
- Nigeria
- Philippines
- Poland (only non-permanent residents)
- Romania
- Russian Federation
- St. Kitts/Nevis
- St. Lucia
- St. Vincent/Grenadines
- Seychelles
- Sierra Leone
- Singapore
- Slovakia
- Tajikistan
- Tanzania
- Tonga
- Trinidad/Tobago
- Tunisia
- Turkmenistan
- Tuvalu
- Ukraine
- United Kingdom
- Uzbekistan
- Zambia
- Zimbabwe

C. Foreign consular officials have the right to visit their arrested/ or detained nationals unless the person arrested/detainee objects to such visits.

9-115 Federal Arrestees Prisoners—Including AWOLs
(05/29/02) (xx/xx/24)

(A)

~~For the purposes of this section, AWOL is Absent Without Leave from Military Service. If a member has an arrestee an officer has a prisoner that they believe has a federal warrant, including for Absent Without Leave (AWOL), the member officer shall confirm the warrant with Channel 7. The arrestee prisoner shall be transported to the Hennepin County Adult Detention Center Hennepin County Jail (HCJ) where the arrestee prisoner will be received into custody per MN Statute section Minn. Stat. §641.03.~~

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