

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

MISSION STATEMENT / GOALS AND VALUES

Working for You, Working with You, with Honor, Integrity and Pride

The Wadena County Sheriff's Office official goal is to protect and preserve life and property of the Wadena County residents and those who may be visiting Wadena County, so it is a safe place to live and visit.

The values the Wadena County Sheriff's Office holds true are to hire and maintain the best candidate for the job they are seeking, who carry with them high standards for professionalism and great morals (TEAM PLAYER). To enforce Minnesota State Statutes, preserve the wellbeing of all individuals, and be cognitive of the people's constitutional rights.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Table of Contents

Law Enforcement Code of Ethics.	1
Mission Statement / Goals and Values.	2
Chapter 1 - Law Enforcement Role and Authority.	8
100 - Law Enforcement Authority.	9
101 - Chief Executive Officer.	11
102 - Oath of Office.	12
103 - Policy Manual.	13
Chapter 2 - Organization and Administration.	17
200 - Organizational Structure and Responsibility.	18
201 - General Order and Special Orders.	20
202 - Emergency Operations Plan.	21
203 - Training.	22
204 - Electronic Mail.	26
205 - Administrative Communications.	29
206 - Supervision Staffing Levels.	30
207 - Permit to Carry a Pistol.	31
208 - Retiree Concealed Firearms.	35
209 - Handgun Purchase and Transfer Permit.	37
Chapter 3 - General Operations.	39
300 - Use of Force.	40
301 - Use of Force Review Boards.	54
302 - Handcuffing and Restraints.	57
303 - Control Devices.	61
304 - Conducted Energy Device.	66
305 - Officer-Involved Shootings and Deaths.	73
306 - Firearms & Ammunition.	82
307 - Vehicle Pursuits.	92
309 - Deputy Response to Calls.	103
310 - Canines.	107
311 - Domestic Abuse.	116
312 - Search and Seizure.	123
313 - Temporary Custody of Juveniles.	125
314 - Adult Abuse.	134
315 - Discriminatory Harassment.	139
316 - Child Abuse.	144
317 - Missing Persons.	153
318 - Public Alerts.	163
319 - Victim and Witness Assistance.	167
320 - Hate or Prejudice Crimes.	170
321 - Standards of Conduct.	173

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

322 - Information Technology Use.	180
323 - Report Preparation.	184
324 - Media Relations.	189
325 - Court Appearance and Subpoenas.	192
326 - Part-Time Deputies.	196
327 - Outside Agency Assistance.	202
328 - Registered Predatory Offender.	204
329 - Major Incident Notification.	210
330 - Prescription Drug Collection and Disposal Program.	212
331 - Death Investigation.	214
332 - Identity Theft.	218
333 - Private Persons Arrests.	220
334 - Limited English Proficiency Services.	222
335 - ADA Compliance.	230
338 - Pupil Arrest Reporting.	239
339 - Biological Samples.	240
340 - Chaplains.	242
341 - Public Safety Video Surveillance System.	248
342 - Child and Dependent Adult Safety.	253
343 - Service Animals.	257
344 - Volunteer Program.	260
345 - Native American Graves Protection and Repatriation.	267
346 - Off-Duty Law Enforcement Actions.	269
347 - Office Use of Social Media.	271
349 - Naloxone Program.	274
350 - Extreme Risk Protection Orders.	276
Chapter 4 - Patrol Operations.	280
400 - Patrol Function.	281
401 - Bias-Based Policing.	283
402 - Crime and Disaster Scene Integrity.	286
403 - SPECIAL WEAPONS AND TACTICS TEAM.	288
404 - Ride-Along Policy.	290
405 - Hazardous Material Response.	293
406 - Hostage and Barricade Incidents.	295
407 - Response to Bomb Calls.	300
408 - Civil Commitments.	305
409 - Cite and Release Policy.	310
410 - Foreign Diplomatic and Consular Representatives.	313
411 - Rapid Response and Deployment.	317
413 - Immigration Violations.	320
414 - Emergency Utility Service.	323
415 - Patrol Rifles.	324
416 - Aircraft Accidents.	326
417 - Field Training Officer Program.	330
418 - Obtaining Air Support.	351
419 - Contacts and Temporary Detentions.	353

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

420 - Criminal Organizations.	357
421 - Mobile Video Recorders.	361
422 - Mobile Data Terminal Use.	368
423 - Portable Audio/Video Recorders.	371
424 - Foot Pursuits.	380
425 - Homeless Persons.	385
426 - Criminal Conduct on School Buses.	387
427 - Public Recording of Law Enforcement Activity.	389
428 - Suspicious Activity Reporting.	392
429 - Crisis Intervention Incidents.	394
430 - First Amendment Assemblies.	399
431 - Civil Disputes.	406
432 - Medical Cannabis.	408
433 - Civil Disturbance.	411
434 - Body-Worn Cameras.	414
Chapter 5 - Traffic Operations.	424
500 - Traffic Function and Responsibility.	425
501 - Traffic Collisions.	428
502 - Vehicle Towing.	432
503 - Vehicle Impound Hearings.	438
504 - Impaired Driving.	440
505 - Traffic Citations.	447
506 - Disabled Vehicles.	451
507 - Abandoned Vehicle Violations.	452
Chapter 6 - Investigation Operations.	453
600 - Investigation and Prosecution.	454
601 - Sexual Assault Investigations.	459
602 - Asset Forfeiture.	460
603 - Informants.	467
604 - Eyewitness Identification.	474
605 - Brady Material Disclosure.	478
606 - Unmanned Aerial System.	481
607 - Scrap Metal Theft Investigation.	485
Chapter 7 - Equipment.	487
700 - Office-Owned and Personal Property.	488
701 - Vehicle Maintenance.	491
702 - Vehicle Use.	494
703 - Assigned Patrol Use Vehicle Policy.	499
704 - Cash Handling, Security and Management.	504
705 - Personal Communication Devices.	506
706 - Personal Protective Equipment.	510
Chapter 8 - Support Services.	515
800 - Dispatch.	516

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

801 - Property and Evidence.	522
802 - Records.	531
804 - Records Maintenance and Release.	533
805 - Protected Information.	539
806 - Computers and Digital Evidence.	544
807 - Jeanne Clery Campus Safety Act.	548
808 - Radio and Telephone Recording Access/Retention.	553
809 - CJIS Access, Maintenance, and Security.	554
Chapter 9 - Custody.	559
900 - Custodial Searches.	560
901 - Transporting Persons in Custody.	566
Chapter 10 - Personnel.	571
1000 - Recruitment and Selection.	572
1001 - Evaluation of Employees.	578
1002 - Special Assignments and Promotions.	582
1003 - Grievance Procedure.	584
1004 - Reporting of Employee Convictions and Court Orders.	586
1005 - Drug- and Alcohol-Free Workplace.	588
1006 - Sick Leave.	592
1007 - Communicable Diseases.	594
1008 - Smoking and Tobacco Use.	598
1009 - Allegations of Misconduct / Personnel Complaints.	600
1010 - Seat Belts.	611
1011 - Body Armor.	613
1012 - Personnel Records.	615
1013 - Request for Change of Assignment.	619
1014 - Commendations and Awards.	620
1015 - Fitness for Duty.	622
1016 - Meal Periods and Breaks.	625
1017 - Lactation Breaks.	626
1018 - Payroll Records Procedures.	627
1019 - Overtime Payment Requests.	628
1020 - Outside Employment.	630
1021 - Occupational Disease, Personal Injury and Death Reporting.	634
1022 - Personal Appearance Standards.	637
1023 - Uniform Regulations.	641
1024 - Nepotism and Conflicting Relationships.	648
1025 - Office Badges.	651
1026 - Temporary Modified-Duty Assignments.	653
1027 - Speech, Expression, and Social Networking.	657
1028 - POST Licensing.	661
1029 - Anti-Retaliation.	662
1030 - Line-of-Duty Deaths.	665
1031 - Wellness Program.	677

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Attachments.	682
Sheriffs Office Chain of Command 2016.pdf.	683
Vehicle Lighting Exemption Policy.pdf.	684
Sexual Assault Investigation model policy.pdf.	685
Public Assembly and First Amendment Rights model policy.pdf.	686
Records Retention Schedule.pdf.	687
2023 WCSO-Chain of Command.pdf.	688
Records Retention Schedule.pdf.	689
Model Sexual Assault Investigation Policy.pdf.	690
MN Public Assembly-First Amendment Rights Model Policy .pdf.	691
Model Sexual Assault Investigation Policy 02.16.21.pdf.	692
Model Sexual Assault Investigation Policy 03-03-21.pdf.	693
Visio-Wadena WG.pdf.	694
BWC Test Procedure.pdf.	695
Records Retention Schedule.pdf.	696
Money Handling Procedure.pdf.	697
General Order 18-01.pdf.	698
General Order 16-01.docx.pdf.	699
MN POST Professional Conduct of Peace Officers Model Policy.pdf.	700
WCSO Procedure Manual.pdf.	701
Sheriff-Law Enforcement - County General Records Retention Schedule.pdf.	702
WCSO-Chain of Command.pdf.	703
Confidential Informants Model Policy .pdf.	704
Eyewitness Identification Procedures Model Policy.pdf.	705
Release and Indemnity Agreement.pdf.	706

Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Wadena County Sheriff's Office to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Licensed deputies of this office are peace officers pursuant to Minn. Stat. § 626.84 Subd. 1.

100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE WADENA COUNTY SHERIFF'S OFFICE

Arrest authority of a full-time deputy or part-time deputy extends to any place within the jurisdiction of the officewhen (Minn. Stat. § 629.34, Subd. 1 and Minn. Stat. § 629.40):

- (a) Made pursuant to a warrant.
- (b) The person is being arrested for a felony.
- (c) The person is being arrested for a non-felony crime that was attempted or committed in the deputy's presence.
- (d) The person is being arrested for a non-felony crime that was not attempted or committed in the deputy's presence but an arrest is permitted by statute (e.g., domestic abuse, restraining order, and no contact order violations).
- (e) The person is a juvenile committed to the custody of the commissioner of corrections and committed a felony after he/she escaped from custody (Minn. Stat. § 609.485).
- (f) There is reasonable cause to believe that the person to be arrested has committed or attempted to commit theft from a merchant (Minn. Stat. § 629.366).

The arrest authority of a part-time peace officer is applicable only while on-duty (Minn. Stat. § 629.34, Subd. 1(b)).

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE WADENA COUNTY SHERIFF'S OFFICE

Full- and part-time, on-duty deputies may make an arrest outside the jurisdiction of the Wadena County Sheriff's Office (Minn. Stat. § 629.40):

- (a) Anytime the deputy may by law make an arrest for a criminal offense committed within the jurisdiction of the Wadena County Sheriff's Office, and the person to be arrested escapes from custody or flees out of the deputy's jurisdiction.
- (b) Whenever the deputy is authorized by a court order.
- (c) Under the same conditions as if the deputy was in the jurisdiction of the office, whenever the deputy is acting in the course and scope of employment.

A full-time deputy's warrantless arrest authority when off-duty and outside the jurisdiction of the office is limited to circumstances that would permit the deputy to use deadly force under Minn. Stat. § 609.066 (see the Use of Force Policy) (Minn. Stat. § 629.40, Subd. 4). Under any other

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Law Enforcement Authority

circumstances, the full-time off-duty deputy is limited to the same power as are members of the general public.

A deputy making an arrest should, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made.

100.2.3 GRANTING AUTHORITY TO OTHERS

A deputy may summon the aid of private persons when making an arrest pursuant to a warrant (Minn. Stat. § 629.30).

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other states:

- (a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state.
- (b) When a deputy enters Iowa or Wisconsin in fresh pursuit of a felony subject (Iowa Code § 806.1; Wis. Stat. § 976.04).
- (c) When a deputy enters North Dakota or South Dakota in pursuit of a subject who committed any offense (N.D.C.C. § 29-06-05; SDCL 23A-3-9; SDCL 23A-3-10).

Whenever a deputy makes an arrest in another state, the deputy shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Iowa Code § 806.2; N.D.C.C. § 29-06-06; SDCL 23A-3-12; Wis. Stat. § 976.04).

100.4 POLICY

It is the policy of the Wadena County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

While this office recognizes the power of peace officers to make arrests and take other enforcement action, deputies are encouraged to use sound discretion in the enforcement of the law. This office does not tolerate abuse of law enforcement authority.

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Minnesota Constitutions.

Chief Executive Officer

101.1 PURPOSE AND SCOPE

The Minnesota Legislature acting through the Minnesota Board of Peace Officer Standards and Training (POST Board) has mandated that all peace officers employed within the State of Minnesota shall hold a POST Board license (Minn. Stat. § 626.846).

101.1.1 CHIEF LAW ENFORCEMENT OFFICER REQUIREMENTS

Any chief law enforcement officer of this office, as defined in Minn. R. 6700.0100, shall as a condition of employment hold a license as a peace officer with the POST Board (Minn. R. 6700.0800; Minn. R. 6700.0501). The peace officer license shall be renewed every three years as required by Minn. R. 6700.1000.

101.1.2 SHERIFF REQUIREMENTS

Any person who files as a candidate for sheriff must be licensed as a peace officer in this state. Any person who is appointed to the office of sheriff must be licensed as a peace officer in this state before entering upon the duties of the office (Minn. Stat. § 387.01).

Prior to performing duties, a sheriff shall give bond to the state as prescribed by Minnesota law.

Oath of Office

102.1 POLICY

It is the policy of the Wadena County Sheriff's Office that, when appropriate, office members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Office and the dedication of its members to their duties (Minn. Stat. § 358.05).

102.2 PURPOSE AND SCOPE

Deputies of this office are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

102.3 OATH OF OFFICE

Upon employment, all employees shall be required to affirm, sign and date the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of the position, regardless of whether law mandates such an oath. The oath shall be as follows:

I, (employee name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Minnesota, and that I will faithfully discharge the duties of (applicable position or office) within and for the (name of political entity) and State.

102.4 MAINTENANCE OF RECORDS

Oaths mandated by law shall be filed as required by law (Minn. Stat. § 387.01; Minn. Stat. § 387.14). Other oaths shall be maintained consistent with other personnel employment records.

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Wadena County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this office. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this office under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Wadena County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for office administrative action, training or discipline. The Wadena County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

103.2.2 STAFF

Staff shall consist of the following:

- Sheriff
- The Chief Deputy
- Investigator/Sergant of Patrol Deputies
- Jail Administrator/PSAP Supervisor
- Any other employee designated or assigned by the Sheriff

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Policy Manual

103.2.3 OTHER PERSONNEL

All Office employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to the Chief Deputy who will consider the recommendation and forward it to staff.

103.3 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Departmental Directives may be abbreviated as "DD"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

CFR- Code of Federal Regulations.

Child- Any person under the age of 18 years.

County - The County of Wadena.

Non-sworn - Employees and volunteers who are not licensed peace officers.

Office/WCSO - The Wadena County Sheriff's Office.

DPS- The Minnesota Department of Public Safety.

DVS- The Minnesota Department of Driver and Vehicle Services.

Employee/personnel - Any person employed by the Office.

Manual - The Wadena County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Wadena County Sheriff's Office including:

- Full- and part-time employees
- Licensed peace officers
- Reserve, auxiliary deputies
- Non-sworn employees

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Policy Manual

- Volunteers.

Deputy - Those employees, regardless of rank, who are licensed peace officer employees of the Wadena County Sheriff's Office.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Peace officer - An employee of the Office who is required to be certified by POST pursuant to Minn. Stat. § 626.84, Subd. 1 or otherwise holds a peace officer license. The term includes licensed full-time and part-time officers who perform the duties of a peace officer.

POST - The Minnesota Board of Peace Officer Standards and Training.

Rank - The title of the classification held by a deputy.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other office members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., deputy-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one office member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the office network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Policy Manual

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Sheriff will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Supervisor will ensure that members under his/her command are aware of any Policy Manual revision.

All office members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Sergeants, who will consider the recommendations and forward them to the command staff as appropriate.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Office is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

200.2 SECTIONS

The Sheriff is responsible for for all sections of the Wadena County Sheriff's Office. There are three sections in the Sheriff's Office:

- Administration Section
- Patrol Section
- Jail / PSAP Section

200.2.1 ADMINISTRATION SECTION

The Administration Section is commanded by the Sheriff and managed by the Chief Deputy whose primary responsibility is to provide general management, direction and control for the Administration Section, including management of the Office budget. The Administration Section consists of Administrative Services, Command Staff, Civil Process and Records.

Annually, the Administrative Assistant shall develop and submit to the Sheriff a budget and an inventory of capital property, equipment and assets. Property, equipment and assets with a beginning value of more than \$5,000 and other items specifically identified for inclusion regardless of value, are capital property, equipment and assets.

The Administrative Assistant manages the Office finances and over sees the Records Manager.

200.2.2 PATROL SECTION

The Patrol Section is commanded by a Sergeant, whose primary responsibility is to provide general management, direction and control for the Patrol Section. The Patrol Section consists of Uniformed Patrol, Task Force Agent, SWAT, and Emergency Management.

The Patrol Sergeant is the leading Investigator for the Office.

200.2.3 JAIL / PSAP SECTION

The Jail is commanded by the Jail Administrator whose primary responsibility is to provide general management direction and control for the Jail. This consists of Custody Operations, which includes Inmate Control and Processing, Jail Investigations, Medical/Mental Health Services, Programs, Inmate Transportation and Court Security.

The PSAP is commanded by the Sergeant/Jail Administrator whose primary responsibility is to provide general management direction and control for the PSAP Center. This consists of 911 calls, General calls from the Public, Dispatching for other Agencies within the County, such as Law Enforcement, EMS and Fire Departments.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Organizational Structure and Responsibility

200.3 CHAIN OF COMMAND

See attachment: [2023 WCSO-Chain of Command.pdf](#)

200.3.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Office. During planned or unplanned absences the Chief Deputy shall act with the authority of the Sheriff.

Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff is as follows: Sheriff / Chief Deputy / Sergeants / Deputies / Administrative Assistant / Dispatchers / Jailers / Office Staff.

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, office policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason therefore.

General Order and Special Orders

201.1 PURPOSE AND SCOPE

Departmental Directives and Special Orders establish an interdepartmental communication that may be used by the Sheriff to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding or other collective bargaining agreement. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 DEPARTMENTAL DIRECTIVES PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 10-01 signifies the first Departmental Directive for the year 2010.

201.1.2 SPECIAL ORDERS PROTOCOL

Special Orders establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders are issued to the organization as a whole, to a section, to a unit or to an individual thereof and are temporary in nature. Special Orders become inoperative with the passing of the incident or situation that caused the order's issuance.

201.2 RESPONSIBILITIES

201.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by Departmental Directive.

201.2.2 SHERIFF

The Sheriff or designee shall issue all Departmental Directives and Special Orders.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES AND SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all Departmental Directives or special orders. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive or special order.

Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Chief Deputy.

Emergency Operations Plan

202.1 PURPOSE AND SCOPE

The County has prepared, in compliance with the Minnesota Emergency Management Act of 1996 (Minn. Stat. § 12.09), an Emergency Operations Plan Manual. This manual is for the guidance and use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

202.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Sheriff's Office, the Sheriff, the highest ranking official on-duty or an on-scene responder may activate the Emergency Operations Plan in response to a major emergency.

202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Wadena County Sheriff's Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

202.3 LOCATION OF MANUALS

The manual for employees is available in Administration, the Patrol Sergeant's office and in Dispatch.

202.4 PLAN REVIEW

The Administration Sergeant shall annually review the Emergency Operation Plan and recommend updates when applicable. The annual review, update, and approval of the plan and supporting documents must be in accord with the guidance provided by the Department of Public Safety, Division of Emergency Management and should incorporate a full or partial exercise, tabletop or command staff discussion (Minn. Stat. § 299J.10).

202.5 PLAN TRAINING

The Office shall provide training in the Emergency Operations Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles sheriff's personnel will play when the plan is implemented.

Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of office members.
- (c) Provide for continued professional development of office members.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

203.3 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

203.3.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

- (a) Federally mandated training:
 - 1. National Incident Management System (NIMS) training
- (b) State-mandated training:
 - 1. State training requirements include but are not limited to 48 hours of POST-approved law enforcement related courses every three years.

203.3.2 TRAINING RESTRICTION

The Chief Deputy shall ensure that a training program does not include any training on the detection of or use of the term "excited delirium" (Minn. Stat. § 626.8437).

203.4 TRAINING COMMITTEE

The Chief Deputy shall establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Training

The Training Committee should be composed of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee members should be elected based on their abilities at post-incident evaluation and at assessing related training needs. The Chief Deputy may remove or replace members of the committee at the Chief Deputy's discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury, or civil liability.
- (c) Incidents identified by the Office to determine possible training needs.

The Training Committee should convene on a regular basis, as determined by the Chief Deputy, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Chief Deputy. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

The Chief Deputy will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Office and available resources. Training recommendations as determined by the Chief Deputy shall be submitted to the command staff for review.

203.5 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Wadena County Sheriff's Office policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Chief Deputy.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Chief Deputy. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Office.

This policy of the Wadena County Sheriff's Office is the structure by which this Office operates and a guideline for its Employees to conduct their jobs properly and safely for themselves and the public.

It is mandatory that all Employees who are assigned to participate in the DTB program shall complete each DTB at the beginning of their shift, or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Employees may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave), (Part-time Employees who don't work a regular schedule will be required to complete the missed DTBs at

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Training

the beginning and during their shift.), upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor. If an Employee wishes to take their DTB while off duty, after approval from their supervisor, they will not receive compensation for doing so.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy. Any Employee falling behind on their DTBs will be spoken to by their Supervisor with a verbal warning. If the Employee continues to fail with keeping up with taking the DTBs, in a timely manner, they will receive a written reprimand from their Supervisor. It will be placed in their disciplinary file. Any Employee who continues to show insubordination by not taking their DTBs will receive day(s) off without pay by their Supervisor. *** As of the date of the latest issue of this policy, it will be mandatory that all Employees, covered in this policy, shall have all DTBs completed by the 7th day of the following month for the month assigned to the issued DTBs. ***

203.6 CLASSROOM DISCRIMINATION

The Chief Deputy shall ensure that procedures for the investigation and resolution of allegations of classroom discrimination are developed and implemented, and include the required elements (Minn. R. 6700.0900; Minn. R. 6700.0902).

203.7 REPORTING TRAINING TO POST

The POST Board distributes license renewals directly to licensed peace officers and requires the licensee to report completed continuing education courses from the previous license period. Deputies are responsible for responding to these requests in a timely manner and otherwise maintaining their licensed status.

203.8 TRAINING RECORDS

The Chief Deputy is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

203.9 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.
 - 4. Physical limitations preventing the member's participation.
 - 5. Emergency situations or office necessity.
- (b) Any member who is unable to attend training as scheduled shall notify the member's supervisor as soon as practicable but no later than one hour prior to the start of training and shall:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Training

1. Document the member's absence in a memorandum to the member's supervisor.
2. Make arrangements through the member's supervisor or the Chief Deputy to attend the required training on an alternate date.

203.10 POLICY

The Office shall administer a training program that will meet the standards of federal, state, local, and POST training requirements. It is a priority of this office to provide continuing education and training for the professional growth and development of its members.

203.11 CHIEF DEPUTY

The Sheriff shall designate a Chief Deputy who is responsible for developing, reviewing, updating, and maintaining the office training plan so that required training is completed. The Chief Deputy should review the training plan annually.

203.11.1 CHIEF DEPUTY RESPONSIBILITIES

The Chief Deputy shall ensure that all sworn members annually review the office policies identified in Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Office. Email is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law (e.g., Minnesota Data Practices Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration or practices of the Office.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including attachments, transmitted over the Office computer network or accessed through a web browser accessing the Office system are considered Office records and, therefore, are the property of the Office. The Office has the right to access, audit and disclose for whatever reason, all messages, including attachments, transmitted or received through its email system or placed into its storage.

Unless it is encrypted, the email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Office. Therefore, the email system is not appropriate for confidential or personal communication. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the Office email system shall have no expectation of privacy concerning communications utilizing the system.

204.3 PROHIBITED USE OF EMAIL

The Office email system shall not be used for personal purposes unless that use is authorized in writing by the Sheriff.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited, will constitute just cause for discipline, and will result in discipline, up to and including termination of employment

Email messages addressed to the entire office are only to be used for official business-related items that are of particular interest to all users and must be approved by the Sheriff or a Sergeant. Personal advertisements or announcements are not permitted.

It is a violation of this policy to transmit a message under another user's name or email address or to use the password of another to log onto the system. Users are required to log off the network or lock the workstation when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Electronic Mail

204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Minnesota Data Practices Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

204.5 PERSONAL WEB PAGES/GAMES

December 14, 2009

The purpose of this policy is to establish policy concerning personal web pages and/or sites with reference to the Wadena County Sheriff's Office and equipment owned by Wadena County.

204.5.1 POLICY

The Sheriff recognizes that employees have a right to have personal web pages and to participate in social networking sites. However, employees need to realize that references to and/or about the office have a possibility of negatively affecting public confidence in the Sheriff's Office, bringing discredit upon both the Office and the individual employee.

204.5.2 DISCUSSION

Websites, including but not limited to; "My Space", "Facebook", "Tagged", "MSN Messenger", along with any other personal e-mail accounts, other chat rooms etc. allow individuals to express themselves and seek communication with other individuals for personal relationships, friendships or other correspondences. A policy is necessary to ensure that employees use appropriate discretion with regard to reference to the Sheriff's Office and not discredit themselves or the Office of the Wadena County Sheriff.

204.5.3 PROHIBITIONS

Employees who have personal web pages, social networking pages or other types of internet postings, which can be accessed by the public, shall not identify themselves directly or indirectly as an employee of the Wadena County Sheriff's Office. Photographs or other depictions of the Office Uniform, badge, patches, vehicles and the Sheriff's Star shall not be used on employee's personal internet postings. Also, prohibited, is the use of any computer games or websites that utilize gaming entertainment. Use of Wadena County Sheriff's Office computers for the above practices is strictly prohibited.

204.5.4 LIMITATIONS

No sexual, violent, racial, ethnically derogatory material, comments, pictures, artwork, video or other reference may be posted at any time. Employees shall not post any material on the internet that brings discredit to and/or may adversely affect the efficiency or integrity of the Office.

Employees should consider the possible adverse consequences of internet postings, including but not limited to adverse affects on future employment, subject to cross-examination in criminal cases, as well as public and private embarrassment.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Electronic Mail

Employees are encouraged to seek the guidance of supervisors regarding any posting that may adversely reflect upon the Office or upon the professionalism and/or integrity of the employee.

Employees found violating this policy shall be disciplined in accordance with policy of the Wadena County Sheriff's Office.

Administrative Communications

205.1 PURPOSE AND SCOPE

Administrative communications of this office are governed by the following policies.

205.2 MEMORANDUMS

Memorandums may be issued periodically by the Sheriff or designee, to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status. Such orders are personnel data under Minn. Stat. 13.43 and shall be treated accordingly.

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Office are not misused, all official external correspondence shall be on Office letterhead. All Office letterhead shall bear the signature element of the Sheriff. Official correspondence and use of letterhead requires approval of a supervisor. Office letterhead may not be used for personal use or purposes.

Internal correspondence should use appropriate memorandum forms. These may be from line employee to employee, supervisor to employee or any combination of employees.

205.4 SURVEYS

All surveys made in the name of the Office shall be authorized by the Sheriff, his/her designee or a Sergeant.

205.5 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Office shall be promulgated by the Sheriff, his/her designee or Chief Deputies.

Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Office intends to balance the employee's needs against its need and inherent managerial right to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Office.

206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one Deputy on-duty at all times. The Patrol Sergeant will ensure, to the best of their ability, that at least two Deputies are deployed during the day and night shifts.

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a deputy may be used as a field supervisor.

With prior authorization from the Chief Deputy or their designee, a deputy may act as a supervisor for a limited period of time, consistent with the terms of applicable collective bargaining agreements.

Permit to Carry a Pistol

207.1 PURPOSE AND SCOPE

The Sheriff is given the statutory authority to issue a permit to carry a pistol to residents within the county and persons who do not reside in Minnesota. This policy will provide a written process for the application and issuance of such permits.

207.2 QUALIFIED APPLICANTS

To apply for a permit to carry a firearm, the applicant must meet the following requirements (Minn. Stat. § 624.714 Subd. 2):

- (a) Be a citizen or a permanent resident of the United States.
- (b) Must be a Minnesota resident of the county in which the permit is requested. Non-Minnesota residents may apply to any Minnesota county sheriff.
- (c) Be at least 18 years of age.
- (d) Submit a fully completed permit application form.
- (e) Must not be prohibited from possessing a firearm under Minn. Stat. § 518B.01 Subd. 14, Minn. Stat. § 609.224 Subd. 3, Minn. Stat. § 609.2242 Subd. 3, Minn. Stat. § 609.749 Subd. 8, Minn. Stat. § 624.713, Minn. Stat. § 624.719 Minn. Stat. § 629.715, Subd. 2; or Minn. Stat. § 629.72 Subd. 2.
- (f) Present a photocopy of a driver's license, state identification card, or the photo page of a passport.
- (g) Provide a certificate of completed authorized firearms training, conducted by a certified instructor, within one year of the original or renewal application.
- (h) Be free from any federal law prohibiting the applicant from possessing or owning a firearm.
- (i) Not be listed in the criminal gang investigative data system.
- (j) Pay the required processing fee.

207.3 APPLICATION PROCESS

Application forms shall be furnished by the Office upon request or available on the Internet (Minn. Stat. § 624.714 Subd. 3). The application must be submitted in person. Upon receipt of an application for a permit and any required fee, the Office must provide a signed receipt indicating the date of submission.

An investigation of the applicant to determine if he/she is eligible shall be conducted (Minn. Stat. § 624.714 Subd. 4). The Sheriff shall notify the Chief of Police, if any, of the municipality where the applicant resides.

The applicant will be notified within 30 days of the application whether the permit is issued or denied (Minn. Stat. § 624.714 Subd. 6). Failure to notify the applicant of a denial within the 30 days shall constitute issuance of the permit to carry.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Permit to Carry a Pistol

The permit shall be issued to the applicant unless a substantial likelihood exists that he/she is a danger to themselves or the public, he/she is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit. Upon issuing a permit the Office shall provide a laminated permit card to the applicant by first class mail or personal delivery and submit the information to the Commissioner of Public Safety within five business days.

If the application is denied, the Office shall send the applicant written notification justifying the denial, which includes the source of the justification. The Office shall inform the applicant of his/her right to submit additional documentation in support of the application and the right to seek judicial review.

An applicant whose application for a permit is denied may seek judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.714 Subd. 12).

207.3.1 ADDITIONAL STATE REQUIREMENTS

An applicant should not be denied a permit based solely on the applicant's participation in the medical cannabis registry program or if the applicant is of legal age and uses adult-use cannabis or other legal cannabis-related products (Minn. Stat. § 624.7152).

207.4 EMERGENCY PERMIT

A Sheriff may issue an emergency permit valid for 30 days if a determination is made that the person is in an emergency situation that may constitute an immediate risk to the safety of the person or to someone residing in the person's household (Minn. Stat. § 624.714 Subd. 11a).

207.5 SUSPENDING APPLICATION OR PERMIT

An application or permit to carry a pistol may be suspended by a district court as a condition of release following arrest for a crime against a person, and the issuing Sheriff will be notified (Minn. Stat. § 624.714 Subd. 12a).

207.6 VOIDING OR REVOKING PERMIT

The permit to carry becomes void if the holder becomes prohibited by law from possessing a firearm. If the Sheriff has knowledge that a permit is void, the Sheriff must give notice to the permit holder in writing (Minn. Stat. § 624.714 Subd. 8). When a permit holder is convicted of an offense that prohibits the person from possession of a firearm, the court must take possession of the permit if it is available and deliver it to the Sheriff.

The Sheriff may file a petition with the district court for an order to revoke the permit on the grounds that there is a substantial likelihood that the person is a danger to him/herself or to the public if he/she is authorized to carry a pistol under permit. The court shall issue an order revoking the permit if the Sheriff proves such danger by clear and convincing evidence.

A permit holder whose permit was revoked may seek a judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.714 Subd. 12).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Permit to Carry a Pistol

207.7 APPLICATION FOR RENEWAL

If a permittee wishes to renew the pistol permit, the permit may be renewed no earlier than 90 days prior to the expiration date in the same manner and under the same criteria the original permit was obtained (Minn. Stat. § 624.714 Subd. 7). The Sheriff shall issue a renewal if all statutory provisions are met.

The permittee must successfully retake an approved firearms course within one year of applying for the renewal permit (Minn. Stat. § 624.714 Subd. 2a).

207.8 CARRYING FIREARMS IN RESTRICTED AREAS

Firearm permittees, other than peace officers, are prohibited from carrying firearms within the following locations:

- (a) Secure areas of a public airport.
- (b) School property except as authorized by Minn. Stat. § 609.66, Subd. 1d.
- (c) A child care center while children are present except as authorized by Minn. Stat. § 609.66, Subd. 1d.
- (d) In a public place while under the influence of alcohol, or a controlled substance, or an intoxicating substance that the person has reason to know could cause impairment (Minn. Stat. § 624.7142, Subd. 1).
- (e) Public colleges and universities following implementation of a policy restricting the carrying or possession of firearms on their premises by employees and students while on campus. However, under Minn. Stat. § 624.714, Subd. 18 such prohibitions apply only to faculty and students. A violation of such restrictions by a person with a carry permit is not an arrestable offense and only subjects the violator to administrative sanctions.
- (f) Private establishments that have posted a sign banning firearms on their premises, provided the posting meets the requirements of Minn. Stat. § 624.714, Subd. 17.
- (g) Private establishments whose personnel inform the permit holder that firearms are prohibited and demand compliance. This provision is violated only after the permit holder refuses to depart the premises.
- (h) Places of employment, public or private, if the employer restricts the carrying or possession of firearms by employees. A violation of such restrictions by a person with a carry permit is not an arrestable offense and only subjects the violator to administrative sanctions.
- (i) State correctional facilities or state hospitals and grounds (Minn. Stat. § 243.55).
- (j) Any jail, lockup, or correctional facility (Minn. Stat. § 641.165).
- (k) Offices and courtrooms of the Minnesota Supreme Court and Court of Appeals as established by order of the court. Violation of such a ban by a permit holder may be enforced as civil or criminal contempt of court but is not a violation of the carry permit law.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Permit to Carry a Pistol

- (l) In a field while hunting big game by archery unless permitted by Department of Natural Resources regulations. (Minn. Stat. § 97B.211; Minn. Stat. § 97B.411).
- (m) In federal court facilities or other federal facilities (18 USC § 930).

Pistol permittees are required to comply with notices requiring presentation of the permit upon demand of a peace officer when carrying a firearm.

207.9 RECOGNITION OF PERMITS FROM OTHER STATES

A person who possesses a firearms permit from another state that is on the annual list of states with firearm regulations similar to Minnesota, published by the Commissioner of Public Safety, and that has reciprocity to carry a firearm in Minnesota has lawful authority to carry a pistol in Minnesota. The permit issued from another state is not valid if the holder is or becomes prohibited by law from possessing a firearm. The Sheriff may file a petition with the appropriate court to suspend or revoke a license from another state when there is a substantial likelihood that the license holder is a danger to him/herself or the public (Minn. Stat. § 624.714, Subd. 16)

Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Wadena County Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

208.2 POLICY

It is the policy of the Wadena County Sheriff's Office to provide identification cards to qualified former or retired Wadena County Deputies as provided in this policy.

208.3 FEDERAL AUTHORIZATION

Retired deputies of this office, qualified pursuant to 18 USC § 926C, may be authorized to carry a concealed firearm in Minnesota and other states. Such authorization requires that retired deputies comply with each element of 18 USC § 926C. These elements include carrying photographic identification issued by the Office and certification from the Office or the State that the retiree has been tested and certified within the past year to meet the training and qualification standards for active law enforcement officers of the Office or the standards established by the State of Minnesota.

It is the responsibility of the retired deputy to obtain certification and documentation necessary for federal authorization and to comply with all concealed carry requirements if such authorization is desired.

208.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former deputy and identify him/her as having been employed as a deputy.

If the Wadena County Sheriff's Office qualifies the former deputy, the LEOSA identification card or separate certification should indicate the date the former deputy was tested or otherwise found by the Office to meet the active duty standards for qualification to carry a firearm.

208.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former deputy of this office, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
 2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Retiree Concealed Firearms

person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by Minnesota law or by a private person or entity on his/her property if such prohibition is permitted by Minnesota law.

208.4 FORMER DEPUTY RESPONSIBILITIES

A former deputy with a card issued under this policy shall immediately notify the Chief Deputy of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions and Court Orders Policy.

208.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former deputy shall:

- (a) Sign a waiver of liability of the Office for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Office.
- (b) Remain subject to all applicable office policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

208.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Office. In the event that an identification card is denied, suspended or revoked, the former deputy may request a review by the Sheriff. The decision of the Sheriff is final.

208.6 FIREARM QUALIFICATIONS

The Firearms Instructor may provide former deputies from this office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Firearms Instructor and Chief Deputy will maintain a record of the qualifications and weapons used.

Handgun Purchase and Transfer Permit

209.1 PURPOSE AND SCOPE

The Sheriff is given the statutory authority to issue a permit to purchase or transfer a pistol to persons within the community. This policy provides a written process for the application and issuance of such permits.

209.2 APPLICATION PROCESS

To apply for a permit to purchase or transfer a pistol, the applicant must complete and submit a signed and dated Minnesota Uniform Firearm Application/Receipt to the Office (Minn. Stat. § 624.7131, Subd. 1). These forms shall be freely available to members of the community at locations determined by the Sheriff. Applications are also available on the internet (Minn. Stat. § 624.7131, Subd. 3).

Incomplete applications are not suitable for processing and may not be accepted.

The Office shall provide the applicant a dated receipt upon the presentation of the application (Minn. Stat. § 624.7131, Subd. 1).

209.3 INVESTIGATION

The Office shall conduct an investigation of the applicant to determine if they are eligible for a permit (Minn. Stat. § 624.7131, Subd. 2). The investigation shall include no less than:

- (a) A check of criminal histories, records, and warrants regarding the applicant through Minnesota crime information systems, the national criminal record repository, and the National Instant Criminal Background Check System.
- (b) A reasonable effort to check other available state and local record-keeping systems.
- (c) A check for any commitment history through the Direct Care and Treatment Executive Board of the applicant.

209.4 GROUNDS FOR DISQUALIFICATION

The Sheriff shall deny a permit to an applicant when the applicant is prohibited by state or federal law from possessing a pistol or semiautomatic military-style assault weapon, determined to be a danger to themselves or the public when in possession of a firearm, or listed in the criminal gang investigative data system (Minn. Stat. § 624.7131, Subd. 4).

209.5 GRANTING OR DENIAL OF PERMIT

The Sheriff shall issue a transferee permit or deny the application within 30 days of application for the permit. The permits and their renewal shall be granted free of charge (Minn. Stat. § 624.7131, Subd. 5).

The Sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial (Minn. Stat. § 624.7131, Subd. 5).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Handgun Purchase and Transfer Permit

When the refusal to grant a permit is due to a substantial likelihood that the applicant is a danger to themselves or the public when in possession of a firearm, the written notification shall provide the specific factual basis justifying the denial, including the source, and inform the applicant that they may submit additional documentation within 20 business days (Minn. Stat. § 624.7131, Subd. 4).

Upon receipt of additional documentation, the Sheriff shall reconsider the denial and inform the applicant within 15 business days of the result of the reconsideration. A notice of denial after reconsideration must be in the same form and substance as the original denial, specifically address any continued deficiencies, and inform the applicant of the right to judicial review of the denial (Minn. Stat. § 624.7131, Subd. 4).

A permit holder whose permit was denied may seek a judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.7131, Subd. 8).

209.6 VOIDING OR REVOKING PERMIT

The permit becomes void at the time that the holder becomes prohibited from possessing or receiving a pistol under Minn. Stat. § 624.713, in which event the holder is required to return the permit within five days to the Office.

The Sheriff shall revoke a permit once they become aware the permit holder is ineligible to possess firearms and shall provide the holder with written notice (Minn. Stat. § 624.7131, Subd. 7).

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Minn. Stat. § 626.8452).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized Device - A device a Deputy has received permission from the agency to carry and use in the discharge of that Deputy's duties, and for which the Deputy has: a) obtained training in the technical, mechanical and physical aspects of the device. b) developed a knowledge and understanding of the law, rules and regulations regarding the use of such device.

Bodily harm - Physical pain or injury.

Choke Hold - A method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

Deadly force - Force used by a Deputy that the Deputy knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

De-Escalation - Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Great bodily harm - Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Other Than Deadly Force - Force used by a Deputy that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

Totality of the circumstances - All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

300.2 POLICY

It is the policy of the Wadena County Sheriff's Office to ensure Deputies respect the sanctity of human life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Deputies shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the Deputy.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any deputy present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

300.2.2 TRAINING

- (a) Every newly appointed full and part-time Deputy shall be trained in the agency's use of force and use of deadly force policy before beginning their duties.

300.2.3 GUIDELINES - USE OF DEADLY FORCE

(Note: Due to many and varied circumstances existing in law enforcement, these guidelines allow for Deputy discretion exercised pursuant to conditions existing at the time.)

- (a) Warning shots will not be fired.
- (b) Discharging a firearm from a moving vehicle is inherently dangerous to both the involved Deputy and innocent third parties. Therefore Deputies should avoid firing

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

weapons from a moving vehicle except in circumstances permitting the use of deadly force and after careful consideration of the possibility of collateral injury or death.

- (c) Discharging a firearm at a motor vehicle which another is believed to be must conform to the use of deadly force parameters outlined in this policy.
- (d) Members of the Emergency Response Unit (SWAT) will conform to the provisions of this policy.

300.2.4 GENERAL RULES GOVERNING THE USE OF FORCE

- (a) Deputies shall use the least amount of force reasonably necessary to accomplish the intended objective without impairing the safety of others. This provision shall not be construed, however, to require Deputies to first attempt using types and degrees of force which reasonably appear to be inadequate to accomplish the intended objective.
- (b) Protracted hand-to-hand combat may be harmful to the public safety, the safety of law enforcement personnel, and the safety of the person being arrested or captured. Accordingly, it shall be deemed reasonable for Deputies to use that type and degree of non-deadly force necessary to bring a subject whom the Deputy intends to arrest or capture quickly under control.
- (c) Deputies shall carry only authorized devices, as that term is defined in this policy, unless circumstances exist which pose imminent threat to the safety of the Deputy or the public requiring the immediate use of non-approved weapons to counter such a threat.
- (d) No Deputy shall modify, alter, or cause to be altered an authorized device in his or her possession or control. This provision shall not be construed to prohibit Officers from modifying grips or sights on approved firearms in the Deputy's possession or control.

300.2.5 AUTHORIZED CONTACT DEVICES

- (a) Authorized contact devices shall be used only where efforts involving the use of less force have failed, or where it is reasonably appears that such methods would be ineffective if attempted. Contact devices may be only used in the following manner:
 - 1. Defensively: to ward off blows or kicks from another person; or
 - 2. Offensively: to strike another for the purpose of rendering that person temporarily incapacitated; or
 - 3. To restrain persons; or
 - 4. In appropriate crowd control situations, to direct and control the movement of people or persons, or as a barricade; or
 - 5. If the Deputy is justified in using deadly force, a contact device may be used to strike those areas where it is reasonably foreseen that such use would create a substantial risk of great bodily harm or death.
- (b) Deputies striking another person with a contact device should avoid striking, if possible, bodily areas, likely to result in great bodily harm or death, unless deadly force is authorized under this policy. These areas include the head, neck, throat, armpits, elbows, ribs, groin, knee caps and other joints.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

- (c) Deputies striking another person with a contact device should attempt to strike, if possible, bodily areas likely to result only in incapacity. These areas include major and minor muscle groups, nerve motor points, and pressure points as a means of gaining subject control through distraction, pain compliance, mental stunning, balance displacement, and/or motor dysfunction.
- (d) Persons struck with a contact device shall be transported to a medical facility to be examined by qualifying medical personnel.

300.2.6 CHEMICAL AGENTS

- (a) The use of chemical agents shall be governed by the provisions governing the use of non-deadly force. Only chemical agents which are approved shall be used. These include: CN (Chloroacetophenone), CS (Orthochlorobenzalmalononitrile), OC (Oleoresin Capsicum). Contained in three forms: solid, micropulverized or liquid. Disseminated by liquid, expulsion, fog, or pyrotechnic.
- (b) Deputies shall exercise due care to ensure that only intended persons are sprayed or otherwise subject to the application of chemical agents.
- (c) Chemical agents shall not be applied to any person for the purpose of inflicting punishment.
- (d) Decontamination, First Aid and/or medical attention shall be provided to all persons exposed to chemical agents.

300.2.7 USE OF ELECTRONIC DEVICES

For the purpose of this Office policy, electric device is recognized as Conducted Energy Weapon (CEW)

- (a) The use of CEW shall be subject to the provisions governing the use of non-deadly weapons.
- (b) Only CEWs which are approved shall be used.
- (c) Only CEW, X26, X2 and Taser7 will be approved electronic devices.

300.2.8 DISPLAY OF FIREARMS

(Note: Firearms may be readied for use on situation where it is reasonably anticipated that they may be required)

300.2.9 THREATENING THE USE OF FORCE

- (a) A Deputy may announce his/her intention to use only that type and degree of force which is reasonable under the circumstances.
- (b) This provision shall not be construed to authorize or endorse the use of discourteous, abusive or unprofessional language

300.2.10 PAIN COMPLIANCE & SUBJECT CONTROL TECHNIQUES

Pain compliance techniques may be effective in controlling a passive or actively resisting individual. Deputies may only apply those pain compliance techniques for which the deputy has

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

received office-approved training and only when the deputy reasonably believes that the use of such a technique appears appropriate to further a legitimate law enforcement purpose. Pain compliance techniques which this Office authorizes and the location on the human body are as follows:

Primary Pressure Points:

- Mandibular Angle
- Infra Orbital
- Hypoglossal
- Jugular Notch
- Brachial Plexus Origin
- Brachial Plexus Clavicle Notch

Primary Motor Points:

- Brachial Plexus Origin
- Suprascapular Nerve Motor Point
- Brachial Plexus Tie-In Nerve Motor Point
- Radial Nerve Motor Point
- Median Nerve Motor Point
- Common Peroneal Nerve Motor Point
- Femoral Nerve Motor Point
- Tibial Nerve Motor Point

Deputies utilizing any pain compliance technique should consider the totality of the circumstances including, but not limited to, the following:

- (a) The potential for injury to the deputy(s) or others if the technique is not used.
- (b) The potential risk of serious injury to the individual being controlled.
- (c) Whether the pain compliance technique is effective in achieving an appropriate level of control.
- (d) The nature of the offense involved.
- (e) The level of resistance of the individual(s) involved.
- (f) The need for prompt resolution of the situation.
- (g) If time permits, other reasonable alternatives.

Additional Subject Control Techniques approved by this Office:

Uncuffed Pain Compliance Techniques:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

- Two Finger Lock Ring
- Front or Rear Gooseneck
- Figure Four Rear Arm Bar
- Front Two Finger Lock

Uncuffed Takedowns:

- Tricep Tendon Takedown into Two Finger Lock
- Arm over Takedown to Disengage Tactics
- Arm over Takedown to Prone Submission Tactics
- Front Arm Across Prisoner's Face to Supine Takedown and Disengage Tactics
- Front Arm Across Prisoner's Face to Full Submission Takedown Arm Wrap and Control

Rear Handcuffed Takedowns:

- Two Finger Lock Takedown to Knees
- Gooseneck Cradle Takedown to Knees
- Two Arm Rear Trap Above Elbows to Knees
- Bent Knee Takedown to Knees
- Infra-Orbital Takedown to Knees
- Eye-Cup Takedown to Knees

Ground Control Holds for Submission Handcuffing:

- Prone Two Finger Lock Submission Using Officer's Hand
- Supine Arm Pit Climb into Arm Across Prisoner's Face and Arm Wrap Submission
- Prone Arm Pit Climb into Submission

Vertical Control of Violent Prisoners:

- One on One Vertical Wall Pin Control Under the Prisoner's Armpit
- Two on One Vertical Wall Pin Control Under the Prisoner's Armpits
- Two on One Double Chicken Wing Control to a Vertical Surface
- Two on One Control Using a Single Arm Trap On Each Side of Prisoner
- Officers Must Know the Difference Between Going Under the Armpit to a Lock or Going Over the Arm for a Potential Takedown
- All Vertical Control Needs to End in a Controlled Handcuffing Procedure. After the Handcuffing the Prisoner Must be Taken Off the Ground Without Injury

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

The application of any pain compliance technique, **and/or any use of force technique**, shall be discontinued once the deputy determines that compliance has been achieved, resistance ceases, other more appropriate alternatives can reasonably be utilized, or incident is under control.

300.2.11 ADDITIONAL REQUIREMENTS

A deputy reporting a use of force by another law enforcement officer or member pursuant to this policy shall also make the report in writing to the Sheriff within 24 hours (Minn. Stat. § 626.8475).

300.2.12 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE

A deputy may use reasonable force (Minn. Stat. § 609.06 and Minn. Stat. § 629.33):

- (a) In effecting a lawful arrest.
- (b) In the execution of a legal process.
- (c) In enforcing an order of the court.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

- (d) In executing any other duty imposed by law.
- (e) In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime.
- (f) In restraining a person with a mental illness or a person with a developmental disability from self-injury or injury to another.
- (g) In self-defense or defense of another.

A deputy who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such deputy be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with deputy commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness (Minn. Stat. § 626.8452).
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the deputy.
- (l) Potential for injury to deputies, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.3

300.3.4 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries (Minn. Stat. § 609.06, Subd. 3). The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following (Minn. Stat. § 609.06; Minn. Stat. § 609.066):

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy in any related reports.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Wadena County Sheriff's Office for this specific purpose.

300.3.6 DE-ESCALATION

a. A Deputy shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

b. Whenever possible and when such delay will not compromise the safety of another or the Deputy and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, a Deputy shall allow an individual time and opportunity to submit to verbal commands before force is used.

c. Deputies should exercise special care when interacting with individuals with known physical, mental health, development or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.

300.3.7 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

Deputies may not use any of the following restraints unless the use of deadly force is authorized (Minn. Stat. § 609.06; Minn. Stat. § 609.066):

- (a) A chokehold. For purposes of this policy, a chokehold only refers to the method of applying sufficient pressure to an individual to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air.
 1. If applied, a chokehold is subject to the same guidelines and requirements as a carotid control hold.
- (b) Tying all of an individual's limbs together behind the person's back to render the person immobile.
- (c) Securing an individual in any way that results in transporting the person face down in a vehicle.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified only if an objectively reasonable deputy would believe, based on the totality of the circumstances known to the deputy at the time and without the benefit of hindsight, that such force is necessary (Minn. Stat. § 609.066):

- (a) To protect the deputy or another from death or great bodily harm.
- (b) To effect the arrest or capture, or prevent the escape, of an individual whom the deputy knows or has reasonable grounds to believe has committed or attempted to commit a felony and the deputy reasonably believes that the person will cause death or great bodily harm to another person unless immediately apprehended.

In both scenarios, the use of deadly force is only authorized provided that the threat (Minn. Stat. § 609.066):

- Can be articulated with specificity.
- Is reasonably likely to occur absent action by the deputy.
- Must be addressed through the use of deadly force without unreasonable delay.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

However, a deputy shall not use deadly force against a person whose actions are a threat solely to themselves or property unless the person poses an imminent danger of death or serious physical injury to the deputy or others in close proximity (Minn. Stat. § 609.066).

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Office may require the completion of additional report forms, as specified in office policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

300.5.2 STATE REPORTING REQUIREMENTS

The Sheriff shall provide for the filing of a report with the Bureau of Criminal Apprehension (BCA) on a monthly basis and in the form required by BCA (Minn. Stat. § 626.5534).

There may be additional reporting requirements regarding misconduct (see the Standards of Conduct Policy) (Minn. Stat. § 626.8457).

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject.

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage close by.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 PATROL SERGEANT RESPONSIBILITY

The Patrol Sergeant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Deputies shall receive training on this policy, including the learning objectives as provided by the Board of Peace Officer Standards and Training (POST), and demonstrate their knowledge and understanding at least annually (Minn. Stat. § 626.8452, Subd. 3).

Subject to available resources, deputies should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force

300.8.1 STATE-SPECIFIC TRAINING REQUIREMENTS

Warrior-style training, as defined in Minn. Stat. § 626.8434, whether provided directly by the Office or through a third party, is prohibited (Minn. Stat. § 626.8434).

300.8.2 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intercede.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

300.9 POLICY REVIEW

The Sheriff or the authorized designee should annually review and update this policy to reflect developing practices and procedures.

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Wadena County Sheriff's Office to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

The Wadena County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENTS

Generally, whenever an employee's actions or use of force in an official capacity, or while using office equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Sheriff may exercise discretion and choose not to place an employee in an administrative assignment in any case.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in great bodily harm or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Sheriff may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administration Sergeant will convene the Use of Force Review Board as necessary. It will be the responsibility of the Sergeant or supervisor of the involved employee to notify the Administration Sergeant of any incidents requiring board review. The involved employee's Sergeant or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Administration Sergeant should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each section
- Commanding officer in the involved member's chain of command
- Chief Deputy

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force Review Boards

- Non-administrative supervisor
- A peer deputy
- A sworn peace officer from an outside law enforcement agency
- Office instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same section as the involved employee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Sheriff will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the deputy at the time of the incident, applying any legal requirements, office policies, procedures and approved training to those facts. Facts later discovered but unknown to the deputy at the time shall neither justify nor call into question a deputy's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the Office's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within office policy and procedure.
- (b) The employee's actions were in violation of office policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Sheriff.

The Sheriff shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Sheriff's final findings will be forwarded to

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Use of Force Review Boards

the involved employee's Sergeant for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Sheriff.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Wadena County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and office training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Wadena County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the detainee, deputies, or others.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Handcuffing and Restraints

See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

302.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

302.4 HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.5 SPIT HOODS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Deputies should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Handcuffing and Restraints

and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg restraints, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the office shall be used.

In determining whether to use the leg restraint, deputies should consider:

- (a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting deputy while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on their stomach.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Handcuffing and Restraints

- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Deputies should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

302.9 TRAINING

The Chief Deputy should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Office.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg restraints, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.
- (e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

Control Devices

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Wadena County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this office only if the device has been issued by the Office or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed office-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

303.4 RESPONSIBILITIES

303.4.1 PATROL SERGEANT RESPONSIBILITIES

The Patrol Sergeant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 FIREARMS INSTRUCTOR RESPONSIBILITIES

The Firearms Instructor shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Firearms Instructor or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Firearms Instructor

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Control Devices

for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys, and groin should not be intentionally targeted except when the deputy reasonably believes the use of deadly force is appropriate. See the Use of Force Policy for additional guidance.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Patrol Sergeant, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

303.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel deploying a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the use of deadly force is appropriate. See the Use of Force Policy for additional guidance.

Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Control Devices

incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle, or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.9.1 DEPLOYMENT AND USE

Only office-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Control Devices

- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the deputy reasonably believes the use of deadly force is appropriate. See the Use of Force Policy for additional guidance.

303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the deputy shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Control Devices

safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.10 TRAINING FOR CONTROL DEVICES

The Chief Deputy shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary. Deputies will receive training on the use of issued control devices and this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.
- (c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

304.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to deputies and suspects.

304.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed office-approved training may be issued and may carry the CED.

The Firearms Instructor should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the office inventory.

Deputies shall only use the CED and cartridges/magazines that have been issued by the Office. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed deputies who have been issued the CED shall wear the device in an approved holster.

Deputies who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon.

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, deputies should carry an additional cartridge on their person when carrying the CED.
- (c) Deputies should not hold a firearm and the CED at the same time.

Non-uniformed deputies may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

304.3.1 USER RESPONSIBILITIES

Deputies shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the deputy's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Firearms Instructor for disposition. Deputies shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Conducted Energy Device

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the CED in the related report.

304.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, a deputy designated as lethal cover for any deputy deploying a CED may be considered for officer safety.

304.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, themselves, or others.

Mere flight from a pursuing deputy, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject, or others, and the deputy reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Conducted Energy Device

- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, deputies should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE CED

Once a deputy has successfully deployed two probes on the subject, the deputy should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors deputies may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the deputy must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, deputies shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Conducted Energy Device

be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

304.5.7 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry office CEDs while off-duty.

Deputies shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Deputies shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a office-approved process to preserve the data.

304.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any deputies sustained any injuries.

The Chief Deputy should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Chief Deputy should also conduct audits of CED device data

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Conducted Energy Device

downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 REPORTS

The deputy should include the following in the arrest/crime report:

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or deputies trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Conducted Energy Device

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should be notified of calls that a CEW had been used. A supervisor should be notified by report to all incidents where the CEW was activated.

A supervisor should review each incident where a person has been exposed to an activation of the CEW. The device's onboard memory should be downloaded through the data port by a supervisor or CEW Instructor and saved with the related arrest/crime report. Supervisors will make sure photographs were taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial office-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Personnel who have been issued CEDs will receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

A reassessment of a deputy's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Chief Deputy. All training and proficiency for CEDs will be documented in the deputy's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Deputies who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Chief Deputy is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Chief Deputy should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Conducted Energy Device

- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of a deputy.

In other incidents not covered by this policy, the Sheriff may decide that the investigation will follow the process provided in this policy.

305.2 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved deputies.
- A civil investigation to determine potential liability.

305.3 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.3.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Wadena County Sheriff's Office would control the investigation if the suspect's crime occurred in Wadena.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Sheriff and with concurrence from the other agency.

305.3.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved deputy's conduct during the incident will be determined by the employing agency's protocol. When a deputy from this office is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Officer-Involved Shootings and Deaths

Requests made of this office to investigate a shooting or death involving an outside agency's officer shall be referred to the Sheriff or the authorized designee for approval.

305.3.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.3.4 POST ADMINISTRATIVE INVESTIGATIONS

The Minnesota POST Board may require an administrative investigation based on a complaint alleging a violation of a statute or rule that the board is empowered to enforce. An officer-involved shooting may result in such an allegation. Any such complaint assigned to this office shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10, Subd. 10).

305.3.5 COOPERATION WITH BUREAU OF CRIMINAL APPREHENSION INVESTIGATIONS

The Office will fully cooperate with and promptly respond to requests for information from the Bureau of Criminal Apprehension regarding an officer-involved death investigation (Minn. Stat. § 626.5534).

305.4 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting resulting in injury or death:

305.4.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved WCSO deputy will be the deputy-in-charge and will assume the responsibilities of a supervisor until properly relieved. This deputy should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Office or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

305.4.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved WCSO supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Officer-Involved Shootings and Deaths

- (b) If necessary, the supervisor may administratively order any WCSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Patrol Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional WCSO members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction by another uninvolved Officer and remain with the uninvolved Officer till directed otherwise by a Supervisor.
 - 1. Each involved WCSO deputy should be given an administrative order not to discuss the incident with other involved officers or WCSO members pending further direction from a supervisor.
 - 2. When an involved officer's weapon is not secured in the officer's holster or slung to the body of the Officer, for instance, lying on the ground, it will remain on scene as evidence. If the involved Officer's weapon is secured in the Officer's holster or slung to their body, it will remain with the involved Officer and not removed from that Officer. The weapon will only be removed by and turned over to the investigating Agency, example: BCA. If for some circumstance it becomes beneficial to remove the weapon from either the scene or the involved Officer, prior to the arrival of the investigating Agency, the weapon should be placed in a secured location and documented. Supervisors should make all attempts to have as few people possible in the chain of custody.
 - 3. Before the involved Officer is released by the investigating Agency, if needed, the involved Officer will be provided with a comparable replacement weapon by their Supervisor.
 - 4. Upon or immediately after the involved Officer is removed from the scene, the Supervisor will make sure that the involved Officer is photographed, from all angles, while still in full uniform or plain clothes, which were worn at the time of the incident.

305.4.3 WATCHCOMMANDER DUTIES

Upon learning of an officer-involved shooting, the Patrol Sergeant shall be responsible for coordinating all aspects of the incident until relieved by the Sheriff or designee.

305.4.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Officer-Involved Shootings and Deaths

- Sheriff
- Chief Deputy
- Investigation Sergeant
- Outside agency investigators (if appropriate)
- Internal Affairs supervisor
- County Attorney
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)

305.4.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 1. Involved WCSO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 2. Requests from involved non-WCSO officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Office to each involved WCSO deputy. A licensed psychotherapist may also be provided to any other affected WCSO members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved deputy and a peer support member, peer support counselors, and critical incident stress management team members are addressed in the Wellness Program Policy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Officer-Involved Shootings and Deaths

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved WCSO deputy shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Patrol Sergeant to make schedule adjustments to accommodate such leave.

305.5 CRIMINAL INVESTIGATION

The County Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigative personnel from this office may be assigned to partner with investigators from outside agencies or the County Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) WCSO supervisors and Internal Affairs personnel should not participate directly in any voluntary interview of WCSO deputies. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the deputy's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.5.1 REPORTS BY INVOLVED WCSO DEPUTIES

In the event that suspects remain outstanding or subject to prosecution for related offenses, this office shall retain the authority to require involved WCSO deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved WCSO deputy may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Officer-Involved Shootings and Deaths

activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved WCSO deputy of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.5.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Office.
 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.5.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigation Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Office investigators will be assigned to work with investigators from the County Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the County Attorney's Office.

All related office reports, except administrative and/or privileged reports, will be forwarded to the designated Investigation Unit supervisor for approval. Privileged reports shall be maintained

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Officer-Involved Shootings and Deaths

exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Sergeant.

305.6 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this office will conduct an internal administrative investigation of involved WCSO deputies to determine conformance with office policy. This investigation will be conducted under the supervision of the Internal Affairs and will be considered a confidential deputy personnel file.

Interviews of members shall be subject to office policies and applicable laws (Personnel Complaints Policy; Minn. Stat. § 626.89).

- (a) Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening in accordance with the drug and alcohol testing guidelines in the Drug- and Alcohol-Free Workplace Policy adopted under the authority of Minn. Stat. § 181.950 to Minn. Stat. § 181.957. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.
 - 1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved deputy has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information (Minn. Stat. § 626.89).
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
 - 2. The interview must be taken at the WCSO or at a place agreed to by the interviewer and the involved deputy.
 - 3. The interview must be of reasonable duration and provide the involved deputy reasonable periods for rest and personal necessities. When practicable, the interview must be held during the involved deputy's regularly scheduled work shift. If not, the involved deputy must be compensated at his/her current pay rate.
 - 4. If requested, the deputy shall have the opportunity to select an uninvolved representative or an attorney, or both, to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative collectively or in groups prior to being interviewed.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Officer-Involved Shootings and Deaths

5. Administrative interviews shall be recorded electronically or otherwise by the investigator. The deputy may also record the interview. A complete copy or transcript of the interview must be provided to the involved deputy upon written request without charge or undue delay.
6. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed in writing or on the record that the interview will be for administrative purposes only and that the statement cannot be used criminally.
7. The Internal Affairs shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.
8. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
9. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.7 CIVIL LIABILITY RESPONSE

A member of this office may be assigned to work exclusively under the direction of the legal counsel for the Office to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County Attorney's Office, as appropriate.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Officer-Involved Shootings and Deaths

305.8.1 AUDIO AND VIDEO RECORDINGS OF USE OF FORCE INCIDENTS INVOLVING DEATHS OF INDIVIDUALS

When a person dies as a result of the use of force by a deputy, the Office shall (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 626.8473, Subd. 3):

- (a) Allow certain individuals as identified in Minn. Stat. § 13.825, upon request, to inspect all portable recording system data that documents the incident within five days of the request pursuant to the provisions of Minn. Stat. § 13.825.
- (b) Release all portable recording system data that documents the incident within 14 days of the incident pursuant to the provisions of Minn. Stat. § 13.825.

The Sheriff should work with the Custodian of Records when redactions or denials are necessary (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 626.8473, Subd. 3).

305.9 DEBRIEFING

Following an officer-involved shooting or death, the Wadena County Sheriff's Office should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.9.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.10 REPORTING

If a deputy discharges a firearm in the course of duty, the Sheriff shall notify the Commissioner of Public Safety within 30 days of the reason for and the circumstances surrounding the discharge of the firearm (Minn. Stat. § 626.553).

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and office representative responsible for each phase of the investigation. Releases will be available to the Patrol Sergeant, Investigation Sergeant, Chief Deputy and Sheriff in the event of inquiries from the media.

No involved WCSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff, Chief Deputy or a Sergeant.

Office members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

Firearms & Ammunition

306.1 PURPOSE AND SCOPE

This policy provides guidelines for on-duty and off-duty firearms and ammunition, personally owned firearms for on-duty use, Office owned firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.1.1 AUTHORIZATION TO CARRY FIREARMS

All licensed personnel shall successfully complete office training regarding the use of force, deadly force, and the use of firearms before being issued a firearm or being authorized to carry a firearm in the course of their duties (Minn. Stat. § 626.8452, Subd. 3; Minn. Stat. § 626.8463).

306.2 POLICY

The Wadena County Sheriff's Office will equip its members with firearms to address the risks posed to the public and office members by violent and sometimes well-armed persons. The Office will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Firearms Instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized range.

All other weapons not provided by the Office, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express written authorization of the Sheriff or Chief Deputy. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.3.1 DUTY FIREARMS AND AMMUNITION

On-Duty Handguns: The following calibers of handguns are approved for on-duty use by the uniformed and plain-clothed Full Time Deputy: 9mm, 40S&W, 45ACP.

This provision of the policy is in effect for Deputies that fall under the ammunition distribution requirements of this policy. The brand and manufacturer of the handgun is optional. Each Deputy may purchase any make of handgun to carry on-duty as long as they can qualify and show proficiency of operation with that handgun each year. If a Deputy is unable to purchase their own duty handgun, the Office will issue a handgun to them.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Firearms & Ammunition

Barrel Length: Handguns shall have a barrel length no longer than 6 inches and no shorter than 2 inches.

Non-approved firearms may be used when circumstances exist which pose an imminent threat to the safety of the Deputy or the public requiring the immediate use of a non-approved firearm to control such a threat.

Deputies shall carry ammunition that is approved by the Sheriff. Duty ammunition shall be issued on a yearly basis (or may be changed to every other year, by the Sheriff, depending upon the Office annual budget) to each Deputy that is employed as a full-time employee of this Office. Practice ammunition shall be issued on a yearly basis to each Deputy that is employed as a full-time employee of this Office.

Part-time Deputies, working solely for this Office will be issued duty and practice ammunition on similar guide lines as mentioned earlier for Full Time Deputies. (Practice ammunition will be half the yearly allowance as given to the full time Deputies). Deputies working part-time for this Office and who also work for other agencies will be required to acquire their own duty and practice ammunition, unless the Sheriff has authorized them to be issued ammunition from this Office.

Ammunition will be one of the following: Full Metal Jacket (handgun=practice)(rifle= practice), Soft Point (practice), Jacketed Hollow Point (handgun=on/off-duty or practice), Tactical Bonded Soft Point (rifle=on/off-duty, Other ammunition for which the use of has been approved by the Sheriff.

Once a year the Sheriff will meet with the Chief Deputy and sign-off on the "Authorization of Approved Ammunition" form. This form will be filed and kept by the Chief Deputy.

Shotguns shall be 12-gauge, pump action and brand of shotgun is optional. Ammunition shall be either 00 buck or rifled slug. Other loads may be carried for the purpose of destroying animals. Ferret rounds may be used for the purpose of delivering gas, and will be used in accordance to the policies of this agency.

A rifle/carbine/sub-machine gun may be carried with the approval of the Sheriff. Calibers of approved rifle/carbine/sub-machine gun will be:.223 Remington/5.56 NATO,.308, or 9mm.

40mm Launcher: Each Full-Time Patrol Deputy will be issued a 40mm Launcher to be utilized during situations where the use of non-lethal tactics and munitions are authorized. Deputies will use the 40mm launcher and munitions in accordance to the policies of this agency.

These firearms shall be used in accordance with the policies of this agency regarding use of force.

306.3.2 CARRYING AND STORAGE OF AUTHORIZED FIREARMS

Each Deputy, employed by this Office, will carry and store firearms safely which they have been authorized to use in the performance of their duties while on or off-duty. This is in regards to the safety of the Deputy and the Public.

Each uniformed Deputy will carry their duty hand gun in an approved duty holster. The level of retention of the holster is the choice of the Deputy. At anytime the duty holster may be inspected

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Firearms & Ammunition

by the Sheriff, Chief Deputy or Firearms Instructor. It is the responsibility of the Deputy to replace or repair any damaged handgun holsters.

Each uniformed Deputy that carries a rifle or shotgun will store the firearm in a locked gun rack or the trunk of a vehicle.

- (a) Firearms will be stored with the chamber empty and bolt in the closed position.
- (b) Magazine with ammunition will be inserted or attached to the rifle.
- (c) Shotgun ammunition will be inserted in the magazine tube.
- (d) Safety in the on position.
- (e) Any firearm stored in the trunk of a vehicle will be stored in a gun case.

Each plain clothed and off-duty Deputy that carry a handgun will carry the firearm in a holster that is kept in working order. The level of retention for the holster will be the choice of the Deputy. **(It is mandatory that a Deputy carrying their handgun in plain clothes or off-duty shall carry their badge and Sheriff's Office ID.)**

306.3.3 AUTHORIZED OFF-DUTY AND SECONDARY HANDGUN

The carrying of firearms by licensed deputies while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Licensed deputies who choose to carry a firearm while off-duty or as a secondary handgun while on-duty, based upon their authority as a peace officer, will be required to meet the following guidelines:

- (a) The firearm shall be of good quality and workmanship and approved by the Office.
- (b) The purchase of the firearm and ammunition shall be the responsibility of the deputy.
- (c) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (d) It will be the responsibility of the deputy to submit the firearm to the Firearms Instructor for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Instructor. Prior to carrying any off-duty firearm, the deputy shall demonstrate to the Firearms Instructor that they are proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The deputy will successfully qualify with the firearm prior to it being carried and thereafter once every year. The range qualification dates will be specified by the Firearms Instructor.
- (f) A complete description of the firearm shall be contained on the qualification record approved by the Firearms Instructor.
- (g) If any member desires to use more than one type of firearm while off-duty, they may do so, as long as the deputy meets all the requirements set forth in this policy for each firearm used.
- (h) Deputies shall only carry office-authorized calibers and ammunition. The off-duty and secondary handgun must be approved by the Sheriff unless it is an approved on-duty handgun. The approved calibers of handgun for off-duty and secondary handgun

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Firearms & Ammunition

use are: .380, .38, .357, 9mm, 40S&W, 45ACP. The off-duty and secondary handgun ammunition must be the same type approved for use as listed in this policy. The use of the off-duty and secondary handgun shall comply with the policies of this Office.

- (i) When armed, whether on- or off-duty, deputies shall carry their badge and office identification.

306.3.4 AUTHORIZATION OF FIREARMS

Before a firearm is carried for on-duty or off-duty, whether issued or personally owned, an "Authorization of Firearms" form will be completed by the member. The authorization to carry the firearms will be granted when the Sheriff signs and approves the form. The forms will be filed and kept by the Chief Deputy.

306.3.5

306.3.6

306.4 FIREARMS PROFICIENCY

All licensed personnel shall successfully complete Office training regarding the use of force, deadly force and the use of firearms before being issued a firearm or being authorized to carry a firearm in the course of their duties (Minn. Stat. § 626.8452 and Minn. Stat. § 626.8463).

A Deputy failing to demonstrate a minimum level of proficiency and qualification with any firearm they are authorized to use must participate in a remedial firearm course provided by the Office's Firearms Instructor. This has to be done no later than 30 days from the date the Deputy failed the first qualification.

All licensed personnel shall participate in annual Office training regarding the use of force, deadly force and the use of firearms (Minn. Stat. § 626.8452 Subd. 3).

306.4.1 TRAINING

- (a) Every newly appointed full and part-time Deputy shall be trained in the use of all firearms carried for Law Enforcement purposes, either on or off-duty, and must qualify with those firearms before being allowed to carry that firearm(s).
- (b) All full and part-time Deputies shall qualify on a course as prescribed by the Firearms Instructor.
 - 1. Firearms qualifications will be held two times a year:
 - (a) Day light qualification (Spring or Fall).
 - (b) Low Light/Inclement Weather qualification (Fall).
 - 2. A minimum score of 80% must be attained.
 - 3. Every member will qualify with the firearms(s) they carry, on or off-duty.
 - 4. The Firearms Training Instructor shall report to the Sheriff the status of each Deputy's compliance with this policy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Firearms & Ammunition

- (c) Deputies who fail to qualify shall be reported to the Sheriff.
- (d) Remedial Training
 - (a) Deputies who are unable to comply with minimum marksmanship standards shall be given additional training to achieve the set standard.
 - (b) The Deputy will be required to achieve minimum proficiency within 30 days of qualification.
 - (c) Deputies failing to qualify shall be subject to administrative review.
 - (d) Failure to meet minimum standards once a year is in violation of Post Board rules.

306.4.2 PART-TIME DEPUTY FIREARMS AND TRAINING REQUIREMENTS

- (a) Deputies working part-time for this Office and are also working full time for another department may be exempt from this Office's training policy under these requirements:
 - 1. Comply with their full time employer's department policy for Use of Force / Deadly Force and training requirements.
 - 2. Furnish to this Office a letter head indicating they have met all requirements listed and are in compliance with their department. (From either their supervisor or Firearms Instructor)
 - 3. Furnish to this Office a letter head indicating what firearms they have qualified with and ammunition they have been approved to carry. (From either their supervisor or Firearms Instructor)

306.4.3 PREGNANT DEPUTIES

Any Deputy of the female gender that is pregnant will be authorized to not participate in any trainings and qualifications if they so wish. Firearms training and qualification can be harmful to the developing fetus where there is exposure to loud noise and lead. (There is scientific research documentation proving this). The Deputy, after giving birth, will have up to 14 weeks to make arrangements with the Office's Firearms Instructor to make up any missed firearms trainings or qualifications.

306.4.4 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Instructor. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.4.5 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Instructor. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Firearms & Ammunition

installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of a range and shall obey all orders issued by the Firearms Instructor. Members shall not dry fire or practice quick draws except as instructed by the Firearms Instructor or other firearms training staff.
- (a) Members shall not clean, repair, load or unload a firearm anywhere in the Office.
- (b) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded outside the facility and outside of a vehicle.
- (c) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (d) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor or the Sheriff.
- (e) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or a Firearms Instructor approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Office-owned firearms shall be stored in the Office firearms safe.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Firearms & Ammunition

306.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Minn. Stat. § 609.666; Minn. Stat. § 609.378).

306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training Annually with their duty firearms. In addition, all members will qualify at least annually with their duty firearms (Minn. Stat. § 626.8452). Deputies will also receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

Members will qualify with off-duty and secondary firearms annually.

Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 1. Unauthorized range make-up
 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Firearms & Ammunition

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to their supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with their Sergeant or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.7.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots shall not be used.

306.7.4 REPORTING FIREARMS DISCHARGE

The Sheriff or their designee shall notify the Commissioner of Public Safety within 30 days of an on-duty firearm discharge, except when the discharge is in the course of training or destruction of animals (described in this policy). The notification shall contain information concerning the reason for and circumstances surrounding the discharge (Minn. Stat. § 626.553).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Firearms & Ammunition

306.8 FIREARMS INSTRUCTOR DUTIES

The range will be under the exclusive control of the Firearms Instructor. All members attending will follow the directions of the Firearms Instructor. The Firearms Instructor will maintain a roster of all members attending the range and will submit the roster to the Chief Deputy after each range date. Failure of any member to sign in and out with the Firearms Instructor may result in non-participation or non-qualification.

The range shall remain operational and accessible to office members during hours established by the Office.

The Firearms Instructor has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this office to verify proper operation. The Firearms Instructor has the authority to deem any office-issued or privately owned firearm unfit for service. The member will be responsible for all repairs to their personally owned firearm; it will not be returned to service until inspected and approved by the Firearms Instructor.

The Firearms Instructor has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Firearms Instructor shall complete and submit to the Chief Deputy documentation of the courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Office, a list of each member who completes the training. The Firearms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Chief Deputy.

306.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to deputies who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their Wadena County Sheriff's Office identification card bearing the deputy's name, a full-face photograph, identification number, the deputy's signature, and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Wadena County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Wadena County Sheriff's Office an NLETS message

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Firearms & Ammunition

containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.

- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail the itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of the deputy's assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on the deputy's person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Deputies should resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative, or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time deputies of this office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The deputy shall carry the deputy's Wadena County Sheriff's Office identification card whenever carrying such firearm.
- (b) The deputy may not be the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The deputy will remain subject to this and all other office policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved deputies, the public, and fleeing suspects (Minn. Stat. § 626.8458, Subd. 3).

307.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where office policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable, and that decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit (Minn. Stat. § 626.8458, Subd. 2 (a)(1)).

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputy conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement pursuit (Minn. Stat. § 626.8458, Subd. 2 (a)(2)).

307.1.2 DEFINITIONS

Definitions related to this policy include:

Boxing-in - A low-speed tactic designed to stop a fleeing vehicle by surrounding it with emergency vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed tactic designed to apply lateral pressure to the rear quarter panel of a fleeing vehicle, causing it to spin out, stall, and come to a stop (also known as a Precision Immobilization Technique).

Ramming - The deliberate act of impacting a fleeing vehicle with another vehicle to functionally damage or otherwise force the fleeing vehicle to stop.

Roadblock - A tactic designed to stop a fleeing vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the fleeing vehicle.

Tire deflation device - A device designed to be placed on the roadway and puncture the tires of a fleeing vehicle, sometimes referred to as spike strips.

Vehicle pursuit - An attempt by one or more law enforcement officers to apprehend a suspect in a motor vehicle who, having been given a visual and audible signal to stop, fails to yield or uses high-speed driving or other evasive tactics (e.g., driving off a highway, turning suddenly) in an attempt to avoid arrest (Minn. Stat. § 609.487).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Pursuits

307.2 POLICY

It is the policy of this office to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

307.3 INITIATING A PURSUIT

Deputies who have received appropriate training are authorized to initiate a vehicle pursuit when the need to apprehend a fleeing suspect clearly outweighs the risks a vehicle pursuit poses for deputies and the public (Minn. Stat. § 626.8458, Subd. 1).

When balancing the risk of a pursuit with the need to apprehend the suspect, deputies shall consider (Minn. Stat. § 626.8458, Subd. 2 (a)(2)):

- (a) The seriousness of the known or reasonably suspected crime committed by the suspect and the threat to the safety of the public if the suspect remains at large.
- (b) Whether the identity of the suspect is known with enough certainty to enable apprehension at a later time.
- (c) The speed of the vehicles relative to the conditions of the area, such as the population density, amount of vehicular and pedestrian traffic (e.g., school zones), time of day, and road and weather conditions.
- (d) The pursuing deputy's driving capabilities, familiarity with the area, and quality of radio communications with the dispatcher/supervisor.
- (e) The nature of the pursuing unit (e.g., marked vs. unmarked) and its speed and performance capabilities in relation to the fleeing vehicle (e.g., performance motorcycle).
- (f) Whether there are other persons in or on the fleeing vehicle, their ages, and their relationship to the situation (e.g., passengers, co-offenders, hostages).
- (g) Whether the pursuing unit is carrying passengers other than on-duty sheriff's deputies. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist.
- (h) The availability of other resources such as air support or vehicle locator/deactivation technology.

307.4 PURSUIT UNITS

Vehicle pursuits should be limited to three sheriff's office emergency vehicles (two pursuit units and the supervisor vehicle). However, a deputy or supervisor may request that additional units join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of deputies involved may be insufficient to safely arrest the number of suspects.

307.4.1 EMERGENCY EQUIPMENT

Vehicle pursuits shall only be conducted using authorized sheriff's office vehicles that are equipped with emergency lighting and sirens as required by law (Minn. Stat. § 169.68). Each pursuit unit's emergency lights and sirens should remain activated throughout the unit's participation in the pursuit.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Pursuits

Deputies operating vehicles not equipped with emergency lights and siren are prohibited from pursuing a fleeing vehicle or joining a pursuit. Deputies in such vehicles may provide support to pursuing units when needed, but should operate the vehicle in compliance with all traffic laws and should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles or any air support.

307.4.2 MOTORCYCLES AND UNMARKED UNITS

When involved in a pursuit, sheriff's office motorcycles and unmarked vehicles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

307.4.3 PRIMARY UNIT

The initial pursuing deputy should be designated as the primary unit and will be responsible for the conduct of the pursuit unless that unit is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspect without unreasonable danger to themselves or others (Minn. Stat. § 626.8458, Subd. 2 (a)(4)).

As soon as practicable, the primary unit should notify Dispatch of the pursuit, request priority radio traffic, and provide appropriate information including:

- (a) The location, direction of travel, and estimated speed of the pursuit.
- (b) The description of the fleeing vehicle, including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) A description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).
- (e) Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.
- (f) The suspected number of occupants and their identities or descriptions.
- (g) The weather, road, and traffic conditions.
- (h) The need for any additional resources or equipment.
- (i) The identities of other law enforcement agencies involved in the pursuit.
- (j) Request for medical assistance for any person injured in the course of the pursuit (Minn. Stat. § 626.8458, Subd. 2 (a)(6)).

The primary unit is responsible for broadcasting the progress of the pursuit until a secondary or air unit joins the pursuit. Once an additional unit joins the pursuit, the primary unit should relinquish the responsibility of broadcasting the progress to the secondary or air unit unless circumstances reasonably indicate otherwise.

307.4.4 SECONDARY UNIT

The second deputy in the pursuit should be designated as the secondary unit and is responsible for:

- (a) Notifying Dispatch of their entry into the pursuit.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Pursuits

- (b) Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (c) Identifying the need for and requesting additional resources or equipment as appropriate.
- (d) Serving as backup to the primary unit once the fleeing vehicle has been stopped.

307.4.5 AIR UNITS

When available, air unit assistance should be requested. The air unit should assume responsibility of broadcasting the pursuit once they have established visual contact with the fleeing vehicle. Ground units should maintain operational control and consider whether the continued close proximity and/or involvement in the pursuit is warranted (Minn. Stat. § 626.8458, Subd. 2 (a)(4)).

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit, and provide pursuing units with details of upcoming traffic congestion, road hazards, or other information pertinent to evaluating whether to continue the pursuit. If ground units are not within visual contact of the fleeing vehicle and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend termination.

307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires consideration of the same factors as initiating a pursuit. In addition, deputies involved in the pursuit should adhere to the following (Minn. Stat. § 626.8458, Subd. 2 (a)(3)):

- (a) Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.
- (b) Pursuing units should exercise caution and slow down as necessary when proceeding through intersections.
- (c) Pursuing units should not follow a fleeing vehicle driving against traffic (wrong way) and should instead:
 - 1. Request assistance from available air support.
 - 2. Maintain visual contact with the fleeing vehicle by paralleling it on the correct side of the roadway.
 - 3. Request other units to observe exits available to the fleeing vehicle.
- (d) Pursuing units should request that Dispatch notify the Minnesota State Patrol and/or another law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Pursuing units should not attempt to pass other pursuit units unless the situation indicates otherwise or they are requested to do so. Passing another pursuit unit should only be attempted with a clear understanding of the maneuver.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Pursuits

307.5.1 RULES OF THE ROAD

Deputies shall drive with due regard for the safety of all persons and property. However, when in pursuit, if there is no unreasonable risk to persons and property, deputies may (Minn. Stat. § 169.03; Minn. Stat. § 169.17):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.

307.5.2 DEPUTIES NOT INVOLVED IN THE PURSUIT

Deputies not directly involved in the pursuit should stay alert to its progress and location and may proceed safely to intersections ahead of the pursuit to warn cross traffic. When clearing intersections along the pursuit path, deputies are authorized to use emergency equipment and should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or a suspect intentionally trying to ram the sheriff's office vehicle.

Other than clearing intersections along the pursuit path, uninvolved deputies should avoid operating under emergency conditions (emergency lights and siren) and should remain in their assigned areas unless directed otherwise by a supervisor.

When needed, non-pursuing deputies and deputies who have dropped out of the pursuit should respond to the pursuit termination point in a non-emergency manner, observing the rules of the road. Deputies should not parallel the pursuit route.

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

A supervisor of the deputy initiating the pursuit, will be responsible for (Minn. Stat. § 626.8458, Subd. 2 (a)(4)):

- (a) Immediately notifying the involved units and the dispatcher of supervisory presence and ascertaining all reasonably available information in order to continuously assess the situation and risk factors associated with the pursuit.
- (b) Exercising management and control of the pursuit and, when appropriate, engaging in the pursuit to provide on-scene supervision.
- (c) Confirming that no more pursuing units than required are involved in the pursuit.
- (d) Directing that the pursuit be terminated if, in the supervisor's judgment, continuing the pursuit is not justified under the guidelines of this policy.
- (e) Assessing the emotional state of the deputies involved and directing a deputy to disengage from the pursuit if it appears they are unable to control their emotions.
- (f) Requesting additional assistance from air support, canines, or other resources, if available and appropriate.
- (g) Verifying that the proper radio channel is being used.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Pursuits

- (h) Confirming the Patrol Sergeant has been notified of the pursuit.
- (i) Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this office.
- (j) Continuing the management and control of Wadena County Sheriff's Office units when a pursuit enters another jurisdiction.
- (k) Preparing documentation of the pursuit and conducting a post-pursuit review, as required.

307.6.1 PATROL SERGEANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Patrol Sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Patrol Sergeant has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command (Minn. Stat. § 626.8458, Subd. 2 (a)(4)).

307.7 DISPATCH

Radio communications during a pursuit should be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this office or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

307.7.1 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for (Minn. Stat. § 626.8458, Subd. 2 (a)(4)):

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved units and personnel.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Patrol Sergeant as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

307.8 INTERJURISDICTIONAL CONSIDERATIONS

Unless entry into another jurisdiction is expected to be brief, the primary unit or supervisor should ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458, Subd. 2 (a)(5)).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Pursuits

307.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

When a pursuit enters another agency's jurisdiction, the primary unit or the supervisor should determine whether to request the other agency assume the pursuit, taking into consideration the distance traveled, familiarity with the area, and other pertinent facts.

Once another agency has agreed to assume the pursuit, pursuing units should relinquish control and discontinue participation unless the continued assistance of the Wadena County Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies may, with supervisory approval, proceed to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for office reports.

307.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Deputies from this office should not join a pursuit being conducted by another agency unless specifically requested to do so by that agency and with approval from a supervisor.

When a request is made for this office to assist or take over a pursuit that has entered the jurisdiction of the Wadena County Sheriff's Office, the Patrol Sergeant or supervisor should review the request as soon as practicable, taking into consideration:

- (a) Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to deputies and the public.
- (b) Whether there is adequate staffing to continue the pursuit.
- (c) The available units' capabilities to maintain the pursuit.
- (d) The number of available units and other resources of the pursuing agency.

Assistance to a pursuing agency by deputies of this office should terminate at the County limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this office should continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies should provide appropriate assistance to the pursuing agency such as scene control, inter-agency coordination, completion of supplemental reports, and any other reasonable assistance requested or needed.

307.9 PURSUIT INTERVENTION

Pursuit interventions should only be used when it reasonably appears that using the intervention will contain or prevent the pursuit, and the need to immediately stop the fleeing vehicle outweighs the risks of injury or death to deputies and others.

Pursuit interventions may be construed as a use of force, including deadly force, and are subject to the policies guiding such use. Deputies should consider the guidelines for the use of force when deciding how, when, where, and if a pursuit intervention should be employed. Refer to the Use of Force Policy for additional guidance.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Pursuits

Whenever practicable, a deputy should seek approval from a supervisor before employing any pursuit intervention to stop a fleeing vehicle. Deputies should not attempt a pursuit intervention unless they have received the appropriate training for the intervention being used.

307.9.1 TIRE DEFLATION DEVICE

Before deploying a tire deflation device, deputies should consider factors such as:

- (a) Speed of the fleeing vehicle - Traveling at high speeds increases the risk the suspect will lose control of the vehicle after driving over or swerving to avoid a tire deflation device.
- (b) Weather and visibility - Tire deflation devices should only be deployed when the location, weather, and other conditions allow the deploying deputy to clearly see the fleeing vehicle, pursuit units, and other approaching traffic.
- (c) Cover - Deployment should occur in a location that provides the deploying deputy adequate cover and escape from intentional or unintentional exposure to the approaching vehicles.
- (d) Road conditions - Soft or loose material such as dirt or gravel may prevent a tire deflation device from puncturing the vehicle's tire. Deploying the device on loose pavement or icy or wet roads increases the risk of the suspect losing control of the vehicle.
- (e) Characteristics of the deployment area - A tire deflation device should not be deployed in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
- (f) Characteristics of the fleeing vehicle - Except in extraordinary circumstances, a tire deflation device should not be used when the fleeing vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children.

Because of the risks to deploying deputies, the intent to deploy a tire deflation device and its location should be clearly communicated to the dispatcher and all involved units.

307.9.2 PIT

A PIT should only be attempted in a vehicle with a reinforced bumper.

Before conducting a PIT, deputies should consider factors such as:

- (a) Speed of the fleeing vehicle - Conducting a PIT while traveling at high speeds increases the risk of the suspect or deputy losing control of their vehicle. A PIT should not be conducted at speeds greater than the speed at which the deputy has received training.
- (b) Road conditions - Because the intention of a PIT is to cause the fleeing vehicle to spin out by reducing the friction between the tires and the roadway, the material of the roadway (e.g., pavement, gravel, dirt) should be considered and a PIT should not be attempted when road conditions are wet or icy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Pursuits

- (c) Characteristics of the deployment area - A PIT should not be attempted in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
- (d) Characteristics of the fleeing vehicle - A PIT should not be used when the pursued vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children. The increased risk of rolling over should be evaluated on vehicles with a high center of gravity.
- (e) Number of pursuit units - A PIT should not be used unless there is a sufficient number of pursuit units available to prevent further movement of the fleeing vehicle after spinning out.

307.9.3 BOXING-IN

Boxing-in should only be used when the fleeing vehicle is stopped or traveling at a low speed.

Boxing-in requires the participation of multiple units and therefore must be carefully coordinated with all involved.

307.9.4 RAMMING AND ROADBLOCKS

Ramming and roadblocks shall only be used when deadly force is warranted and all other reasonable alternatives have been exhausted or reasonably appear ineffective.

307.9.5 FIREARMS

Specific guidance on the use of a firearm during a vehicle pursuit is addressed in the Use of Force Policy.

307.10 TERMINATING A PURSUIT

The factors considered when initiating a pursuit should be continually re-evaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when (Minn. Stat. § 626.8458, Subd. 2 (a)(2)):

- (a) A supervisor directs the pursuit to be terminated.
- (b) The location of the fleeing vehicle is no longer known.
- (c) The distance between the pursuing units and the fleeing vehicle is so great that further pursuit would be futile or would continue for an unreasonable time and/or distance.
- (d) The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of pursuit termination to the dispatcher.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Pursuits

307.10.1 LOSS OF PURSUED VEHICLE

When a pursuit is terminated because the location of the fleeing vehicle is no longer known, the primary unit should broadcast pertinent information for other units to assist in locating the suspect. The primary unit or supervisor will be responsible for coordinating any further search for the pursued vehicle.

307.10.2 APPREHENSION OF SUSPECTS

Deputies should exercise proper self-discipline and sound professional judgment at the conclusion of a pursuit and while apprehending the suspect.

Unless otherwise directed by a supervisor, a deputy other than the primary unit should coordinate efforts to apprehend the suspect following the pursuit.

Any use of force necessary to apprehend the suspect shall be consistent with the Use of Force Policy.

307.11 DEBRIEFING

Participating deputies should, as soon as practical following a pursuit, debrief with a supervisor.

307.12 REPORTING REQUIREMENTS

Appropriate reports should be completed as required by applicable laws, policies, and procedures (Minn. Stat. § 626.8458, Subd. 2 (a)(7)).

- (a) Pursuing deputies should complete appropriate crime/arrest and pursuit reports.
- (b) The involved supervisor, or if unavailable, the on-duty field supervisor, shall obtain available information and promptly complete appropriate written notification to the Sheriff or the authorized designee. The notification should briefly summarize the pursuit and include, at a minimum (Minn. Stat. § 626.5532):
 1. Date and time of the pursuit.
 2. Reason and circumstances surrounding the pursuit (e.g., seriousness of the crime, road and traffic conditions, speed and driving behavior of the fleeing vehicle) that warranted initiation and continuation of the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved vehicles and deputies.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 7. Arrestee information, if applicable.
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at the scene or who handled the incident.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Pursuits

After receiving copies of the written notification, reports, and other pertinent information, the Sheriff or the authorized designee shall conduct or assign a post-pursuit review, as appropriate.

The Sheriff should direct an annual documented review and analysis of office vehicle pursuits to minimally include policy suitability, policy compliance, and training or equipment needs. The review should not contain the names of deputies, suspects, or case numbers.

307.12.1 STATE-SPECIFIC REPORTING REQUIREMENTS

The Chief Deputy shall ensure the appropriate forms are filed with the Department of Public Safety within 30 days (Minn. Stat. § 626.5532).

307.13 PURSUIT TRAINING

The Chief Deputy should ensure that members of this office receive initial and annual training on this policy and vehicle pursuits relevant to their role (e.g., deputies, supervisors, air units, dispatchers).

Deputy training should address decision-making involved in initiating, continuing, and terminating a pursuit by balancing the need to apprehend the suspect with the risk of a pursuit. Subject to available resources, training on pursuit driving and the deployment of pursuit intervention tactics should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

307.13.1 STATE-SPECIFIC TRAINING REQUIREMENTS

The Chief Deputy shall ensure the frequency and content of emergency vehicle operations and vehicle pursuit training meets or exceeds that required by law (Minn. Stat. § 626.8458, Subd. 5).

307.14 YEARLY CERTIFICATION

This policy shall be reviewed and certified to the state annually that it complies with requirements of any new or revised model policy adopted by the state (Minn. Stat. § 626.8458, Subd. 3).

Deputy Response to Calls

309.1 PURPOSE AND SCOPE

The State of Minnesota finds that emergency vehicle operations are an integral part of law enforcement's commitment to public safety. This policy provides for the safe and appropriate response to all emergency and nonemergency situations (Minn. Stat. § 626.8458, Subd. 1).

309.2 RESPONSE TO CALLS

309.2.1 RESPONSE TO EMERGENCY CALLS

Deputies responding to an emergency call shall proceed immediately as appropriate. Deputies responding to an emergency call shall sound the siren or display at least one lighted red light to the front of the vehicle. Whenever practicable, during an emergency call response the deputy should continuously operate emergency lighting equipment and sound the siren (Minn. Stat. § 169.03 et seq.; Minn. Stat. § 169.17).

Responding with a red light, emergency lighting and/or siren does not relieve the operator of an authorized emergency vehicle or a law enforcement vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others. The use of any other warning equipment without emergency lights and siren does not provide an exemption under Minnesota law (Minn. Stat. § 169.17).

Deputies should only respond with a red light, emergency lights and/or siren when so dispatched or when circumstances reasonably indicate an emergency response is appropriate. Deputies not responding with a red light, emergency lights and/or siren shall observe all traffic laws.

309.2.2 LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES

A deputy may operate a vehicle without lights as otherwise required while performing law enforcement duties when the deputy reasonably believes that operating the vehicle without lights is necessary to investigate a criminal violation or suspected criminal violation of state laws, rules or orders, or local laws, ordinances or regulations. The operation of a vehicle without lights must be consistent with the standards adopted by Minnesota Peace officer Standards and Training Board (POST) (Minn. Stat. § 169.541).

[See attachment: Vehicle Lighting Exemption Policy.pdf](#)

309.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an imminent threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen. Where a situation has stabilized and emergency response is not required, the requesting deputy shall promptly notify Dispatch.

If circumstances permit, the requesting deputy should give the following information:

- The unit number

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Deputy Response to Calls

- The location
- The reason for the request and type of emergency
- The number of units required

309.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The Patrol Sergeant or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

309.4 INITIATING EMERGENCY CALL RESPONSE

If a deputy believes an emergency call response to any call is appropriate, the deputy shall immediately notify Dispatch. Emergency responses of more than one unit should include, if circumstances reasonably permit, coordination of the response of the second responding unit by Dispatch to avoid unanticipated intersecting of response routes.

An emergency call response of more than one unit should initiate notification by Dispatch to the Patrol Sergeant or field supervisor of the response. The Patrol Sergeant or field supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

309.5 RESPONSIBILITIES OF RESPONDING DEPUTIES

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. During a response to an emergency call deputies may (Minn. Stat. § 169.03; Minn. Stat. § 169.17):

- (a) Proceed cautiously past a red or stop signal or stop sign but only after slowing down and utilizing a red light or siren as may be necessary for safe operation.
- (b) Exceed any speed limits, provided this does not endanger life or property.
- (c) Disregard regulations governing direction of movement or turning in specified directions as authorized by law.
- (d) Disregard regulations governing parking or standing when using a warning lamp.

The decision to continue an emergency call response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the deputy should immediately notify Dispatch. A deputy shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency call response is appropriate, a deputy shall immediately give the location from which he/she is responding.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Deputy Response to Calls

When emergency vehicles are on the scene of an emergency and pose any hazard, or when the vehicle operators seek exemption to park, stop or stand contrary to any law or ordinance pursuant to Minn. Stat. § 169.541, adequate warning lights shall be operated whenever practicable.

309.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when a deputy requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Patrol Sergeant or a field supervisor prior to assigning an emergency response. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Immediately notify the Patrol Sergeant.
- (c) Confirm the location from which the unit is responding.
- (d) Notify and coordinate outside emergency services (e.g., fire and ambulance).
- (e) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Patrol Sergeant or field supervisor.

309.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Patrol Sergeant or the field supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency call response, the Patrol Sergeant or the field supervisor should consider the following:

- The type of call or crime involved.
- The necessity of a timely response.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Deputy Response to Calls

- Traffic and roadway conditions.
- The location of the responding units.

309.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the emergency call response and respond accordingly. The deputy shall notify the Patrol Sergeant, field supervisor or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

309.9 TRAINING

The Chief Deputy shall ensure the frequency and content of emergency vehicle operations training meets or exceeds that required by law (Minn. Stat. § 626.8458).

Canines

310.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community including, but not limited to locating individuals and contraband and apprehending criminal offenders.

310.2 POLICY

It is the policy of the Wadena County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

310.3 SELECTION OF CANINE HANDLER

The selection of Deputy to work as Canine Handler shall be at the sole discretion of the Sheriff. The Sheriff may consider past experience as a Canine Handler or whatever qualities the Sheriff feels appropriate. Handlers are selected solely on a voluntary basis. (If more than one Deputy volunteers for the position, the Sheriff can choose to conduct a selection process by means of interviews and/or testing.) Deputies will serve the normal working life of the canine unless the Office deems otherwise.

Canines working on the Wadena County Sheriff's Office are the property of the Office. All dog food and medical expenses are provided by the Sheriff's Office. Canines may retire at or about their eighth year of age or at such time as the dog, due to physical condition, can no longer perform police functions. The handler, at the time of the canine's retirement will have the first opportunity to obtain the dog. Should the handler, at the time of the canine retirement, not wish to obtain the dog, the Sheriff may dispose of the animal as he/she deems appropriate.

310.4 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Section to function primarily in assist or cover assignments. However, they may be assigned by the Patrol Sergeant to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Patrol Sergeant.

310.5 CANINE HANDLER

The canine handlers shall be appointed by and directly responsible to the Sheriff, Patrol Sergeant or the authorized designee.

All responsibilities of the canine handler shall be reviewed by their direct supervisor.

The responsibilities of the handler include, but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Canines

- (b) Maintaining liaison with the vendor kennel.
- (c) Maintaining liaison with command staff and functional supervisors.
- (d) Maintaining liaison with other agency canine handlers.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the team of handler and canine.
- (g) Scheduling all canine-related activities through approval of Supervisors.
- (h) Ensuring the canine teams scheduled for regular training to maximize their capabilities.

310.6 REQUESTS FOR CANINE TEAMS

Patrol Section members are encouraged to request the use of a canine. Requests for a canine team outside of the Patrol Section shall be reviewed by the Supervisory Sergeant.

310.6.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Supervisory Sergeant and are subject to the following:

- (a) Canine team shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine team must be approved by the Supervisory Sergeant.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

310.6.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Sheriff prior to making any resource commitment. The canine handler is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handler shall not demonstrate any apprehension work unless authorized to do so by the Sheriff.

310.7 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Canines

- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Patrol Sergeant. Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

310.7.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Canines

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

310.7.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If reasonably feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when reasonably practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

310.7.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect a supervisor should be promptly notified and the injuries documented in a canine use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the Supervisory Sergeant and/or the Sheriff. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as reasonably practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current office evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from dangerous dog registration, impoundment and reporting requirements (Minn. Stat. § 347.51, Subd. 4).

310.8 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Canines

responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation the following guidelines apply.

- (a) Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

310.8.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

310.8.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

310.8.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Canines

- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

310.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all office equipment under his/her control in a clean and serviceable condition.
- (c) When not in service the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days the assigned canine vehicle should be stored at the Wadena County Sheriff's Office facility or as directed by the Sheriff.
- (e) Handler shall permit the Sheriff to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Sheriff as soon as possible.
- (g) When off-duty the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home the gate shall be secured with a lock. When off-duty the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the Sheriff or Supervisory Sergeant.
- (j) When off-duty the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the Sheriff or Patrol Sergeant.
- (k) Whenever a canine handler is off-duty for an extended number of days it may be necessary to temporarily relocate the canine. In those situations the handler shall give reasonable notice to the Sheriff so that appropriate arrangements can be made.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Canines

310.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

310.10 TRAINING

Before assignment in the field each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine handler shall be responsible for scheduling periodic training for all office members in order to familiarize them with how to conduct themselves in the presence of office canines.

All canine training should be conducted while on-duty unless otherwise approved by the Sheriff or Supervisory Sergeant.

310.10.1 EXPLOSIVE TRAINING AIDS

Deputies may own, possess or use explosives or destructive devices in compliance with state and federal laws (Minn. Stat. § 609.668, Subd. 3(a)(1); Minn. Stat. 609.668 Subd. 4; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever reasonably feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids when not in use shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine handler shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Canines

- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

310.10.2 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this office.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine handler shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

310.10.3 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with federal laws and if they comply with applicable state requirements (21 USC § 823(g)).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Wadena County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Canines

310.10.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Wadena County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

310.10.5 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

310.10.6 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable pending successful certification the canine handler shall be temporarily reassigned to regular patrol duties.

310.10.7 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Wadena County Sheriff's Office canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Sergeants and/or the Sheriff.
- (c) To ensure that all training is consistent no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this office.

310.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured or there is an indication that the canine is not in good physical condition the injury or condition will be reported to the Supervisory Sergeant and/ or Patrol Sergeant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

Domestic Abuse

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent, and reduce domestic abuse through vigorous enforcement and to address domestic abuse as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic abuse.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic abuse, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic abuse - Commission of any of the following if committed against a family or household member by another family or household member (Minn. Stat. § 518B.01, Subd. 2):

- (a) Actual or fear of imminent physical harm, bodily injury, or assault
- (b) Threats of violence with intent to terrorize as specified by Minn. Stat. § 609.713, Subd.1.
- (c) Criminal sexual conduct (Minn. Stat. § 609.342 to Minn. Stat. § 609.3451)
- (d) Interference with an emergency call as specified by Minn. Stat. § 609.78, Subd.2.

311.2 POLICY

The Wadena County Sheriff's Office's response to incidents of domestic abuse and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic abuse is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.3 OFFICER SAFETY

The investigation of domestic abuse cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

311.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic abuse cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Domestic Abuse

- (b) When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Unit in the event that the injuries later become visible.
- (f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Domestic Abuse

10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

311.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail (Minn. Stat. § 629.72 Subd. 6).
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

311.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, deputies should be aware that a victim's behavior and actions may be affected.

- (a) Victims should be provided with the office's domestic abuse information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complains of pain, deputies should seek medical assistance as soon as practicable.
- (e) Deputies should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Domestic Abuse

- (f) Deputies should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, deputies should seek or assist the victim in obtaining an emergency order.

311.6 DISPATCH ASSISTANCE

All calls of domestic abuse, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

311.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

311.7.1 CANADIAN ORDERS FOR PROTECTION

An order for protection issued by Canada or a Canadian province shall be enforced as if it were the order of a court in this state and afforded the same consideration as foreign court orders with respect to proper issuance and registration (Minn. Stat. § 518F.03).

311.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Domestic Abuse

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

311.9 LEGAL MANDATES AND RELEVANT LAWS

Minnesota law provides for the following:

311.9.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic abuse report should consider the following:

- (a) A deputy has the authority to arrest a person without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person has, within the preceding 72 hours, exclusive of the day probable cause was established, assaulted, threatened with a dangerous weapon, or placed in fear of immediate bodily harm any person covered by the "family or household member" definition, even if the assault did not rise to the level of a felony or did not take place in the presence of the peace officer (Minn. Stat. § 629.34; Minn. Stat. § 629.341).
- (b) Deputies should generally not make dual arrests but may make an arrest of a primary aggressor. Where there are allegations that each party assaulted the other, the deputy shall determine whether there is sufficient evidence to conclude that one of the parties was the primary aggressor based on the following criteria and the deputy's judgment (Minn. Stat. § 629.342, Subd. 2):
 - 1. Comparative extent of any injuries inflicted
 - 2. Fear of physical injury because of past or present threats
 - 3. Actions taken in self-defense or to protect oneself
 - 4. History of domestic abuse perpetrated by one party against the other
 - 5. Existence or previous existence of an order for protection
- (c) A deputy shall not issue a citation in lieu of arrest and detention to an individual charged with any of the following offenses (Minn. Stat. § 629.72):
 - 1. Stalking
 - 2. Domestic abuse
 - 3. Violation of an order for protection
 - 4. Violation of a domestic abuse no contact order
- (d) The Patrol Sergeant will determine whether a person arrested on a charge of stalking any person, domestic abuse, violation of an order for protection, violation of a domestic abuse no contact order, or violation of a court-ordered transfer of firearms will be held in custody or be issued a citation in lieu of continued detention and released after booking. The person shall be held in custody whenever the Patrol Sergeant determines that it reasonably appears the release of the person (Minn. Stat. § 629.72):
 - 1. Poses a threat to the alleged victim or another family or household member.
 - 2. Poses a threat to public safety.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Domestic Abuse

3. Involves a substantial likelihood that the arrested person will fail to appear at subsequent proceedings.
- (e) Deputies shall arrest and take into custody, without a warrant, a person whom the peace officer has probable cause to believe has violated a court order issued pursuant to Minn. Stat. § 518B.01 or Minn. Stat. § 629.75. Such an arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, if the deputy can verify the existence of the order. If the person is not released on citation in lieu of continuing detention, the person shall be held in custody for these violations for at least 36 hours unless released by a court (Minn. Stat. § 518B.01; Minn. Stat. § 629.75).
 - (f) An arrest for a violation of an order of protection may be made regardless of whether the excluded party was invited back to the residence (Minn. Stat. § 518B.01, Subd. 18).
 - (g) Following an arrest, a deputy should contact the local domestic abuse program by phone as soon as possible and provide the name and address of the victim and a brief factual account of events associated with the action.
 - (h) A deputy shall arrest and take into custody a person whom the deputy has probable cause to believe has violated a harassment restraining order, pursuant to Minn. Stat. § 609.748, if the deputy can verify the existence of the order.
 - (i) Deputies are authorized to make an arrest without a warrant when there is probable cause to believe the person has violated the provisions of any other no contact or restraining order issued by a court, even if the offense did not rise to the level of a felony (Minn. Stat. § 629.34). While conducting a domestic abuse investigation deputies shall attempt to verify whether there has been a court order issued.
 - (j) Deputies should consider whether other offenses have been committed that may not qualify as a domestic abuse including, but not limited to, burglary, felony assault, other threats of violence, kidnapping, false imprisonment, witness tampering, trespassing, criminal damage to property, disorderly conduct, or assault.

311.9.2 REPORTS AND RECORDS

- (a) Deputies should include information related to the following in a report, as applicable (Minn. Stat. § 629.341):
 1. Names, addresses, and telephone numbers of all involved persons
 2. Condition of clothing
 3. Description of the scene, including any property damage
 4. Evidence of physical injury, including strangulation
 5. Presence of elderly victims or persons with disabilities
 6. Facts related to any person who may have been a primary aggressor
 7. Excited utterances of the victim and the suspect
 8. Demeanor of the victim and the suspect

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Domestic Abuse

9. Medical records, including the victim's statements to paramedics, nurses, and doctors
 10. Detailed statements of interviews of witnesses, including children, who may have been present, noting any language barriers
 11. A detailed explanation of the reasons for the deputy's decision not to arrest or seek an arrest warrant
 12. Evidence of any prior domestic abuse or related convictions, including dates
 13. Any existing orders for protection, harassment restraining order, or no contact orders
 14. Identifying information of a specific court order violated, including county of origin, the file number, and the provision allegedly violated
- (b) Domestic abuse reports should be forwarded to the appropriate prosecutor for review and consideration of criminal charges, even when no arrest is made or warrant requested.
- (c) If a child was present at the scene of a domestic abuse incident or was the victim of domestic abuse, the deputy should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, and comply with the mandatory reporting requirements of Minn. Stat. § 260E.06 et seq.
1. The deputy shall also attempt to verify whether there has been an order for protection issued under Minn. Stat. § 260C.201 and take appropriate action.
- (d) Fees will not be charged for the release of reports related to domestic abuse, as directed in Minn. Stat. § 13.82.

311.9.3 SERVICE OF COURT ORDERS

Deputies, when reasonably safe and in a position to do so, shall serve copies or short forms of court orders as directed in Minn. Stat. § 518B.01 and Minn. Stat. § 609.748.

311.9.4 COURT-ORDERED FIREARM SURRENDERS

Although not required, this office generally will accept firearms surrendered by a court order from an abusing party or defendant. A decision to refuse a surrendered firearm should be approved by a supervisor.

Firearms will normally be surrendered at the Wadena County Sheriff's Office; however, when encountering someone in the field who wishes to surrender a firearm, deputies should make reasonable efforts to accommodate the request.

Surrendered firearms should be collected and submitted to the Evidence Room in accordance with the Evidence Room Policy.

Search and Seizure

312.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Wadena County Sheriff's Office personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the Wadena County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this office will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this office will comply with relevant federal and state law governing the seizure of persons and property.

The Office will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this office is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Search and Seizure

312.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances reasonably permit:

- (a) Members of this office will strive to conduct searches with dignity and courtesy.
- (b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:
 1. Another deputy or a supervisor should witness the search.
 2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

312.5 DOCUMENTATION

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and office policy have been met.

Temporary Custody of Juveniles

313.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Wadena County Sheriff's Office (34 USC § 11133; Minn. Stat. § 260B.176; Minn. Stat. § 260C.176).

This policy does not apply to secure detention facilities, shelter care facilities, or the juvenile portion of an adult facility authorized to hold juveniles, but rather applies to the temporary custody of a juvenile before a juvenile is released, delivered to a court, or delivered to any of these other facilities (Minn. Stat. § 260B.176, Subd. 3; Minn. Stat. § 260C.176, Subd. 3).

313.1.1 DEFINITIONS

Definitions related to this policy include:

Custodian or Guardian - A person who is under a legal obligation or who is in fact providing care and support for a minor (Minn. Stat. § 260B.007, Subd. 13; Minn. Stat. § 260C.007, Subd. 10).

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This includes those held as runaways (Minn. Stat. § 260C.175), truancy violators (Minn. Stat. § 260C.143), and juveniles 15 years old or younger in custody related to their engaging in prostitution or related activities (Minn. Stat. § 260B.007 Subd. 6(c)). This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes possession of a handgun in violation of Minn. Stat. § 624.713 (28 CFR 31.303). This does not include a juvenile petty offender under Minn. Stat. § 260B.007.

Non-secure custody - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring, and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Temporary Custody of Juveniles

- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include underage possession of tobacco or curfew violation. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. Juvenile petty offenders taken into custody should be considered a status offender for purposes of this policy (Minn. Stat. § 260B.007; Minn. Stat. § 260B.143).

313.2 POLICY

The Wadena County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Wadena County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

313.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Wadena County Sheriff's Office:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Wadena County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Temporary Custody of Juveniles

If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

313.3.1 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting deputy should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself, or any unusual behavior that may indicate the juvenile may harm him/herself while in custody.

313.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Wadena County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Wadena County Sheriff's Office without authorization of the arresting deputy's supervisor or the Patrol Sergeant.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Wadena County Sheriff's Office (34 USC § 11133).

313.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Wadena County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible (Minn. Stat. § 260B.175; Minn. Stat. § 260C.143; Minn. Stat. § 260C.176). Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

Juveniles detained for truancy violations may be (Minn. Stat. § 260C.143):

- (a) Transported to the juvenile's home and released to a parent or guardian.
- (b) Transported to the juvenile's school of enrollment and delivered to the school superintendent or a teacher.
- (c) Transported to a child truancy center under Minn. Stat. § 260A.04, Subd. 3.

313.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Temporary Custody of Juveniles

313.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Wadena County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally juvenile offenders may be taken into custody under the authority of Minn. Stat. § 260B.175 when a court order authorizes the custody, when the juvenile has committed an offense that would warrant the arrest of an adult, or when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision.

A deputy who takes a juvenile offender of any age or gender into custody or could take the juvenile into custody under Minn. Stat. § 260B.175 is authorized to perform a protective pat-down search of the juvenile offender in order to protect the deputy's safety (Minn. Stat. § 260B.175, Subd. 4).

The parent, guardian, or custodian of the juvenile shall be notified as soon as possible when a juvenile offender is taken into custody. Juvenile offenders shall be released to the custody of a parent, guardian, custodian, or other suitable person unless there is reason to believe that the juvenile would (Minn. Stat. § 260B.176):

- (a) Endanger themselves or others.
- (b) Not return for a court hearing.
- (c) Run away from or otherwise not remain in the care or control of their parent, guardian, or custodian.
- (d) Face immediate endangerment to the juvenile's health or welfare.

If a juvenile offender is not released to a parent, guardian, custodian, or other suitable person, the deputy taking the juvenile offender into custody shall communicate with or deliver the juvenile to a secure detention facility to determine whether the juvenile should be released or detained. The deputy shall also notify the court as soon as possible of the detention of the juvenile and the reasons for detention (Minn. Stat. § 260B.176).

313.4.4 SCHOOL NOTIFICATION

Minnesota law requires that the Sheriff or the authorized designee notify the superintendent or chief administrative officer of a juvenile's school of an incident occurring within our jurisdiction if (Minn. Stat. § 260B.171, Subd. 5):

- (a) There is probable cause to believe a juvenile has committed an offense that would be a crime if committed as an adult, where the victim is a student or staff member and the notice is reasonably necessary for the protection of the victim.
- (b) There is probable cause to believe a juvenile has committed certain serious crimes regardless of whether the victim is a student or staff member.
- (c) The juvenile is taken into protective custody and methamphetamine manufacture or storage is involved (see the Child Abuse Policy for guidelines) (see also, Minn. Stat. § 260C.171)

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Temporary Custody of Juveniles

However, the office is not required to notify the school if it is determined that notice would jeopardize an ongoing investigation.

313.5 ADVISEMENTS

When a juvenile is taken into custody on a warrant, the juvenile and his/her parent, guardian, or custodian, if present, shall immediately be informed of the existence of the warrant for immediate custody and, as soon as practicable, of the reasons why the juvenile is being taken into custody (Minnesota Rules of Juvenile Delinquency Procedure 4.03, Subd. 10).

If it is determined that a juvenile taken into custody is going to be placed into a secure detention facility or a shelter care facility, the deputy shall advise both the juvenile and the juvenile's parent, guardian, or custodian as soon as possible (Minn. Stat. § 260B.176, Subd. 3; Minn. Stat. § 260C.176, Subd. 3):

- (a) Of the reasons for custody and the reasons for placement.
- (b) Of the location of the facility unless there is reason to believe that disclosure would place the juvenile's health and welfare in immediate endangerment. If so, the disclosure shall not be made (Minn. Stat. § 260B.176, Subd. 5).
- (c) That the juvenile's parent, guardian, or custodian and attorney or guardian ad litem may make an initial visit to the facility at any time. Subsequent visits may also be made on a reasonable basis.
- (d) That the juvenile may telephone parents and an attorney or guardian ad litem immediately after being admitted to the facility and thereafter on a reasonable basis.
- (e) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007, Subd. 6 for longer than 36 hours excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260B.178.
- (f) That the juvenile may not be detained under Minn. Stat. § 260C.175, Subd. 1, clause (1) or (2), item (ii) longer than 72 hours at a shelter care facility excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260C.178.
- (g) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007, Subd. 6 for longer than 24 hours in an adult jail or municipal lockup excluding weekends and holidays or longer than six hours if the adult jail or municipal lockup is a standard metropolitan statistical area, unless a petition has been filed pursuant to Minn. Stat. § 260B.178 and a motion made to refer the juvenile for adult prosecution.
- (h) Of the date, time, and place of the detention hearing, if this information is available.
- (i) That the juvenile and the juvenile's parent, guardian, or custodian have the right to be present and to be represented by counsel, at the detention hearing and that if they cannot afford counsel it will be appointed at public expense.

313.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Office the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile being held.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Temporary Custody of Juveniles

- (b) Date and time of arrival and release from the Wadena County Sheriff's Office.
- (c) Patrol Sergeant notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status.
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Patrol Sergeant shall initial the log to approve the custody, including any secure custody and shall also initial the log when the juvenile is released.

313.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile or status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Wadena County Sheriff's Office shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

313.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Wadena County Sheriff's Office shall ensure the following:

- (a) The Patrol Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Wadena County Sheriff's Office more than four hours. This will enable the Patrol Sergeant to ensure no juvenile is held at the Wadena County Sheriff's Office more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Temporary Custody of Juveniles

- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian, and/or lawyer visits.
- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

313.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Wadena County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Restraints shall only be used after less restrictive measures have failed and with the approval of the Patrol Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

313.10 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the Wadena County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Wadena County Sheriff's Office.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Temporary Custody of Juveniles

313.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Minn. Stat. § 260B.181). Patrol Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this office should not use secure custody for convenience when non-secure custody is or later becomes a reasonable option.

When reasonably practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

313.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to office members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by a staff member shall occur no less than every 15 minutes.
 - 1. All checks shall be logged.
 - 2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Temporary Custody of Juveniles

313.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Patrol Sergeant will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Wadena County Sheriff's Office. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Sheriff and Investigation Section Supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the County attorney.
- (e) Evidence preservation.

313.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent and does consent to an interview or interrogation.

313.14 RESTRICTION ON PHOTOGRAPHING

Photographing of juveniles taken into custody will only occur with the consent of the juvenile court, except when the photograph is taken related to a violation of driving while impaired or is taken pursuant to the laws of arrest (Minn. Stat. § 260B.171, Subd. 5; Minn. Stat. § 260B.175; Minn. Stat. § 169A.20).

Adult Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Wadena County Sheriff's Office members as required by law (Minn. Stat. § 626.557).

314.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 626.5572):

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

314.2 POLICY

The Wadena County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

314.3 MANDATORY NOTIFICATION

Members of the Wadena County Sheriff's Office shall notify the entity responsible for receiving such reports when they have reason to believe that a vulnerable adult is being or has been maltreated, or has sustained a physical injury which is not reasonably explained. Members shall also report suspected negligent care by a service or health care provider that resulted in injury or harm requiring the care of a physician (Minn. Stat. § 626.557).

For purposes of notification, a vulnerable adult is a person age 18 or older who has physical, mental or emotional disabilities that make it difficult for the person to care for or to protect him/herself from maltreatment. It also refers to adults who reside at a facility, or receive care at a facility or through home care (Minn. Stat. § 626.5572).

Maltreatment includes abuse, neglect and financial exploitation. Abuse can be physical, emotional or sexual. Financial exploitation may include any instance where vulnerable adults' money, assets or property are not used for their benefit or are stolen or kept from them (see Minn. Stat. § 626.5572 for full definitions).

314.3.1 NOTIFICATION PROCEDURE

Notification should be made as soon as possible, but in all cases within 24 hours (Minn. Stat. § 626.557; Minn. Stat. § 626.5572). To the extent possible, the following should be included in the notification:

- (a) The identity of the vulnerable adult and any caregiver
- (b) The nature and extent of the suspected maltreatment
- (c) Any evidence of previous maltreatment

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Adult Abuse

- (d) The name and addresses of the person initiating the report or other witnesses
- (e) The time, date, and location of the incident
- (f) Any other information that might be helpful in investigating the suspected maltreatment

If notification of maltreatment is first made to the Wadena County Sheriff's Office, the member receiving the notification shall complete and forward the intake form to the entity responsible for receiving such reports.

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Minn. Stat. § 626.5571).

314.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. Investigations should be initiated as soon as possible, but in all cases within 24 hours (Minn. Stat. § 626.557).

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Adult Abuse

- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

Assigned members shall initiate an investigation of vulnerable adult abuse as soon as possible, but in all cases within 24 hours when there is reason to believe a crime has been committed (Minn. Stat. § 626.557).

314.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact an appropriate protective services agency. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to an appropriate protective services agency or medical facility.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Adult Abuse

314.7.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

314.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

314.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

314.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit supervisor should:

- (a) Work with professionals from the appropriate agencies, including the applicable adult protective services agency, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Investigation Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Adult Abuse

- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the adult.

314.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigation Unit supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

314.10.1 RECORDS RESPONSIBILITIES

The Records is responsible for:

- (a) Providing a copy of the adult abuse report to the applicable entity in the county responsible for receiving such reports as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

314.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Minn. Stat. § 626.557).

314.11 TRAINING

The Office should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Discriminatory Harassment

315.1 PURPOSE AND SCOPE

This policy is intended to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

315.2 POLICY

The Wadena County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Office will not tolerate, discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or office equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

315.3.2 SEXUAL HARASSMENT

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Discriminatory Harassment

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

315.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Minnesota Department of Human Rights.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

315.4 RESPONSIBILITIES

This policy applies to all office personnel. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional standards, and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Human Resource Director, or the County Board.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Discriminatory Harassment

315.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Sheriff or the Human Resource Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

315.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

315.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Human Resource Director, or the County Board for further information, direction, or clarification.

315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Discriminatory Harassment

315.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, the Human Resource Director or the County Board.

315.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

315.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- (a) Approved by the Sheriff, the County Board, or the Human Resource Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Discriminatory Harassment

315.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

Child Abuse

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Wadena County Sheriff's Office members are required to notify the county social services agency of suspected child abuse.

316.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse (also known as maltreatment of minors) - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (Minn. Stat. § 260E.03; Minn. Stat. § 260E.06).

316.2 POLICY

The Wadena County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure the county social services agency is notified as required by law.

316.3 MANDATORY NOTIFICATION

Members of the Wadena County Sheriff's Office shall notify the county social services agency when they have reason to believe any of the following may have occurred or when someone reports any of the following (Minn. Stat. § 260E.06):

- (a) A child is being neglected or has been neglected within the preceding three years.
- (b) A child is being physically abused or has been physically abused within the preceding three years by a person responsible for the child's care.
- (c) A child is being sexually abused, threatened with sexual abuse, or has been sexually abused within the preceding three years by a person responsible for the child's care, by a person who has a significant relationship to the child, or by a person in a position of authority.
- (d) A woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy, including but not limited to tetrahydrocannabinol (marijuana), or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive (Minn. Stat. § 260E.03, subd. 15; Minn. Stat. § 260E.31).

Notification is mandatory for any acts of neglect, physical abuse, and sexual abuse that constitute a crime, whether or not the suspect had any relationship to or responsibility for the child (Minn. Stat. § 260E.12).

For purposes of notification, physical abuse includes injuries, mental injuries, or injuries that cannot be reasonably explained (e.g., punching, kicking, burning). Sexual abuse includes criminal

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Child Abuse

sexual conduct and prostitution offenses. Neglect includes failure to supply a child with necessary clothing, shelter, or medical care. See Minn. Stat. § 260E.03 for full definitions of physical abuse, sexual abuse, and neglect.

316.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Minn. Stat. § 260E.09):

- (a) The member tasked with the investigation shall call the county social services agency and report the alleged abuse as soon as possible but always within 24 hours. The time of the call and the name of the person should be documented.
- (b) Notification, when possible, should include:
 - 1. The child's current location and whether the child is in immediate danger.
 - 2. A description of when and where the incident occurred and what happened to the child.
 - 3. A description of the injuries or present condition of the child.
 - 4. The names and addresses of the child, parents, or caregivers.
 - 5. Whether there were any witnesses to the incident and their names.
 - 6. Any additional information about the child, family, or caregivers that may be helpful.
 - 7. Whether the incident occurred in a licensed facility or a school and what actions the facility employees may have taken.
 - 8. Whether there are immediate family, relative, or community resources that would offer protection or support to the child.
- (c) Forms that may be required by the county social services agency or other written notification shall be completed and faxed or delivered to the county social services agency as soon as possible but always within 72 hours, exclusive of weekends and holidays.
- (d) Approved investigation reports should be forwarded to the county social services agency as soon as practical.
- (e) When the child abuse occurred at a facility or by a person from a facility that requires a state license or a profession that requires a state license (e.g., foster homes, group homes, day care, educator), notification shall also be made to the agency responsible for licensing the facility or person (Minn. Stat. § 260E.11).

316.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Child Abuse

- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

316.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

316.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact the county social services agency. Generally, removal of a child from his/her family,

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Child Abuse

guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to the county social services agency.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Minn. Stat. § 260C.175):

- (a) When a court has issued an order for removal.
- (b) When a child is found in surroundings or conditions that pose an imminent threat to the child's health or welfare or that a peace officer reasonably believes pose an imminent threat to the child's health or welfare.
- (c) If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, taking the child into custody under this clause shall be consistent with the Indian Child Welfare Act (25 USC § 1922).

316.6.1 NOTICE TO PARENT OR CUSTODIAN AND CHILD

Whenever a deputy takes a child into protective custody, the deputy shall notify the parent or custodian and the child (age 10 years or older) that they may request that the child be placed with a relative instead of in a shelter care facility. The deputy also shall give the parent or custodian a list, published by the Minnesota Department of Human Services, of names, addresses, and telephone numbers of social services agencies that offer child welfare services. When placement with a relative is requested, the deputy will coordinate with the responsible social services agency to ensure the child's safety and well-being in compliance with Minn. Stat. § 260C.181 (Minn. Stat. § 260C.175).

If the parent or custodian was not present when the child was removed from the residence, the list shall be left with an adult who is on the premises or left in a conspicuous place on the premises if no adult is present. If the deputy has reason to believe the parent or custodian is not able to read and understand English, the deputy must provide a list that is written in the language of the parent or custodian (Minn. Stat. § 260C.175; Minn. Stat. § 260C.181).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Child Abuse

316.6.2 SAFE PLACE FOR NEWBORNS

A person may leave an unharmed newborn less than seven days old with the staff of a hospital, urgent care facility or ambulance service without being subject to prosecution (Minn. Stat. § 609.3785). The responsible social service agency is charged with addressing these matters but may contact law enforcement if child abuse is suspected (Minn. Stat. § 145.902; Minn. Stat. § 609.3785).

316.7 INTERVIEWS

316.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

316.7.2 DETAINING ABUSE VICTIMS FOR INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

316.7.3 NOTIFICATION TO PARENTS

Generally, deputies should cooperate with parents and guardians and seek consent prior to conducting interviews of children. However, when reasonably necessary, state law grants deputies the authority to interview a child who is the alleged victim of abuse or neglect, and any other children who currently reside or have resided with the alleged victim, without parental consent (Minn. Stat. § 260E.22, Subd. 1).

The interview may take place at school or at any facility or other place where the alleged victim or other children might be found, or the child may be transported to, and the interview conducted at, a place that is appropriate for the interview and has been designated by the local welfare agency or law enforcement agency. When it is possible and substantial child endangerment or sexual

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Child Abuse

abuse is alleged, the interview may take place outside the presence of the alleged offender and prior to any interviews of the alleged offender (Minn. Stat. § 260E.22).

The deputy shall notify the parent, legal custodian, or guardian that the interview occurred as soon as reasonably practicable after the interview, unless the juvenile court has determined that reasonable cause exists to withhold the information (Minn. Stat. § 260E.22).

316.7.4 INTERVIEWS AT SCHOOL

If deputies assigned to investigate a report of maltreatment determine that an interview should take place on school property, written notification of the intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property (Minn. Stat. § 260E.22, Subd. 7).

The investigating deputy shall determine who may attend the interview, although school officials may set reasonable conditions as to the time, place, and manner of the interview (Minn. Stat. § 260E.22, Subd. 7).

316.7.5 DOCUMENTING AND RECORDING INTERVIEWS

Any statement made by an alleged child abuse victim during the course of a criminal investigation shall be documented. The documentation of the interview must contain, at a minimum (Minn. Stat. § 260E.23):

- (a) The date, time, place, and duration of the interview.
- (b) The identity of the persons present at the interview.
- (c) A summary of the information obtained during the interview if it was not audio recorded.

Members should follow the written guidelines of the county attorney's office regarding recording interviews of a child abuse victim.

316.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Child Abuse

316.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

316.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit supervisor should:

- (a) Work with professionals from the appropriate agencies, including the county social services agency, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Investigation Unit supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

316.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigation Unit supervisor so an interagency response can begin.

316.9.3 SCHOOL NOTIFICATION

If a juvenile is taken into protective custody after being found in an area where methamphetamine was being manufactured or attempted to be manufactured, or where any chemical substances, paraphernalia or waste products related to methamphetamine are stored, the deputy who took the juvenile into custody shall notify the chief administrative officer of the juvenile's school (Minn. Stat. § 260C.171, Subd. 6).

316.10 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

316.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Minn. Stat. § 260E.35).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Child Abuse

316.10.2 MULTIDISCIPLINARY INVESTIGATIVE TEAMS

Child mortality review panels, local review teams, and the commissioner of children, youth, and families shall have access to not public data regarding the death or near death of a child. This office shall cooperate fully with any such team and investigation (Minn. Stat. § 260E.39, Subd. 5).

316.10.3 COORDINATION WITH SOCIAL SERVICES

In every case of child abuse that would require notification to a local county social services agency, the investigating deputy shall coordinate the planning and execution of the investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. The investigating deputy shall prepare a report separate from the social services agency (Minn. Stat. § 260E.12; Minn. Stat. § 260E.14, Subd. 5).

Members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an investigation or a family assessment under Chapter 260E (Minn. Stat. § 243.166; Minn. Stat. § 260E.03).

316.10.4 NOTIFICATION PROCESS

The Patrol Supervisor is responsible for ensuring the mandatory notifications to the county social service agency are carried out. This should be achieved, in part, by establishing and reviewing related procedures and through ongoing training (Minn. Stat. § 260E.01 et seq.).

316.10.5 COURT-ORDERED FIREARM SURRENDERS

Although not required, this office generally will accept firearms surrendered by a court order from an abusing party or defendant. A decision to refuse a surrendered firearm should be approved by a supervisor.

Firearms will normally be surrendered at the Wadena County Sheriff's Office; however, when encountering someone in the field who wishes to surrender a firearm, deputies should make reasonable efforts to accommodate the request.

Surrendered firearms should be collected and submitted to the Evidence Room in accordance with the Evidence Room Policy.

316.11 TRAINING

The Administration should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Child Abuse

- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

317.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

317.1.1 DEFINITIONS

Definitions related to this policy include:

Endangered - A person the Office has confirmed is missing and there is sufficient evidence to indicate that the person is at risk of physical injury or death. Examples include (Minn. Stat. § 299C.52):

- (a) The person is missing because of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary.
- (b) The person is missing under known dangerous circumstances.
- (c) The person is missing for more than 30 days.
- (d) The person is under the age of 21 and at least one other factor is applicable.
- (e) There is evidence that the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication.
- (f) The person does not have a pattern of running away or disappearing.
- (g) The person is mentally impaired.
- (h) The person has been diagnosed with dementia, a traumatic brain injury, Alzheimer's disease, or other cognitive impairments.
- (i) The person has been diagnosed with autism.
- (j) There is evidence that a non-custodial parent may have abducted the person.
- (k) The person has been the subject of past threats or acts of violence.
- (l) There is evidence that the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate and effective investigation and search-and-rescue efforts are critical.
- (m) Any other factor the Office deems to indicate the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes any person under the age of 18 or who is certified or known to be mentally incompetent (Minn. Stat. § 299C.52).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Missing Persons

Persons System (NamUs), the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, and the Minnesota Crime Alert Network.

317.2 POLICY

The Wadena County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

317.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Unit supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

317.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction (Minn. Stat. § 299C.53, Subd.1(a)).

317.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

- (a) Respond to a dispatched call as soon as practicable. Obtain a detailed description of the missing person, as well as a description of any related vehicle and/or abductor.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be endangered (Minn. Stat. § 299C.53, Subd. 1(b)). Interviews should be conducted separately, if practicable.
- (c) Consult with the Bureau of Criminal Apprehension (BCA) if the person is determined to be an endangered missing person (Minn. Stat. § 299C.53, Subd. 1(b)).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Missing Persons

- (d) Canvass the last known area where the missing person was seen, if known. A search of the location where the incident took place, if known, should also be conducted and a search warrant obtained if necessary.
- (e) Determine when, where and by whom the missing person was last seen. Interview the person who last had contact with the missing person.
- (f) Notify a supervisor immediately if there is evidence that a missing person is either endangered or may qualify for a public alert, or both (see the Public Alerts Policy).
- (g) Broadcast an "Attempt to Locate" (ATL) or similar alert if the person is under 18 years of age or there is evidence that the missing person is endangered. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be endangered.
- (h) Relay known details to all on-duty personnel as well as other local or surrounding law enforcement agencies using local and state databases.
- (i) Ensure that entries are made into the appropriate missing person networks:
 - 1. Immediately, when the missing person is endangered (Minn. Stat. § 299C.53, Subd. 1(b)).
 - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).
- (j) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- (k) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available (Minn. Stat. § 299C.54, Subd. 2).
 - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (l) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- (m) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an endangered missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (n) Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:
 - 1. The primary agency has limited resources.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Missing Persons

2. The investigation crosses jurisdictional lines.
3. Jurisdictions have pre-established task forces or investigative teams.

317.5.1 CRIME SCENE INVESTIGATION AND MANAGEMENT

If a crime scene is identified, it should be secured and a command post or operation base located at a reasonable distance from the crime scene. Staff and assign the responsibilities for command post supervisor, media specialist, search coordinator, investigative coordinator, communication officer and support unit coordinator. Provide two liaison deputies (one at the command post and one at the crime scene). The role of the liaison at the home will include facilitating support and advocacy for the family.

The investigation of the scene and the crime should consider various elements, including:

- (a) Establishing the ability to “trap and trace” all incoming calls. Consider setting up a separate telephone line or cellular telephone for office use and follow-up on all leads.
- (b) Compiling a list of known sex offenders in the region.
- (c) In cases of infant abduction, investigating claims of home births made in the area.
- (d) In cases involving children, obtaining child protective agency records for reports of child abuse.
- (e) Reviewing records for previous incidents related to the missing person and prior law enforcement activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
- (f) Obtaining the missing person’s medical and dental records, fingerprints and a biological sample when practicable or within 30 days.
- (g) Creating a missing person profile with detailed information obtained from records and interviews with family and friends, describing the missing person’s health, relationships, personality, problems, life experiences, plans, equipment, etc.
- (h) Interviewing delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
- (i) Determining if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:
 1. Investigative resources (e.g., search and rescue).
 2. Interpretive resources.
 3. Telephone services, such as traps, traces and triangulation.
 4. Media assistance from local and national sources.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Missing Persons

- (j) Using secure electronic communication information, such as the missing person's cellular telephone number, e-mail address and information from social networking sites.
- (k) Appointing a deputy to communicate with the family/reporting party or their designee. The deputy will be the primary point of contact for the family/reporting party or their designee, and should provide contact information and the family information packet (if available) to the family/reporting party or their designee.
- (l) Providing general information to the family/reporting party or their designee about the handling of the missing person case or about any intended efforts, only to the extent that disclosure would not adversely affect the office's ability to locate or protect the missing person or to apprehend or criminally prosecute any person in connection to the case.

317.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

317.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

317.6.2 RECORDS RESPONSIBILITIES

The responsibilities of the Records receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Missing Persons

- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigation Unit.
- (e) Coordinating with the NCIC Terminal Contractor for Minnesota to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

317.7 INVESTIGATION UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Shall review the case file to determine whether any additional information received on the missing person indicates that the person is endangered, and shall update applicable state or federal databases accordingly (Minn. Stat. § 299C.535(b); Minn. Stat. § 299C.535(c)).
- (d) Shall attempt to obtain the following, if not previously obtained, if the person remains missing after 30 days (Minn. Stat. § 299C.535(a)):
 - 1. Biological samples from family members and, if possible, from the missing person
 - 2. Dental information and X-rays
 - 3. Additional photographs and video that may aid the investigation or identification
 - 4. Fingerprints
 - 5. Any other specific identifying information
- (e) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (f) Shall verify and update the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Missing Persons

- (g) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (h) Should consider taking certain actions if a person is missing after a prolonged period, generally exceeding 45 days. Those actions include:
 - 1. Developing a profile of the possible abductor.
 - 2. Using a truth verification device for parents, spouse, and other key individuals.
 - 3. Reviewing all reports and transcripts of interviews, revisiting the crime scene, reviewing all photographs and videotapes, reinterviewing key individuals and reexamining all physical evidence collected.
 - 4. Reviewing all potential witness/suspect information obtained in the initial investigation and considering background checks on anyone of interest identified in the investigation.
 - 5. Periodically checking pertinent sources of information about the missing person for any activity, such as telephone, bank, Internet or credit card activity.
 - 6. Developing a timeline and other visual exhibits.
 - 7. Critiquing the results of the ongoing investigation with appropriate investigative resources.
 - 8. Arranging for periodic media coverage.
 - 9. Considering the use of rewards and crime-stoppers programs.
 - 10. Maintaining contact with the family and/or the reporting party or designee, as appropriate.
- (i) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (j) Should make appropriate inquiry with the Coroner.
- (k) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (l) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, forward the photograph to BCA (Minn. Stat. § 299C.54), and enter the photograph into applicable missing person networks (34 USC § 41308).
- (m) In the case of an endangered missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

317.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Missing Persons

The Administrative Assistant shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to BCA.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks (Minn. Stat. § 299C.53, Subd. 2).
- (d) When a child is endangered, the fact that the child has been found shall be reported within 24 hours to BCA.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

317.8.1 PERSONS FOUND ALIVE

Additional responsibilities related to missing persons who are found alive include:

- (a) Verifying that the located person is the reported missing person.
- (b) If appropriate, arranging for a comprehensive physical examination of the victim.
- (c) Conducting a careful interview of the person, documenting the results of the interview and involving all appropriate agencies.
- (d) Notifying the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of his/her whereabouts and contact information, the family/reporting party may be given this information.
- (e) Depending on the circumstances of the disappearance, considering the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.
- (f) Performing a constructive post-case critique. Reassessing the procedures used and updating the Office policy and procedures as appropriate.

317.8.2 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- (c) Use available resources, such as those related to missing persons, to identify the person.

317.8.3 DECEASED PERSONS

If a deceased person has been identified as a missing person, the Investigation Unit shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained (Minn. Stat. § 390.25, Subd. 2).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Missing Persons

Additional investigation responsibilities include the following:

- (a) Secure the crime scene if this office has jurisdiction.
- (b) Contact the coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
- (c) Collect and preserve any evidence at the scene.
- (d) Depending on the circumstances, consider the need for intervention, counseling or other services for the family/reporting party.
- (e) Cancel alerts and remove the case from NCIC and other information systems; remove posters and other publications from circulation.
- (f) Perform a constructive post-case critique. Reassess the procedures used and update the office policy and procedures as appropriate.

317.9 CASE CLOSURE

The Investigation Unit supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Wadena or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

317.10 TRAINING

Subject to available resources, the Chief Deputy should ensure that members of this office whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of office members at the scene.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Missing Persons

- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Public Alerts

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

318.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

318.3 RESPONSIBILITIES

318.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Wadena County Sheriff's Office should notify their supervisor, Patrol Sergeant or Investigation Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

318.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Sergeant and the Sheriff when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Sergeant

318.4 AMBER ALERTS

America's Missing: Broadcast Emergency Response (AMBER) Alert™ is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how it can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement through the Minnesota Crime Alert Network (Minn. Stat. § 299A.61 Subd. 1).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Public Alerts

318.4.1 CRITERIA

Any non-familial case in which an individual is abducted and the public can assist will trigger the activation of either the AMBER Alert and/or the Minnesota Crime Alert Network (MCAN) to inform the public and request its assistance in locating the individual.

The criteria for issuance of an Amber Alert are as follows:

- (a) A child 17 years of age or younger was abducted and there is reason to believe the victim is in imminent danger of serious bodily injury or death.
- (b) There is information available to disseminate to the general public that could assist with the safe recovery of the victim and/or the apprehension of the suspect.

An AMBER Alert should not be requested if there is no information to distribute.

318.4.2 PROCEDURE

The supervisor shall review the AMBER Alert checklist provided by the Bureau of Criminal Apprehension (BCA) to determine whether the abduction meets the AMBER Alert criteria.

As soon as possible, Records personnel shall enter the child's name and other critical data into the National Crime Information Center (NCIC), with appropriate flags.

If the AMBER Alert criteria is met, the supervisor, Patrol Sergeant or Investigation Unit supervisor will notify the Operations Center at the BCA. The BCA will determine whether an AMBER Alert will be issued and, if so, will activate the Minnesota Emergency Alert System (EAS) through the Minnesota Department of Public Safety (DPS) Division of Homeland Security and Emergency Management (HSEM).

BCA will manage press notifications through the EAS.

As additional information becomes available, the BCA shall be apprised and they will disseminate the information, as appropriate.

When the child is found, or the alert should be cancelled for other reasons, the Investigation Unit supervisor shall immediately notify BCA with the pertinent information.

318.5 MINNESOTA CRIME ALERT NETWORK (MCAN)

MCAN is a statewide communications network that enables law enforcement agencies to quickly alert the public (Minn. Stat. § 299A.61). In cases where the AMBER Alert criteria are not met, the supervisor shall issue a missing person alert through MCAN to notify the public and request information on the case (Minn. Stat. § 299C.53). Law enforcement agencies, businesses, schools, and community members participate in the network.

318.5.1 CRITERIA

MCAN is available for disseminating information regarding the commission of crimes, including information on missing and endangered children or vulnerable adults, or attempts to reduce theft and other crime.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Public Alerts

318.5.2 PROCEDURE

If a supervisor determines that an MCAN alert should be requested, the supervisor should contact the BCA Operations Center and provide the requested information (Minn. Stat. § 299C.53).

The Sheriff should prepare a press release that includes all available information that might strengthen the assistance by the public or other law enforcement agencies. It should be updated with additional information as it becomes available and useful. All media releases should be coordinated with the BCA. In the event of a confirmed child abduction, whether or not an AMBER Alert or MCAN alert is activated, procedures designed to inform the media should be followed. Initial information to release may include but is not limited to:

- (a) The nature of the crime that has occurred.
- (b) The victim's identity, age, and description, if relevant.
- (c) Photograph if available.
- (d) The suspect's identity, age, and description, if known.
- (e) Pertinent vehicle description.
- (f) Detail regarding location of incident, direction of travel, and potential destinations, if known.
- (g) Whether there is reason to believe the suspect has a relationship to the victim.
- (h) Name and phone number of the Sheriff or other authorized individual to handle media liaison.
- (i) A telephone number for the public to call with leads or information.

As additional information pertinent to the case becomes available, it shall be forwarded to the BCA.

318.6 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer.

318.6.1 CRITERIA

The following criteria should be utilized to determine if a request to activate a Blue Alert will be made:

- (a) A law enforcement officer has been killed, seriously injured or is missing while in the line of duty under circumstances evidencing concern for the officer's safety.
- (b) The investigating law enforcement agency has determined that:
 - 1. The suspect poses a serious risk to the public or other law enforcement personnel.
 - 2. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Public Alerts

- (c) A description of the offender, the offender's vehicle (including license plate or partial license plate) is available for broadcast.

318.6.2 PROCEDURE

The on-duty supervisor should ensure that contact is made with the Minnesota Bureau of Criminal Apprehension (BCA) to request activation of a Blue Alert. The on-duty supervisor should also ensure that any changes to information (e.g., vehicle information, broadcast area) are communicated to BCA in a timely manner.

Victim and Witness Assistance

319.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

319.2 POLICY

The Wadena County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Wadena County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

319.3 CRIME VICTIM LIAISON

The Sheriff should appoint a member of the Office to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Wadena County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

319.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison shall assist the Minnesota Crime Victims Reimbursement Board in performing its duties and ensure that the Records forwards copies of requested reports to the board or other authorized organizations within 10 days of receipt, in compliance with the Records Maintenance and Release Policy. These reports include those maintained as confidential or not open to inspection under Minn. Stat. § 260B.171 or Minn. Stat. § 260C.171 (Minn. Stat. § 611A.66).

The crime victim liaison will also (Minn. Stat. § 611A.27):

- (a) Serve for a sexual assault victim or a sexual assault victim's written designee as the liaison between the Wadena County Sheriff's Office and a forensic laboratory.
- (b) Facilitate requests for information made by a sexual assault victim or written designee.
- (c) Provide an appropriate response to a victim's request for investigative data within 30 days.
- (d) Develop a procedure allowing a sexual assault victim to request that the sexual assault examination kit be submitted to a forensic laboratory if the victim had not previously authorized such submission.

The crime victim liaison or the authorized designee, in consultation with the Investigation Section Sergeant, should establish procedures for receiving requests for assistance in applying for U visa or T visa status, and make those procedures available to victims. The procedures should provide for responses to these requests to be made in compliance with applicable law and as set forth in the Immigration Violations Policy and applicable law (Minn. Stat. § 611A.95).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Victim and Witness Assistance

319.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

319.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims, including domestic abuse and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime.
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the deputy's name, badge number, and any applicable case or incident number.
- (j) Notices and information regarding the rights of crime victims, domestic abuse victims, and offender release as detailed in the following:
 1. Safe at Home address confidentiality program (Minn. Stat. § 5B.03)
 2. Offender release notification (Minn. Stat. § 244.052; Minn. Stat. § 244.053; Minn. Stat. § 611A.06; Minn. Stat. § 629.73)
 3. Tenancy issues (Minn. Stat. § 504B.205; Minn. Stat. § 504B.206)
 4. Victim and specific domestic abuse victim information/Minnesota CHOICE (Minn. Stat. § 611A.02 et seq.; Minn. Stat. § 629.341; Minn. Stat. § 629.72)
- (k) A notice that a decision to arrest is the deputy's and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Victim and Witness Assistance

- (l) Contact information for the Office of Justice Programs and the Emergency Fund and Crime Victims Reimbursement (Minn. Stat. § 611A.66).

319.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate or Prejudice Crimes

320.1 PURPOSE AND SCOPE

The Wadena County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this office will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

320.1.1 FEDERAL JURISDICTION

The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

320.2 DEFINITIONS

Hate or Prejudice Crime - Conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability (see generally Minn. Stat. § 611A.79, Subd. 1).

320.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

While it is recognized that not all crime can be prevented, this office is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

- (a) Deputies should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups relating to hate crime laws.

320.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this office receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

- (a) Deputies will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Hate or Prejudice Crimes

- (c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned deputies will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.
- (d) The assigned deputies will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.
- (e) Depending on the situation, the assigned deputies or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned deputies will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. All related reports will be clearly marked as “Hate or Prejudice Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputies before the end of the shift.
- (g) The assigned deputies will provide the victims of any suspected hate or prejudice crime with the brochure on hate and prejudice crimes authorized by the Office. Such brochures will also be available to members of the public upon request. The assigned deputies should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.
- (h) The assigned deputies and supervisor should take reasonable steps to ensure that any such situation does not escalate further and provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts, prosecuting attorney or County Attorney.

320.5 INVESTIGATION UNIT RESPONSIBILITIES

If a case is assigned to the Investigation Unit, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

- (a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies, as appropriate.
- (b) Maintaining contact with the victims and other involved individuals as needed.
- (c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

320.5.1 STATE HATE CRIME REPORTING

This office shall report hate or prejudice crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Administrative Assistant or assigned to the Investigation Unit (Minn. Stat. § 626.5531, Subd. 2).

Reports are required to include (Minn. Stat. 626.5531, Subd. 1):

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Hate or Prejudice Crimes

- (a) The date of the offense.
- (b) The location of the offense.
- (c) Whether the target of the incident was a person, private property or public property.
- (d) The crime committed.
- (e) The type of bias and information about the offender and the victim that is relevant to that bias.
- (f) Any organized group involved in the incident.
- (g) The disposition of the case.
- (h) Whether the determination that the offense was motivated by bias was based on the deputy's reasonable belief or on the victim's allegation.
- (i) Any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

320.5.2 FEDERAL HATE CRIME REPORTING

The Administrative Assistant should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records procedures and in compliance with (28 USC § 534 (a)).

320.6 TRAINING

All members of this office will receive training on hate and prejudice crime recognition and investigation and will attend periodic training that incorporates a hate and prejudice crime training component (Minn. Stat. § 626.8451, Subd. 1 and Subd. 4).

Standards of Conduct

321.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Wadena County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors.

321.1.1 STANDARDS OF CONDUCT FOR PEACE OFFICERS

The Wadena County Sheriff's Office adopts the Professional Conduct of Peace Officers model policy established and published by the Minnesota Board of Peace Officer Standards and Training Board (POST) (Minn. Stat. § 626.8457). This model policy applies to all peace officers of this office.

[See attachment: MN POST Professional Conduct of Peace Officers Model Policy.pdf](#)

The provisions of this policy are in addition to collective bargaining agreements or any other applicable law.

The Office shall report to POST any data regarding the investigation and disposition of cases involving alleged misconduct of deputies (Minn. Stat. § 626.8457, Subd. 3).

321.2 POLICY

The continued employment or appointment of every member of the Wadena County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

321.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

321.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Standards of Conduct

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

321.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

321.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Minnesota constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

321.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient office service.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Standards of Conduct

321.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in office or County manuals.
- (b) Disobedience of any legal directive or order issued by any office member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

321.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Wadena County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for nonoffice business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

321.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

321.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Standards of Conduct

- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this office.
- (f) Supporting or participating in the activities of a hate or extremist group (Minn. Stat. § 626.8436).

321.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

321.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this office.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any office property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using office resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

321.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Standards of Conduct

- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Office within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

321.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office--related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on office premises.
 - 2. At any work site, while on duty or while in uniform, or while using any office equipment or system.
 - 3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or on office property except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Standards of Conduct

- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.
- (i) Any act on or off duty that brings discredit to this office.

321.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.
- (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.
- (i) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

321.5.10 SAFETY

- (a) Failure to observe or violating office safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Standards of Conduct

- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

321.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of office information technology resources, including computers, electronic devices, hardware, software and systems.

322.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Wadena County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Office or office funding.

Cybersecurity incident - An action taken through the use of an information system or network that results in an actual or potentially adverse effect on an information system, network, or the information within (Minn. Stat. § 16E.36, Subd. 1).

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

322.2 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member's duties, an alleged or suspected violation of any office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the office computer system when requested by a supervisor or during the course of regular duties that require such information.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Information Technology Use

322.3 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

322.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Patrol Sergeants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

322.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any office computer. Members shall not install personal copies of any software onto any office computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Office while on office premises, computer systems or electronic devices. Such unauthorized use of software exposes the Office and involved members to severe civil and criminal penalties.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Information Technology Use

Introduction of software by members should only occur as part of the automated maintenance or update process of office- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

322.4.2 HARDWARE

Access to technology resources provided by or through the Office shall be strictly limited to office-related activities. Data stored on or available through office computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

322.4.3 INTERNET USE

Internet access provided by or through the Office shall be strictly limited to office-related activities. Internet sites containing information that is not appropriate or applicable to office use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

322.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Office while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access office resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

322.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any office computer system.

The Office reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Office, including the office email system, computer network and/or any information placed into storage on any office system or device. This includes records of all keystrokes or Web-browsing history made at any office computer or over any office network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through office computers, electronic devices or networks.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Information Technology Use

322.6 POLICY

It is the policy of the Wadena County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

322.7 CYBERSECURITY INCIDENTS

The Sheriff or the authorized designee shall report any cybersecurity incident that impacts the Office to the Minnesota Bureau of Criminal Apprehension within 72 hours after an incident has been identified (Minn. Stat. § 16E.36, Subd. 2).

Report Preparation

323.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

323.1.1 REPORT PREPARATION

Employees shall ensure that their reports are sufficient for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody shall not be held.

Handwritten reports or report forms must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

Employees shall ensure that all reports which have accompanying documents, such as; recorded statements, audio/video recordings, photographs and other pertinent forms, will have these ready for the Records Manager in a timely manner and follow the same protocol as mentioned above.

323.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Office-approved form unless otherwise approved by a supervisor.

323.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Report Preparation

- (c) All incidents involving violations of crimes or ordinances motivated by bias (Minn. Stat. § 626.5531)
- (d) Non-felony incidents involving threats or stalking behavior
- (e) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Abuse Policy
 - 3. Child Abuse Policy
 - 4. Adult Abuse Policy
 - 5. Hate or Prejudice Crimes Policy
 - 6. Suspicious Activity Reports Policy
- (f) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the office-approved alternative reporting method (e.g., dispatch log).

323.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any time a deputy points a firearm at any person
- (b) Any use of force against any person by a member of this office (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see the Traffic Collisions Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor
- (k) Any watercraft collision or accident, drowning death and/or general water accident should be reported on the appropriate Department of Natural Resource Form (Minn. Stat. § 86B.105(a))

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Report Preparation

323.2.3 DEATH REPORTS

Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigations Policy.

323.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

323.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this office shall require a report when:

- (a) The injury is a result of a drug overdose.
- (b) Attempted suicide.
- (c) The injury is major or serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

323.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information or serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Report Preparation

to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

323.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

323.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for Office consistency.

323.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

323.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor will either speak with the employee in person or send the employee a email and send the report back to the employee through the Agency's Records Management System with a comment as to what needs to be corrected. The original report will be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

323.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

323.6 FIREARM INJURY REPORTING FROM HEALTH PROFESSIONALS

Members receiving a report from a health professional of a bullet or gunshot wound, powder burns or any other injury arising from, or caused by, the discharge of any gun, pistol or any other firearm shall thoroughly investigate the facts surrounding the incident (Minn. Stat. § 626.52, Subd. 2; Minn. Stat. § 626.553, Subd. 1).

The Records shall ensure that the report received from the health professional is forwarded to the commissioner of the Department of Health (Minn. Stat. § 626.53, Subd. 2). If the injury resulted from a hunting incident, the Records shall ensure that the findings of the investigation are

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Report Preparation

forwarded to the commissioner of the Department of Natural Resources using the form provided by the commissioner (Minn. Stat. § 626.553, Subd. 1).

Media Relations

324.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

324.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. However, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Sergeants, Patrol Sergeants and designated Sheriff(s) may prepare and release information to the media in accordance with this policy and the applicable law.

324.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Office media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this office make any comment or release any official information to the media without prior approval from a supervisor or the designated Office media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office.
- (c) Under no circumstance should any member of this office make any comment(s) to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff.

324.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the office Sheriff or other designated spokesperson.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Media Relations

- (c) No member of this office shall be required to submit to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Sheriff and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Sheriff.

324.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Patrol Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

324.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

324.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Office will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Patrol Sergeant. This log will consist of data classified as public and should generally contain the following information (Minn. Stat. § 13.82):

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Media Relations

- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this office, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated media representative, the custodian of records, or if unavailable, to the Patrol Sergeant. Such requests will generally be processed in accordance with the provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.03).

324.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this office (see the Records Maintenance and Release Policy and the Personnel Records Policy). When in doubt, authorized and available legal counsel should be obtained.

Court Appearance and Subpoenas

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for office members who must appear in court. It will allow the Wadena County Sheriff's Office to cover any related work absences and keep the Office informed about relevant legal matters.

325.2 POLICY

Wadena County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

325.3 SUBPOENAS

Only office members authorized to receive a subpoena on behalf of this office or any of its members may do so (Minn. R. Civ. P. 45.02; Minn. R. Crim. P. 22.03).

A court notice from a prosecutor or other government attorney may be served by delivery to the member's workstation or mail box. Members shall check for delivery of such documents during each shift worked.

Subpoenas shall not be accepted in a civil action in which the member or Office is not a party without properly tendered fees pursuant to applicable law (Minn. Stat. § 357.23; Minn. R. Civ. P. 45.03).

325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Wadena County Sheriff's Office.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Wadena County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary. No member shall be retaliated against for testifying in any matter.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Court Appearance and Subpoenas

325.3.2 CIVIL SUBPOENA

The Office will compensate members who appear in their official capacities on civil matters arising out of their official duties, in accordance with any collective bargaining agreement.

The Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

325.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

325.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

325.4.1 OFF DUTY CIVIL CASES

325.4.2 PURPOSE

To establish uniform policies governing interviews and civil court appearances from Wadena County Sheriff's Department. Crash/incident investigations /reconstructions, motor vehicle inspections relative to crash/incident investigations /reconstructions, etc.

325.4.3 SCOPE

In the interest of providing maximum service to the public, interviews and civil court appearances resulting from Officers official activities shall be conducted on off-duty time

In unusual circumstances, the Sheriff or Chief Deputy may authorize duty time for civil court appearances. A subpoena shall have been served and in the possession of the Deputy prior to offering testimony.

325.4.4 PROCEDURE

Insurance investigators, claims adjusters, attorneys, etc seeking our services shall be advised to initially make a request to the Sheriff / Chief Deputy.

325.4.5 COMPENSATION

- (a) Compensation for Deputies off-duty time pursuant to this procedure shall be at the current rate for deputies "Contracted Services" per hour or a portion thereof (one hour minimum and this includes costs for transportation to and from the interview/court appearance). The current rate for deputies is available through the Deputies contract or civil fee schedule.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Court Appearance and Subpoenas

- (b) Compensation for Deputies off-duty pursuant to this procedure shall be at the current rate as listed for Deputies contract per hour or thereof (one hour minimum). The current rates for Deputies are contained in the contract language.
- (c) If a subpoena is served pursuant to lawful witness fees and mileage schedule, Deputies must respond without additional compensation. All other County employees shall adhere to the employee's applicable contract. Notify the Sheriff or Chief Deputy in those cases.
- (d) Mileage for personal automobile use is at current state rate (in no event may fees exceed those as listed)
- (e) In all instances of compensated off-duty interviews or civil court appearances, the following information shall be reported by memo to the Sheriff or Chief Deputy:
 - 1. Number of hours involved,
 - 2. Amount of compensation (including parking and mileage), and
 - 3. Names of principles.
- (f) **Note:** This policy has no application to:
 - 1. Drivers or family members seeking necessary crash information or making informal inquiry relative to crash facts, and
 - 2. Insurance adjusters representing the State of Minnesota Fleet insurance carrier, when contacted while on-duty.

325.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Office.

If a member on standby changes his/her location during the day, the member shall notify the designated office member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

325.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the office uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

325.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Court Appearance and Subpoenas

325.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with any current collective bargaining agreement .

Part-Time Deputies

326.1 PURPOSE AND SCOPE

The Wadena County Sheriff's Office Part-Time Unit was established to supplement and assist licensed sheriff's deputies in their duties. This unit provides professional, licensed part-time deputies who can augment regular staffing levels (Minn. R. 6700.1110).

326.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 626.84, Subd. 1):

Part-time deputy - A person who has been licensed by the Board of Peace Officer Standards and Training (POST), who is utilized for no more than an average of 20 hours per week and no more than 1040 hours per calendar year, and who has either full powers of arrest or has been authorized by the Sheriff to carry a firearm while on active duty.

326.2 SELECTION AND APPOINTMENT OF SHERIFF'S PART-TIME DEPUTIES

The Wadena County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this office.

326.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as licensed sheriff's deputies before appointment.

Before appointment as a part-time deputy, an applicant must complete state required training in a timely manner.

326.2.2 APPOINTMENT

Applicants who are selected for appointment as a part-time deputy shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take the Oath of Office as required for regular deputies.

A part-time deputy may not perform any law enforcement function without meeting the selection standards, completing the minimum training, and successfully passing the licensing examination for part-time peace officers set by the Minnesota Board of Peace Officer Standards and Training certification (Minn. Stat. § 626.8463, Minn. R. Ch. 6700.0700 and Minn. R. Ch. 6700.1101 Subd. 2).

As allowed by law, part-time licensed officers are temporarily exempt from these selection standards at the discretion of the Sheriff in case of an emergency arising from a natural disaster, civil disorder, fire, explosion or similar event (Minn. Stat. § 626.8465).

326.3 POLICY

The Wadena County Sheriff's Office shall ensure that part-time deputies are properly appointed, trained and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Part-Time Deputies

326.3.1 POLICY COMPLIANCE

Sheriff's part-time deputies shall be required to adhere to all Office policies and procedures. A copy of the policies and procedures will be made available to each part-time deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this manual refers to a licensed full-time deputy, it shall also apply to a licensed part-time deputy unless by its nature it is inapplicable.

326.4 RECRUITMENT AND SELECTION

The Wadena County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this office.

All applicants shall be required to meet and pass the same pre-employment procedures as regular full-time sheriff's deputies before appointment.

326.4.1 APPOINTMENT

Applicants who are selected for appointment as part-time deputies shall, on the recommendation of the Sheriff, be sworn in and take the Oath of Office in accordance with the Oath of Office Policy and as required for the position.

Part-time deputies are considered at-will employees and may be dismissed at the discretion of the Sheriff, with or without cause. Part-time deputies shall have no property interest in continued appointment. However, if a part-time deputy is removed for alleged misconduct, the part-time deputy will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

326.4.2 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase (Phase I), the primary training officer will meet with the Part-time Coordinator. The purpose of this meeting is to discuss the progress of the part-time deputy in training.

If the part-time deputy has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Part-time Coordinator will determine the appropriate action to be taken.

326.4.3 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The part-time deputy will no longer be required to ride with his/her primary training officer. The part-time deputy may now ride with any deputy designated by the Patrol Sergeant.

During Phase II of training, as with Phase I, the part-time deputy's performance will be closely monitored. In addition, rapid progress should continue toward the completion of the deputy's Field Training Manual. At the completion of Phase II training, the part-time deputy will return to his/her primary training officer for Phase III of the training.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Part-Time Deputies

326.4.4 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this phase, the part-time deputy will return to his/her original primary training officer. During this phase, the training officer will evaluate the part-time deputy for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Part-time Coordinator. Based upon the part-time deputy's evaluations, plus input from the primary training officer, the Part-time Coordinator shall decide if the part-time deputy has satisfactorily completed his/her formal training. If the part-time deputy has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Part-time Coordinator will decide upon the appropriate action to be taken.

326.4.5 COMPLETION OF THE FORMAL TRAINING PROCESS

When a part-time deputy has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a part-time training officer.

326.5 IDENTIFICATION AND UNIFORMS

Part-time deputies will be issued Wadena County Sheriff's Office uniforms, badges and identification cards. The uniforms and badges shall be the same as those worn by regular full-time sheriff's deputies. The identification cards will be the standard Wadena County Sheriff's Office identification cards, with the exception that "Part-time" will be indicated on the cards.

326.5.1 IDENTIFICATION OF DEPUTIES

All part-time deputies will be issued a uniform badge and a Office identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card.

326.5.2 UNIFORM

Part-time deputies shall conform to all uniform regulation and appearance standards of this office.

326.5.3 INVESTIGATIONS AND COMPLAINTS

If a part-time deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Part-time Coordinator, at the discretion of the Patrol Sergeant in compliance with the Personnel Complaint and Misconduct Policy.

Part-time deputies are considered at-will employees. Any disciplinary action that may have to be administrated to a part-time deputy shall be accomplished as outlined in the Policy Manual with the exception that the right to hearing is limited to the opportunity to clear his/her name.

326.5.4 PART-TIME DEPUTY EVALUATIONS

While in training, part-time deputies will be continuously evaluated using standardized daily and weekly observation reports. The part-time deputy will be considered a trainee until all of the training phases have been completed. Part-time deputies having completed their field training will be

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Part-Time Deputies

evaluated annually using performance dimensions applicable to the duties and authorities granted to that part-time deputy.

326.6 AUTHORITY

Part-time deputies shall perform peace officer duties within the scope of their approved training.

Part-time deputies:

- (a) Perform law enforcement functions and have the authority to arrest on behalf of this office.
- (b) Shall not exercise peace officer duties when off-duty.

326.7 COMPENSATION

Compensation for part-time deputies is provided as follows:

- (a) Part-time deputies are issued two sets of uniforms and all designated attire and safety equipment, as applicable to their positions. All property issued to part-time deputies shall be returned to this office upon termination or resignation.

326.8 PERSONNEL WORKING AS PART-TIME DEPUTIES

Qualified regular office personnel, when authorized, may also serve as part-time deputies. However, this office shall not utilize the services of part-time deputies in such a way that it would violate employment laws or labor agreements (e.g., a detention deputy working as a part-time deputy for reduced pay or no pay). Therefore, the part-time deputy coordinator should consult with the Department of Human Resources prior to allowing regular office personnel to serve in a part-time deputy capacity (29 CFR 553.30).

326.9 FIREARMS

Part-time deputies shall successfully complete office-authorized training in the use of firearms. Their appointments must be approved by the County prior to being issued firearms by this office or otherwise acting as part-time deputies on behalf of the Wadena County Sheriff's Office (Minn. Stat. § 626.8452, Subd. 2).

Part-time deputies will be issued duty firearms as specified in the Firearms Policy. Any part-time deputy who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

Part-time deputies are required to maintain proficiency with firearms used in the course of their assignments. Part-time deputies shall comply with all training and qualification requirements set forth in the Firearms Policy.

326.9.1 CONCEALED FIREARMS

A part-time deputy shall not carry a concealed firearm while in an off-duty capacity, other than to and from work, unless he/she possesses a valid concealed weapon permit (Minn. Stat. § 624.714).

An instance may arise where a part-time deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the part-time deputy may be permitted to carry a

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Part-Time Deputies

weapon more suited to the assignment, but only with the knowledge and approval of the supervisor in charge of the detail.

Any part-time deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to office standards. The weapon shall comply with all the requirements set forth in the Firearms Policy.

Before being allowed to carry any optional firearm during an assigned tour of duty, the part-time deputy shall demonstrate his/her proficiency with the weapon.

326.10 COMPLIANCE

Part-time deputies shall be required to adhere to all office policies and procedures. A copy of the policies and procedures will be made available to each part-time deputy upon appointment. The deputies shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to a regular full-time sheriff's deputy, it shall also apply to a part-time deputy, unless by its nature it is inapplicable.

Part-time deputies are required by this office to meet office-approved training requirements.

All part-time deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the part-time deputy coordinator.

326.11 PART-TIME DEPUTY COORDINATOR

The Sheriff shall delegate certain responsibilities to a part-time deputy coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Sergeant or the authorized designee.

The part-time deputy coordinator may appoint a senior part-time member or other designee to assist in the coordination of part-time deputies and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Assigning part-time deputies.
- (b) Conducting part-time deputy meetings.
- (c) Establishing and maintaining a part-time deputy callout roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring the field training progress of part-time deputies.
- (f) Monitoring individual part-time deputy performance.
- (g) Monitoring overall part-time deputy activities.
- (h) Maintaining a liaison with other agency part-time deputy coordinators.
- (i) Establishing written procedures governing the supervision of part-time deputies including (Minn. R. 6700.1110):
 1. Duties and responsibilities of supervisors.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Part-Time Deputies

2. How supervisors will be notified of the responsibility for assuming supervision of a part-time deputy.
 3. How the identity and location of supervisors are identified for part-time deputies.
 4. Ensuring part-time deputies have the ability to directly contact their supervisor and that part-time deputies and supervisors can achieve direct personal contact within a reasonable time.
 5. When part-time deputies are authorized to be and considered to be on active-duty status for the Wadena County Sheriff's Office.
 6. How part-time deputies and their supervisors are notified when part-time deputies are on active duty status and no longer on active duty status.
- (j) Establishing written procedures for part-time deputies to record and report time worked as required by Minn. R. 6700.1115.
- (k) Ensuring a written joint powers agreement conferring full power and authority within this jurisdiction is in place prior to agreeing to monitor a part-time deputy from another jurisdiction (Minn. R. 6700.1110).
- (l) Ensuring copies of all procedures related to this policy are provided to all part-time deputies before they are authorized to exercise part-time deputy authority and to all members supervising part-time deputies (Minn. R. 6700.1125).

326.12 FIELD TRAINING

All part-time deputies shall complete the same office-specified field training as regular full-time sheriff's deputies, as described in the Field Training Policy.

326.13 SUPERVISION

Part-time deputies may perform the same duties as regular full-time deputies of this office provided they are under the direct or indirect supervision of a supervisor or deputy in charge (Minn. Stat. § 626.8465; Minn. R. 6700.1110). Part-time deputies should not supervise a regular full-time deputy.

326.13.1 EVALUATIONS

While in training, part-time deputies should be continuously evaluated using standardized daily and weekly observation reports. The part-time deputy will be considered a trainee until he/she has satisfactorily completed training. Part-time deputies who have completed their field training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that part-time deputy.

326.13.2 INVESTIGATIONS AND COMPLAINTS

If a part-time deputy has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Outside Agency Assistance

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

327.2 POLICY

It is the policy of the Wadena County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this office.

327.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Patrol Sergeant's office for approval. Any such response to assist an outside agency may be considered for authorization regardless of whether an agreement for reciprocal aid under Minn. Stat. § 626.76, Subd. 1 exists. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this office, the Patrol Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this office.

Deputies may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this office until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this office will not ordinarily be booked at this office. Only in exceptional circumstances, and subject to supervisor approval, will this office provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

327.3.1 AGREEMENTS

The Office may, at the discretion of the Sheriff, establish an agreement with another law enforcement agency to (Minn. Stat. § 626.76, Subd.1):

- (a) Assist other peace officers in the line of their duty and within the course of their employment.
- (b) Exchange office peace officers with peace officers of another agency on a temporary basis.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Outside Agency Assistance

327.3.2 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Wadena County Sheriff's Office shall notify his/her supervisor or the Patrol Sergeant and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

327.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

327.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Patrol Sergeant.

327.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Sergeant or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Patrol Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Chief Deputy should maintain documentation that the appropriate members have received the required training.

Registered Predatory Offender

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Wadena County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered offenders.

328.2 POLICY

It is the policy of the Wadena County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

328.3 REGISTRATION

The Investigation Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minn. Stat. § 243.166 within three days of the registration. Registration and updated information from a person who lacks a primary residence shall be forwarded within two business days. Updated primary address information from any registered predatory offender shall also be forwarded within two business days (Minn. Stat. § 243.166).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

328.3.1 REGISTRATION PROCESS

When an offender arrives to register with this office, the assigned investigator should:

- (a) Determine in what state the offense was committed.
- (b) Confirm the individual is required to register by reviewing the list of Minnesota offenses on the BCA's Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual that is available on the BCA's secure website.
- (c) If a person is required to register, search the BCA's secure website to verify whether the offender is already registered and a DNA sample has been submitted.
- (d) If the offender is already registered, complete a Change of Information Form (available on the BCA's secure website).
- (e) If the offender is not registered, complete a POR Form (available at BCA's secure website).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Registered Predatory Offender

- (f) If the offender is from another state, contact the state (information for each state is listed on the BCA's website) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.
 - 1. Documents obtained should be submitted to the BCA with a registration form.
 - 2. The BCA will determine if registration is required and inform the office and the offender.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit by phone or through the BCA secure website.

328.3.2 GUIDELINES AND FORMS

The registration process shall be in accordance with Minn. Stat. § 243.166 and follow the guidelines implemented by the BCA. Forms used in the registration process are available from the secure website operated by the BCA.

328.3.3 NOTIFICATION TO REGISTRANTS

The registration process established by the Investigation Unit supervisor should include procedures for determining whether an individual requires notification of his/her requirement to register because the individual was not otherwise notified of the requirement by the sentencing court or assigned a corrections agent (Minn. Stat. § 243.166).

328.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the BCA secure website or the Department of Corrections Offender Information (DOC) website.
- (c) Contact with a registrant's parole or probation officer, if any.

Any discrepancies should be reported to BCA in writing.

The Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Wadena County Sheriff's Office personnel who have a need to know, including timely updates regarding new or relocated registrants.

328.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not make a public notification advising the community of a particular registrant's presence in the community without permission from the Sheriff. Members who believe notification is appropriate should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff based on statutory requirements, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Registered Predatory Offender

The Administrative Assistant shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 243.166, Subd. 7; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

328.5.1 MANDATORY DISSEMINATION

The Office shall provide and release predatory offender data, or updated data, obtained from the DOC based upon the offender's status of a Level 1, 2, or 3.

The Office shall continue to disclose data on an offender as required by law for as long as the offender is required to register under Minn. Stat. § 243.166.

Disclosure to the health care facility, home care provider, or hospice provider of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving care shall be made by this office (Minn. Stat. § 244.052, Subd. 4c).

The Office shall provide an offender's change of status to the entities and individuals who were initially notified if the Office becomes aware that the area where notification was made is no longer where the offender resides, is employed, or is regularly found (Minn. Stat. § 244.052, Subd. 4).

328.5.2 LEVEL 1 DISCLOSURE

Data maintained by law enforcement may be subject to limited disclosure (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document "Confidential Fact Sheet - For Law Enforcement Agency Use Only" or other DOC guidance):

- (a) Mandatory disclosure:
 - 1. Victims who have requested disclosure
 - 2. Adult members of the offender's immediate household
- (b) Discretionary disclosure:
 - 1. Other witnesses or victims
 - 2. Other law enforcement agencies

328.5.3 LEVEL 2 DISCLOSURE

Data is subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution (Minn. Stat. § 244.052, Subd. 4) (refer to DOC document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota - Risk Level 2" or other DOC guidance):

- (a) In addition to Level 1 disclosure, the Office may disclose data to:
 - 1. Staff members of public and private educational institutions, day care establishments, and establishments that primarily serve individuals likely to be victimized by the offender.
 - 2. Individuals likely to be victimized by the offender.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Registered Predatory Offender

- (b) Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by the DOC or the Minnesota Department of Human Services (DHS), or Direct Care and Treatment.

328.5.4 LEVEL 3 DISCLOSURE

Data is subject to disclosure not only to safeguard facilities and protect the individuals they serve but also to protect the community as a whole (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document “Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota” or other DOC guidance):

- (a) The Office shall disclose information to the persons and entities provided for Level 1 and 2 disclosures.
- (b) The Office shall disclose data to other members of the community that the offender is likely to encounter unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.
- (c) A good faith effort must be made to complete the disclosure within 14 days of receiving a confirmed address from the DOC.
- (d) The process of notification is determined by this office. The DOC has recommended that the community be invited to a public meeting and disclose the necessary data. Assistance is available from the DOC Risk Assessment/Community Notification (RA/CN) Unit.

Data disclosed to the public of a Level 3 predatory offender shall be forwarded to the DOC within two days of the office's determination to disclose (Minn. Stat. § 244.052, Subd. 4(g)).

328.5.5 HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender is planning to be in this jurisdiction or has been admitted to a health care facility, home care provider, or hospice provider in this jurisdiction, this office shall provide a fact sheet to the facility administrator with the following data (Minn. Stat. § 243.166, Subd. 4b) (refer to the DOC documents, “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender Not For Distribution to Facility Residents” and “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender For Distribution to Facility Residents” or other DOC guidance):

- (a) Name and physical description of the offender
- (b) Offender's conviction history, including the dates of conviction
- (c) Risk level assigned to the offender, if any
- (d) Profile of likely victims

328.5.6 SPECIALIZED NOTIFICATION

Offenders from other states and offenders released from federal facilities are also subject to notification (Minn. Stat. § 244.052, Subd. 3a):

- (a) If this office learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Office must

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Registered Predatory Offender

contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this office whether to proceed with community notification in accordance with the level assigned by the other state.

- (b) If the DOC determines that the governing law in the other state is not comparable, community notification by this office may be made consistent with that authorized for risk Level 2.
- (c) If this office believes that a risk level assessment is needed, the Office may request an end-of-confinement review. The Office shall provide to the DOC the necessary documents required to assess a person for a risk level.

328.5.7 VICTIM NOTIFICATION

If a predatory offender resides, expects to reside, is employed or is regularly found in this jurisdiction, the Office shall provide victims who have requested notification with data that is relevant and necessary to protect the victim. Information disclosed should be obtained from the risk assessment report provided by DOC (Minn. § Stat. 244.052, Subd. 3).

The DOC will provide victim contact data to this office when there is a victim who has requested notification (refer to the DOC document "Victim Data Confidential for Law Enforcement Agency Use Only").

It may be appropriate for members of the Office to directly contact the victim. Community victim advocacy or prosecutor resources may also be available to assist with locating and notifying a victim. Assistance is also available from the DOC victim services staff.

Members of the Office may contact other victims, witnesses and other individuals who are likely to be victimized by the offender.

328.5.8 HOMELESS NOTIFICATION PROCESS

If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should be as specific as possible. These offenders are required to check in weekly with local law enforcement, unless an alternative reporting procedure is approved by the Investigation Unit supervisor (Minn. Stat. § 243.166, Subd. 3a).

328.5.9 LIMITATIONS OF RELEASE OF DATA

Disclosures permitted or required for Level 2 or 3 offenders shall not be made if the offender is placed or resides in a DOC-licensed residential facility. Upon notification that the offender is released to a permanent address, the disclosures permitted or required by law shall be made (Minn. Stat. § 244.052, Subd. 4). Data regarding the victim or witnesses shall not be disclosed (Minn. Stat. § 244.052, Subd. 4(e)).

The broadest disclosures authorized under Minn. Stat. § 244.052, Subd. 4 may still be made for certain offenders (sexually dangerous persons or persons with a sexual psychopathic personality) even though still residing in a residential facility (Minn. Stat. § 253D.32, Subd. 1).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Registered Predatory Offender

328.6 DISCLOSURE TO LOCAL WELFARE AGENCY

Upon request, members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Chapter 260E (Minn. Stat. § 243.166).

Major Incident Notification

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this office in determining when, how and to whom notification of major incidents should be made.

329.2 POLICY

The Wadena County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

329.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Sergeant. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides.
- Traffic collisions with fatalities.
- Officer-involved shooting, whether on- or off-duty (See Officer-Involved Shootings and Deaths Policy for special notifications).
- Significant injury or death to an employee, whether on- or off-duty.
- Death of a prominent Wadena official.
- Arrest of Office employee or prominent Wadena official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.
- Any other incident, which has or is likely to attract significant media attention.

329.4 PATROL SERGEANT RESPONSIBILITIES

The Patrol Sergeant is responsible for making the appropriate notifications. The Patrol Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Patrol Sergeant shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in Dispatch.

329.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification, the Sheriff shall be notified along with the affected Sergeant and the Investigation Unit Sergeant if that section is providing assistance.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Major Incident Notification

329.4.2 DETECTIVE NOTIFICATION

If the incident requires that a deputy or investigator respond from home, the immediate supervisor of the appropriate detail shall be contacted.

329.4.3 CHIEF DEPUTY NOTIFICATION

In the event of a traffic fatality or major injury, the Chief Deputy shall be notified.

329.4.4 SHERIFF (PIO)

The Sheriff shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Prescription Drug Collection and Disposal Program

330.1 PURPOSE AND SCOPE

The drug collection and disposal program provides a safe disposal location for citizens to properly dispose of unused prescription medications. This program encourages citizens to remove their unneeded medications from their homes. This reduces access to addictive medications for accidental or intentional misuse by people in the home or others. This program provides an environmentally safe alternative to disposing of medications in the landfill or sewer systems that may later negatively affect the environment.

330.2 POLICY

The Wadena County Sheriff's Office will provide a metal safe style collection unit in which citizens may deposit these types of medications.

- A) Collection unit shall be clearly marked for this purpose.
- B) Collection unit shall be locked and securely mounted to prohibit removal of the unit or retrieval of medications from within the unit without authorized access.
- C) Citizens may place their unused medications into the collection box anonymously.
- D) Syringes/needles and thermometers should not be placed in the drop box.
- E) Open containers of liquid will not be accepted unless they are completely sealed and placed into a zip-lock style plastic bag.

330.3 COLLECTION AND DISPOSAL PERSONNEL

The Wadena County Sheriff's Office personnel will be designated for collection of deposited medications.

- A) The Sergeant/Investigator will be the only person with access to the collection unit's contents.
 - 1) Staff shall not have access to the contents of the collection unit.
 - 2) A Wadena County Sergeant/Investigator will monitor and collect the unit's contents with another sworn or non-sworn staff member. This person should monitor the collection of the collection unit's contents with the Sergeant/Investigator, and also monitor the sealing of the contents. This allows for the ability to survey the kinds of drug and medications that are being disposed of. This information can be used for evaluation and decisions regarding the program. This also allows for a witness to be included in the collection and packaging process.
 - 3) A case number will be assigned when the unit's contents are destroyed. The Sergeant/Investigator will document each collection with a tracking report. This allows for tracking of data to monitor the program benefits.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Prescription Drug Collection and Disposal Program

- 4) The Sergeant/Investigator will collect the deposited medications on a frequency deemed necessary based on the drop box usage.
- 5) The Sergeant/Investigator will seal the deposited medications in the collection bag at the location of the box. This will be witnessed and documented on the tracking form.
- 6) The Sergeant/Investigator will photograph and provide a general description of the contents of the bag. This information will go into the designated case number.
- 7) The Sergeant/Investigator or other designated staff member will destroy the collected medications by means of the Perham incinerator when the Sergeant/Investigator deems necessary. This process will be completed with another sworn or non-sworn staff member.

Death Investigation

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations and the use of appropriate resources and evidence gathering techniques is critical.

331.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). Peace officers are not authorized to pronounce death unless they are also Coroners or deputy coroners. A supervisor shall be notified in all death investigations.

331.2.1 CORONER REQUEST

The Coroner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes, including, but not limited to (Minn. Stat. § 390.11):

- (a) Unnatural deaths, including violent deaths arising from homicide, suicide or accident.
- (b) Deaths due to a fire or associated with burns or chemical, electrical or radiation injury.
- (c) Unexplained or unexpected perinatal and postpartum maternal deaths.
- (d) Deaths under suspicious, unusual or unexpected circumstances.
- (e) Deaths of persons whose bodies are to be cremated or otherwise disposed of so that the bodies will later be unavailable for examination.
- (f) Deaths of inmates of public institutions and persons in custody of law enforcement officers who have not been hospitalized primarily for organic disease.
- (g) Deaths that occur during, in association with or as the result of diagnostic, therapeutic or anesthetic procedures.
- (h) Deaths due to culpable neglect.
- (i) Stillbirths of 20 weeks or longer gestation unattended by a physician.
- (j) Sudden deaths of persons not affected by recognizable disease.
- (k) Unexpected deaths of persons notwithstanding a history of underlying disease.
- (l) Deaths in which a fracture of a major bone, such as a femur, humerus or tibia, has occurred within the past six months.
- (m) Deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Death Investigation

- (n) Deaths of persons not seen by their physician within 120 days of demise.
- (o) Deaths of persons occurring in an emergency department.
- (p) Stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances, including street drugs, or in which there is a history or evidence of maternal trauma.
- (q) Unexpected deaths of children.
- (r) Solid organ donors.
- (s) Unidentified bodies.
- (t) Skeletonized remains.
- (u) Unexpected deaths occurring within 24 hours of arrival at a health care facility.
- (v) Deaths associated with the decedent's employment.
- (w) Deaths of non-registered hospice patients or patients in non-licensed hospice programs.
- (x) Deaths attributable to acts of terrorism.

331.2.2 SEARCHING DEAD BODIES

The Coroner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle or search a dead body (Minn. Stat. § 390.221).

A deputy shall make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for information identifying the individual as an organ donor or as an individual who made a refusal. If a donor document is located, the Coroner shall be promptly notified (Minn. Stat. § 525A.12).

Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Coroner, the investigating deputy shall first obtain verbal consent from the Coroner.

The Coroner is required to release property or articles to law enforcement that are necessary for conducting an investigation unless reasonable basis exists pursuant to Minn. Stat. § 390.225 Subd. 2 to not release the property or articles (Minn. Stat. § 390.221).

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy, pending the arrival of the Coroner.

The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Death Investigation

331.2.3 DEATH NOTIFICATION

When practicable, and if not handled by the Coroner, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned investigators may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this office shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained (Minn. Stat. § 390.25 Subd. 2 (b)).

This office shall immediately notify the state fire marshal or Wadena's chief officer (if that position exists) when a human death results from a fire, (Minn. Stat. § 299F.04 Subd. 5 (b)).

331.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner will issue a "John Doe" or "Jane Doe" number for the report.

331.2.5 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Office, any information or items pertaining to identifying features of the unidentified body, dental records, fingerprints, any unusual physical characteristics, description of clothing or personal belongings found on or with the body, that are in the possession of WCSO shall be forwarded to the Coroner for transmission to the BCA for eventual entry into systems designed to assist in the identification process, such as the Missing Children and Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) files (Minn. Stat. § 390.25 Subd. 2 (a)).

331.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form. The assigned Deputy shall complete the Death Scene report during their shift and before going off-duty. If an autopsy is ordered, the Deputy will submit the Death Scene report to the Coroner's office, with assistance from the Supervisor and or Records Manager, as soon as practicable.

331.2.7 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene and the Section shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Sergeant or Investigation Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Death Investigation

The investigator of a homicide or suspicious-circumstances death may, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests and provide a report with the costs borne by the Office (Minn. Stat. § 390.251).

331.2.8 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, should ensure that the nearest office of the Minnesota Department of Labor and Industry is notified with all pertinent information.

Identity Theft

332.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

332.2 REPORTING

- (a) A report shall be taken any time a person living within the jurisdiction of the Wadena County Sheriff's Office reports that he/she has been a victim of identity theft (Minn. Stat. § 609.527, Subd. 5). This includes:
 - 1. Taking a report even if the location of the crime is outside the jurisdiction of this office or has not been determined.
 - 2. Providing the victim with office information, as set forth in the Victim and Witness Assistance Policy. Deputies should encourage the individual to review the material, and assist with any questions.
- (b) A report should also be taken if a person living outside the office jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Wadena to facilitate the crime).
- (c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Department of Public Safety's Driver and Vehicle Services Division) with all known report numbers.
- (e) Following supervisory review and Office processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

332.3 PREVENTATIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report as allowed by law (Minn. Stat. § 13C.016 Subd. 2). A victim may also access the Minnesota Attorney General's office for additional detailed information.

332.4 VICTIM DATA

The victim may be provided the Consent to Create an FBI Identity Theft File Form and a Notice About Providing Your Social Security Number. These completed forms should be submitted to the Records for appropriate filing and entry into the NCIC Identity Theft File. Forms and details are available on the Bureau of Criminal Apprehension identity theft website.

332.5 INFORMATION

The victim should also be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Identity Theft

Deterrence Act. The victim can contact the FTC online or by telephone. Additional information may be found at the U.S. Department of Justice (USDOJ) website.

Private Persons Arrests

333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Minn. Stat. § 629.30 Subd. 2 (4).

333.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

All deputies shall advise civilians of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all situations, deputies should use sound discretion in determining whether to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.
- (c) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (Minn. Stat. § 629.39).

333.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (Minn. Stat. § 629.37):

- (a) For a public offense committed or attempted in his/her presence.
- (b) When the person arrested has committed a felony, although not in his/her presence.
- (c) When a felony has been committed and he/she has reasonable cause for believing the person to be arrested committed the felony.
- (d) When directed by a judge or a peace officer to arrest another person (Minn. Stat. § 629.403).

333.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Private Persons Arrests

1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:
1. Take the individual into physical custody for booking.
 2. Release the individual upon a misdemeanor citation or pending formal charges.

333.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Office Private Person's Arrest Form. If the person fails or refuses to do so the arrest subject shall be released unless the deputy has an independent reason to take the person into custody.

In addition to the Private Person's Arrest Form (and any other related documents, such as citations and booking forms), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

Limited English Proficiency Services

334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

334.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Office to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations. This includes individuals who, because of difficulty in speaking or comprehending the English language, cannot fully understand any charges made against them, the seizure of their property, or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31).

Qualified bilingual member - A member of the Wadena County Sheriff's Office, designated by the Office, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

334.2 POLICY

It is the policy of the Wadena County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

334.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Sergeant or the authorized designee.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Limited English Proficiency Services

The responsibilities of the LEP Coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Wadena County Sheriff's Office's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Patrol Sergeant and PSAP Supervisor. The list should include information regarding the following:
 1. Languages spoken
 2. Contact information
 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Office to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Office in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding office LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs and activities.

334.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Limited English Proficiency Services

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by office members, or who may benefit from programs or services within the jurisdiction of the Office or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with office members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

334.5 TYPES OF LEP ASSISTANCE AVAILABLE

Wadena County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

334.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

334.7 AUDIO RECORDINGS

The Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

334.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established office procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Limited English Proficiency Services

When a qualified bilingual member from this office is not available, personnel from other County departments, who have been identified by the Office as having the requisite skills and competence, may be requested.

334.9 AUTHORIZED INTERPRETERS

Any person designated by the Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the office case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this office and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

334.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this office or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this office, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to office guidelines.

334.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Office to communicate with LEP individuals.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Limited English Proficiency Services

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

334.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this office is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Office or some other identified source.

334.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Wadena County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

334.11.1 EMERGENCY CALLS TO 9-1-1

Office members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Limited English Proficiency Services

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

334.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

334.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized office member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Limited English Proficiency Services

334.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

334.14.1 OTHER TIMING AND NOTIFICATION MANDATES

The investigating or arresting deputy shall immediately make necessary contacts to get an authorized interpreter for an in-custody LEP person at the earliest possible time in order to assist the person throughout the interrogation or taking of a statement. This applies even when the interrogation will be conducted by a bilingual member (Minn. Stat. § 611.32).

The following shall be explained to the LEP person with the assistance of the authorized interpreter (Minn. Stat. § 611.32):

- (a) All charges filed against the person
- (b) All procedures relating to the person's detainment and release
- (c) In the case of any seizure under the provisions of the Asset Forfeiture Policy:
 - 1. The possible consequences of the seizure
 - 2. The person's right to judicial review

334.14.2 OATH

Every authorized interpreter shall be administered and take the following oath prior to assisting in taking a statement related to a criminal matter from an in-custody LEP person (Min. Stat. § 611.33):

"I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place."

334.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Limited English Proficiency Services

334.16 COMPLAINTS

The Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

334.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

334.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.

The Chief Deputy shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Chief Deputy shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

334.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Chief Deputy shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

ADA Compliance

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Wadena County Sheriff's Office services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

335.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Sheriff to coordinate the office's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Wadena County Sheriff's Office and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. This includes those who, because of a hearing, speech, or other communication disorder, cannot fully understand any charges made against them or the seizure of their property, or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31). Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of office buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a office service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

ADA Compliance

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

335.2 POLICY

It is the policy of the Wadena County Sheriff's Office that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Office.

The Office will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

335.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Collaborating with the County ADA coordinator regarding the Wadena County Sheriff's Office's efforts to provide equal access to services, programs, and activities.
 - 1. Maintaining office compliance with accessibility standards for office web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
- (b) Collaborating with the County ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:
 - 1. Inspection of current office facilities to identify access issues.
 - 2. Review of current office services, activities, and programs for access issues.
 - 3. Assessment and update, if necessary, of current compliance measures.
 - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
 - 5. Review of the office's emergency programs, services, and activities as they apply to persons with disabilities.
 - 6. Recommendation of a schedule to implement needed improvements.
- (c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to office services, programs, and activities.
- (d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.
 - 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.
- (e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to office services, programs, and activities, as appropriate.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

ADA Compliance

- (f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.
- (g) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing office services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).
- (h) Collaborating with other [city/county] departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).
- (j) Verifying that third parties providing office services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- (k) Recommending amendments to this policy as needed.

335.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

335.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

ADA Compliance

1. A substantial alteration of the service, program, or activity.
 2. An undue financial or administrative burden on the Office. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
 3. A threat to or the destruction of the historic significance of a historic property.
 4. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with office members and the person requesting the modification to determine if an alternative modification is available.
- (c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with office members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
1. Reassigning services, programs, or activities to accessible buildings or facilities.
 2. Utilizing technology, equipment, rolling stock, or other conveyances.
 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

335.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

335.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

335.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method may be effective include:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

ADA Compliance

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

335.5.1 TYPES OF ASSISTANCE AVAILABLE

Office members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Office will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to office services, programs, and activities. The Office will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Office will not require that persons with disabilities use office-provided assistive devices, auxiliary aids, and services. Office-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

335.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Office may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

335.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying.

The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.
- (c) Familiar with the use of text- and video-based communications products and systems.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

ADA Compliance

- (d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use office-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

335.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Office will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

335.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, office-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, office members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

335.5.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

335.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Office recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices,

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

ADA Compliance

auxiliary aids, and services to every member of this office. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

335.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this office will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

335.6.1 STATE REQUIREMENTS

The investigating or arresting deputy shall immediately make necessary contacts to get a qualified interpreter for a person in custody at the earliest possible time (Minn. Stat. § 611.32).

The following shall be explained with the assistance of the qualified interpreter (Minn. Stat. § 611.32):

- (a) All charges filed against the person
- (b) All procedures relating to the person's detainment and release
- (c) In the case of any seizure under the Asset Forfeiture Policy:
 - 1. The possible consequences of the seizure
 - 2. The person's right to judicial review

Every qualified interpreter shall be administered and take the following oath prior to assisting in taking a statement related to a criminal matter from an in-custody deaf or hard of hearing person (Minn. Stat. § 611.33):

"I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place."

335.7 ARREST

If an individual with a communication-related disability is arrested, the arresting deputy shall use office-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service,

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

ADA Compliance

or the deputy reasonably determines another effective method of communication exists under the circumstances.

Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

335.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Office web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Office website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

335.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

- (a) The type of modification, assistive device, auxiliary aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Office or another identified source, as applicable.
- (c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

335.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the office's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Office shall assist persons with disabilities who require assistance to file a complaint regarding members of this office. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate.

335.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy, related procedures, forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

ADA Compliance

- (d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Chief Deputy should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

335.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of office assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.
- (d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all Dispatch members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

Pupil Arrest Reporting

338.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

338.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting deputy shall include the necessary information in the report to ensure that the Records notifies the chief administrative officer of the school, or an appropriate designee, of the pupil's arrest.

If there is probable cause to believe an incident involved alcohol or a controlled substance, the arresting deputy shall complete the appropriate form and submit the form with the report to the Records. The Records shall ensure the form is distributed to the chemical abuse pre-assessment team of the school within two weeks of the occurrence (Minn. Stat. § 121A.28).

338.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school, may reduce disruption to school operations and other students.

338.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the deputy or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

338.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting deputy's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the deputy, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and where the pupil will be taken.

Biological Samples

339.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

339.2 POLICY

The Wadena County Sheriff's Office will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

339.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following persons must submit a biological sample:

- (a) Adults who are subject to a court order requiring a biological sample after sentencing (Minn. Stat. § 609.117).
- (b) Juveniles who are subject to a court order requiring a biological sample after being adjudicated delinquent (Minn. Stat. § 609.117).

339.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

339.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Minn. Stat. § 609.117.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the person's criminal history. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use the designated collection kit provided by the Minnesota Bureau of Criminal Apprehension to perform the collection and take steps to avoid cross contamination.

339.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Biological Samples

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

339.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the office's records retention schedule.

Chaplains

340.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Wadena County Sheriff's Office chaplains to provide counseling or emotional support to members of the Office, their families and members of the public.

340.2 POLICY

The Wadena County Sheriff's Office shall ensure that office chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

340.3 ELIGIBILITY

Requirements for participation as a chaplain for the Office may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of three years of successful counseling experience or training equivalent to.
- (f) Possession of a valid driver's license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

340.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Wadena County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this office.

All applicants shall be required to meet and pass the same pre-employment procedures as office personnel before appointment.

340.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with office policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Office in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with office members before and during the selection process.

340.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Chaplains

- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Sheriff and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief Deputy.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

340.5 IDENTIFICATION AND DRESS ATTIRE

As representatives of the Office, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" and not reflect any religious affiliation.

Chaplains will be issued Wadena County Sheriff's Office identification cards, which must be carried at all times while "on-duty". The identification cards will be the standard Wadena County Sheriff's Office identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued attire or office property at the termination of service.

Chaplains shall conform to all regulations and appearance standards of this.

"On-Duty" definition, When called on to respond to the request of the Sheriff's Office or any of the Employees. When conducting a ride-along. When representing themselves on behalf of the Sheriff's Office at trainings, conferences, public affairs or public events that the Sheriff's Office may be called to.

340.6 CHAPLAIN COORDINATOR

The Sheriff shall delegate certain responsibilities of the Chief Deputy as the chaplain coordinator.

The chaplain coordinator shall serve as the liaison between the chaplains and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Office, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee chaplains shall report to the chaplain coordinator and/or Patrol Sergeant.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Chaplains

- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

340.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Office, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Section. Chaplains may be assigned to other areas within the Office as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Office or the public into a religious affiliation while representing themselves as chaplains with this office. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Wadena County Sheriff's Office.

340.7.1 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings upon the request made by the Sheriff or Chief Deputy.

340.7.2 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Office.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Chaplains

340.7.3 ASSISTING THE DEPARTMENT/OFFICE

The responsibilities of a chaplain related to this office include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Sergeant or supervisor aids in accomplishing the mission of the Office.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if reasonably possible, on-duty during major demonstrations or any public function that requires the presence of a large number of office members.
- (e) Attending office and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Office.

340.7.4 ASSISTING DEPARTMENT/OFFICE MEMBERS

The responsibilities of a chaplain related to office members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and after notification responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

340.7.5 OPERATIONAL GUIDELINES

- (a) Chaplains will be on call at their discretion and notify the Sheriff, Chief Deputy or Patrol Sgt. when they will be unavailable.
- (b) Generally, each chaplain will serve with Wadena County Sheriff's Office personnel a minimum of eight hours per month.
- (c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Sheriff or Chief Deputy..
- (d) Chaplains shall be permitted to ride with deputies during any shift and observe Wadena County Sheriff's Office operations, provided the Patrol Sergeant has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Office.
- (f) In responding to incidents a chaplain shall never function as a deputy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Chaplains

- (g) When responding to in-progress calls for service chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (h) Chaplains shall serve only within the jurisdiction of the Wadena County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.
- (i) Each chaplain shall have access to current office member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private personnel data and each chaplain will exercise appropriate security measures to prevent distribution of the data.

340.7.6 COMPLIANCE

Chaplains are volunteer members of this office, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy (#342) and other applicable policies.

340.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Office may work or volunteer for the Wadena County Sheriff's Office in any capacity other than that of chaplain.

Office chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases the chaplain should consider referring the member to a non-office counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Wadena County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

340.9 TRAINING

The Office will establish a minimum number of training hours and standards for office chaplains. The training as approved by the Chief Deputy may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Chaplains

- Suicide
- Deputy injury or death
- Sensitivity and diversity

Public Safety Video Surveillance System

341.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of office public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Office. It does not apply to mobile audio/video systems, covert audio/video systems or any other image capturing devices used by the Office.

341.2 POLICY

The Wadena County Sheriff's Office operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the County to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist County officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

341.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

341.3.1 MONITORING

Images from each camera will be recorded on a 24-hour basis every day of the week. These images will be transmitted to monitors installed in the Patrol Sergeant's Office and Dispatch. When activity warranting further investigation is reported or detected at any camera location, the dispatcher may selectively view the appropriate camera and relay any available information to responding units. The Patrol Sergeant or Dispatch personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Sheriff may authorize video feeds from the public safety camera system to be set up at a location other than Dispatch for monitoring by other than sheriff's personnel when the provision of such access is in furtherance of this policy.

The cameras only record images and do not record sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. In addition, the public safety camera system may be useful for the following purposes:

- (a) To assist in identifying, apprehending and prosecuting offenders.
- (b) To assist in gathering evidence for criminal and civil court actions.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Public Safety Video Surveillance System

- (c) To help emergency services personnel maintain public order.
- (d) To monitor pedestrian and vehicle traffic activity.
- (e) To help improve the general environment on the public streets.
- (f) To assist in providing effective public services.

341.3.2 TRAINING

Personnel involved in video monitoring will be appropriately trained and continuously supervised.

341.3.3 PROHIBITED ACTIVITY

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

341.3.4 CAMERA MARKINGS

Except in the case of covert operations or confidential investigations, all public areas that are monitored by public safety cameras shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under sheriff's surveillance. Signs shall be well lit to ensure visibility.

341.4 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Wadena County Sheriff's Office and are classified as law enforcement data under Minn. Stat. § 13.82.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for office public records under the Minnesota Government Data Practices Act. Except as required by a statute, court order or other lawful process consistent with the provisions of Minn. Stat. § 13.82, video images requested under the Minnesota Government Data Practices Act will generally not be disclosed to the public when such video images are evidence in an ongoing criminal investigation in which a disposition has not been reached.

Requests for recorded images from other law enforcement agencies shall be referred to the Patrol Sergeant for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established office subpoena process.

341.5 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within office policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Public Safety Video Surveillance System

341.5.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

341.5.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

341.6 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

341.6.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

341.7 VIDEO SURVEILLANCE AUDIT

The Sheriff or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Public Safety Video Surveillance System

of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Sheriff or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

341.8 OPERATIONAL GUIDELINES

Only office-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Sheriff or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

341.8.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Sheriff should confer with other affected County divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.
- (e) To document deputy and offender conduct during interactions to safeguard the rights of the public and deputies.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Patrol Sergeant's office and Dispatch. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding deputies in a timely manner. The Patrol Sergeant or trained Dispatch personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Public Safety Video Surveillance System

The Sheriff may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than sheriff's personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

341.8.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under sheriff's surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

341.8.3 INTEGRATION WITH OTHER TECHNOLOGY

The Office may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of office strategy.

The Office should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

341.9 TRAINING

All office members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Child and Dependent Adult Safety

342.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office.

This policy does not address the actions to be taken during the course of a child abuse or vulnerable adult investigation. These are covered in the Child Abuse and Adult Abuse.

342.2 POLICY

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Wadena County Sheriff's Office will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

342.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Child and Dependent Adult Safety

342.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the county social services agency, if appropriate.
- (e) Notify the field supervisor or Patrol Sergeant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

342.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Child and Dependent Adult Safety

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

342.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting employee should document the following information about the dependent adult:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

342.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

342.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other office-approved social service entity to determine whether protective custody is appropriate (Minn. Stat. § 260C.007; Minn. Stat. § 260C.175).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked patrol car or taken into formal protective custody.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Child and Dependent Adult Safety

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

342.5 TRAINING

The Chief Deputy is responsible to ensure that all personnel of this office who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animals

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

343.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Minn. Stat. § 363A.19 (c)).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

343.2 POLICY

It is the policy of the Wadena County Sheriff's Office to provide equal access to services, programs, and activities of the Office to persons with service animals. Office members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to any person who is training a service dog (Minn. Stat. § 256C.02).

343.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Office members are expected to treat individuals with service animals with the same courtesy and respect that the Wadena County Sheriff's Office affords to all members of the public (28 CFR 35.136; Minn. Stat. § 256C.02; Minn. Stat. § 363A.19).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Service Animals

- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

343.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

343.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Office members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

343.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a office supervisor may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b); 28 CFR 35.139).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

343.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Service Animals

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Volunteer Program

344.1 PURPOSE AND SCOPE

It is the policy of this office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

344.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

344.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Wadena County Sheriff's Office volunteer include:

- (a) Residency in the County of Wadena.
- (b) At least 18 years of age for all positions other than Explorer.
- (c) At least 14 years of age for Explorer.
- (d) A valid driver's license if the position requires vehicle operation.
- (e) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.
- (f) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
- (g) No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.
- (h) The applicant must not have any mental illness or chemical dependency condition that may adversely affects the person's ability to serve in the position.
- (i) Physical requirements reasonably appropriate to the assignment.
- (j) A personal background history and character suitable for a person representing the Office, as validated by a background investigation.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Volunteer Program

344.2 VOLUNTEER MANAGEMENT

344.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Office, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or designee shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Maintaining records for each volunteer.
- (c) Tracking and evaluating the contribution of volunteers.
- (d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (e) Maintaining a record of volunteer schedules and work hours.
- (f) Completion and dissemination as appropriate of all necessary paperwork and information.
- (g) Planning periodic recognition events.
- (h) Administering discipline when warranted.
- (i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

344.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Office in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

344.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Volunteer Program

(b) Employment

(c) References

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals, shall require submission of prints and clearance through the Bureau of Criminal Apprehension (BCA).

344.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Office, who will normally be the Volunteer Program Manager. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and paperwork. At the time of final acceptance, each volunteer should complete all necessary enrollment paperwork and will receive a copy of the job description and agreement of service with the Office. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

344.2.5 EMPLOYEES WORKING AS DEPUTIES

Qualified employees of this office, when authorized, may also serve as reserve deputies. However, the Office must not utilize the services of a or volunteer in such a way that it would violate employment laws or labor agreements (Example: a detention deputy working as a deputy for reduced or no pay). Therefore, the Coordinator should consult the Department of Human Resources prior to an employee serving in a volunteer capacity (29 CFR 553.30).

344.2.6 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the office, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, Training may include:

- (a) Role of the volunteer.
- (b) Office policies.
- (c) Training specific to the procedure manual for the volunteer position.
- (d) Discrimination and harassment training.
- (e) CPR/first aid.
- (f) CERT/Citizens Emergency Response Training.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Volunteer Program

- (g) Search and rescue techniques.
- (h) Scenario-based searching methods.
- (i) Evidence preservation.
- (j) Basic traffic direction and control.
- (k) Roadway incursion safety.
- (l) Self-defense techniques.
- (m) Vehicle operations, including specialized vehicles.
- (n) Horsemanship.

Pursuant to Minn. Stat. § 626.8466, the Office may establish training, licensing and continuing education requirements for its reserve deputies.

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer that they are licensed officers or other full-time members of the Office. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Office. Whenever a rule, regulation or guideline in this manual refers to a licensed deputy, it shall also apply to a volunteer unless by its nature it is inapplicable.

344.2.7 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations
- (e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this office regarding drug and alcohol use.

344.2.8 DRESS CODE

As representatives of the Office, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Volunteer Program

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed deputies. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or office property at the termination of service.

344.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Office must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

344.4 DATA PRACTICES

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by office policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Office. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Office, or maintain that they represent the Office in such matters without permission from the proper office personnel.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Volunteer Program

344.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

344.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and is being operated for maintenance purposes only; that it is operated during a POST-approved skills course; that it is being used to transport prisoners or equipment; or is being used to provide supplementary assistance under the direction of an on-duty licensed deputy (Minn. Stat. § 169.98 Subd. 1b). Volunteers are not authorized to operate a Office vehicle under emergency conditions (lights and siren).

344.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

344.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with this office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

344.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Volunteer Program

volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Office.

344.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly and to ensure optimum job satisfaction on the part of volunteers.

344.8 EMERGENCY CALLOUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency callout procedure for volunteer personnel.

Native American Graves Protection and Repatriation

345.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

345.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

345.2 POLICY

It is the policy of the Wadena County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Native American Graves Protection and Repatriation

objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

345.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - State archaeologist (Minn. Stat. § 307.08, Subd. 7)
- Tribal land - Responsible Indian tribal official

345.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

345.5 BURIAL GROUNDS

All human burials, human remains and human burial grounds shall be afforded equal treatment and respect for human dignity, regardless of ethnic origins, cultural backgrounds or religious affiliations (Minn. Stat. § 307.08, Subd. 1).

This office shall cooperate with other government agencies, the Minnesota Office of the State Archaeologist and the Minnesota Indian Affairs Council to carry out any provisions of state law (Minn. Stat. § 307.08, Subd. 9).

Off-Duty Law Enforcement Actions

346.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Wadena County Sheriff's Office with respect taking law enforcement action while off-duty.

346.2 POLICY

Deputies generally should not initiate law enforcement action while off-duty. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

Deputies are not expected to place themselves in unreasonable peril. However, any licensed member of this office who becomes aware of an incident or circumstance that the member reasonably believes would justify the use of deadly force or result in significant property damage may take reasonable action to minimize or eliminate the threat. See the Use of Force Policy for additional guidance.

346.3 FIREARMS

Deputies of this office may carry firearms while off-duty in accordance with federal regulations, state law and office policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, deputies shall also carry their office-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

346.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, Oleoresin Capsicum (OC) spray or a baton.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Off-Duty Law Enforcement Actions

- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

346.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the deputy if reasonably possible.

Whenever reasonably practicable, the deputy should loudly and repeatedly identify him/herself as an Wadena County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

346.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, deputies should call the responsible agency to handle the matter.

346.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and reasonably practicable.

346.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

346.5 REPORTING

Any deputy, prior to taking any off-duty law enforcement action, shall notify and receive approval of an Wadena County Sheriff's Office supervisor (or other applicable enforcement authority if acting outside the jurisdiction of the Wadena County Sheriff's Office). The Patrol Sergeant shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Office Use of Social Media

347.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Office is consistent with the office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by office members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this office (see the Investigation and Prosecution Policy).

347.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the office website or social networking services.

347.2 POLICY

The Wadena County Sheriff's Office may use social media as a method of effectively informing the public about office services, issues, investigations and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

347.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only office-approved equipment during the normal course of duties to post and monitor office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over office social media by members who are not authorized to post should be made through the member's chain of command.

347.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the office mission, and that conforms to all office policies regarding the release of information may be posted.

Examples of appropriate content include:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Office Use of Social Media

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the office mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

347.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Sheriff or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

347.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Wadena County Sheriff's Office or its members.
- (e) Any information that could compromise the safety and security of office operations, members of the Office, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this Office's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

347.5.1 PUBLIC POSTING PROHIBITED

Office social media sites shall be designed and maintained to prevent posting of content by the public.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Office Use of Social Media

The Office may provide a method for members of the public to contact office members directly.

347.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, at least annually, the use of office social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues. The same supervisor should review the office social media on a quarterly basis for any posted prohibited content and remove the same upon discovery.

347.7 RETENTION OF RECORDS

The Administration Sergeant should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

347.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on office sites.

Naloxone Program

349.1 PURPOSE AND SCOPE

The Wadena County Sheriff's Office recognizes the value of providing an intermediate medical response to a recognized opioid overdose by administering intranasal naloxone in emergency situations for patients 12 weeks of age and older. This policy establishes guidelines for the storage and administration of intranasal naloxone by all trained members of the Wadena County Sheriff's Office.

349.2 DEFINITIONS

Opioid: Substances occurring naturally in the body, derived from the poppy plant (opium), or synthesized to have similar effects, that work on the nervous system and are used to treat pain. These include but are not limited to the following: Morphine, heroin, hydromorphone (e.g. Dilaudid®), hydrocodone, oxycodone, oxymorphone, and fentanyl.

Naloxone (Narcan®): Drug synthesized to be an opioid antagonist.

349.3 POLICY

The policy of this office in dealing with an opioid overdose situation shall be:

- a. To obtain and safely maintain control of the incident until more highly qualified medical personnel arrive on scene.
- b. When safe to do so, assess the patient and determine signs of opioid toxicity by observing:
 1. slow (less than 10 breaths per minute) or shallow breathing
 2. central Nervous System depression
 3. pinpoint pupils
 4. respiratory arrest and/or cardiac arrest
- c. If opioid overdose is suspected and the patient is not in cardiac arrest, administer Naloxone by:

Officer Safety When Naloxone is used on a patient and it reverses the opioid effects, the patient may go into immediate withdrawal and become agitated. This will become a safety risk. Deputies will need to maintain scene safety and be prepared to deal with an agitated/combatative patient.

 1. Making sure the patient's nose is relatively clear
 2. Open package
 3. Place atomizer firmly in the first nostril and briskly compress syringe to administer 4mg/0.1mL prefilled spray
 4. Continue rescue breaths using the bag valve mask
 5. If no response within 2-3 minutes, repeat dose in opposite nostril and consider other medical causes

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Naloxone Program

- d. If patient is in cardiac arrest, begin AED actions: if NO SHOCK advised, then follow (c) above
- e. To provide assistance to and security for medical staff that arrive on scene.
- f. Naloxone shall be maintained at temperatures between 59 and 77 degrees Fahrenheit. Excursions may be permitted up to 104 degrees Fahrenheit. Deputies shall not allow their issued Naloxone doses to freeze.
- g. A report shall be completed if Naloxone is administered, regardless of effect.
- h. The on-line MDH administration form shall be completed

CAUTION: Naloxone may elicit opioid withdrawal leading to nausea, vomiting, agitation and/or tachycardia. Reversal of opioid toxicity, including sedating effect, may unveil the effects of other non-sedating drugs

Extreme Risk Protection Orders

350.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protection orders and accounting for firearms obtained pursuant to those orders.

350.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 624.7171):

Extreme risk protection order (ERPO) - An order prohibiting a named person from possessing or purchasing prohibited items.

Prohibited items - Firearms that are prohibited by an ERPO.

350.2 POLICY

It is the policy of the Wadena County Sheriff's Office to petition for and serve ERPOs in compliance with state law, and to properly account for prohibited items obtained by the Office pursuant to such orders.

350.3 EXTREME RISK PROTECTION ORDER COORDINATOR

The Sheriff should designate an ERPO coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an ERPO or a renewal of an ERPO by office members.
- (b) Identifying factors to consider when assessing whether to seek an ERPO, including:
 - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 - 2. Whether the potential victim is within close proximity.
 - 3. Whether the person has expressed suicidal tendencies.
 - 4. Whether the person has access to firearms.
 - 5. Whether the person has committed an act of violence toward themselves or another person.
 - 6. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 - 7. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
 - 8. Any known upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 - 9. Whether the person has any history of drug or alcohol abuse.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Extreme Risk Protection Orders

- (c) Developing and maintaining procedures for the receipt and service of ERPOs consistent with the requirements of Minn. Stat. § 624.7172; Minn. Stat. § 624.7175. Procedures should include:
 - 1. Evaluation of an order to determine appropriate service and necessary precautions.
 - 2. Forwarding ERPOs to the Administrative Assistant for recording in appropriate databases and required notice to the court, as applicable.
 - 3. Preparing or obtaining a search warrant prior to attempting service of an ERPO, when appropriate (Minn. Stat. § 624.7175).
- (d) Coordinating with the Sergeant to provide deputies who may be involved in petitioning for or serving ERPOs with training on such orders. Training should include determining when a petition is appropriate, the process for seeking ERPOs, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an ERPO prepared by members, for compliance with this policy, office procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an ERPO is being served by the Office (Minn. Stat. § 624.7175). Procedures should include:
 - 1. Preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
 - 2. Proper handling and processing of surrendered items.

350.4 EXTREME RISK PROTECTION ORDERS

A deputy who reasonably believes that an ERPO is appropriate should obtain approval from an appropriate supervisor and the extreme risk protection order coordinator or the authorized designee prior to seeking an order.

350.4.1 STANDARDS

Extreme risk protection orders may be appropriate if a person poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm (Minn. Stat. § 624.7171, Subd. 4).

If a person poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm, and presents an immediate and present danger of either bodily harm to others or of taking their life, an ERPO may be appropriate (Minn. Stat. § 624.7174).

350.4.2 REQUIREMENTS OF PETITION

An application for an ERPO should be prepared, filed, and served consistent with state law and the procedures developed by the extreme risk protection order coordinator (Minn. Stat. § 624.7171).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Extreme Risk Protection Orders

350.5 SERVICE OF ORDERS

Deputies should serve a copy of an ERPO, along with any accompanying notice of hearing and petition, affidavit, as applicable, on the person named in the order as soon as reasonably practicable (Minn. Stat. § 624.7172).

Service of ERPOs should take precedence over the service of other orders, except for orders of a similar emergency nature.

350.5.1 SAFETY CONSIDERATIONS

Upon receipt of an ERPO, the Patrol Sergeant or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

At least two deputies should be present when an ERPO is being served.

350.5.2 SURRENDER OF PROHIBITED ITEMS

Deputies serving an ERPO should request that the named person immediately surrender all prohibited items as required by the order and take custody of any items surrendered pursuant to the order (Minn. Stat. § 624.7172; Minn. Stat. § 624.7175).

The deputy serving the ERPO should prepare a receipt identifying all surrendered items and a copy of the receipt should be given to the person. The deputies should ensure the original receipt is included in the original case report and forwarded to the Administrative Assistant as soon as practicable.

All items collected should be handled and booked in accordance with the Property and Evidence Policy.

350.5.3 SEARCH WARRANTS

Deputies should consider whether a search warrant may be reasonably necessary prior to attempting service of an ERPO.

Deputies should also consider whether to seek a search warrant if the named person refuses to surrender any prohibited items or if a deputy serving an ERPO reasonably believes there are prohibited items within the persons custody, control, or possession that have not been surrendered.

350.6 RELEASE OF PROHIBITED ITEMS

Any person requesting the release of any prohibited items in office custody pursuant to an ERPO should be referred to the ERPO Coordinator.

350.7 EXTENSION OF EXTREME RISK PROTECTION ORDER

The ERPO Coordinator is responsible for the review of any ERPO obtained by the Office to determine if renewal or extension of the order should be requested within the time prescribed by law (Minn. Stat. § 624.7172; Minn. Stat. § 624.7173).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Extreme Risk Protection Orders

350.8 RELAYING OF ERPOS TO LOCAL JURISDICTIONS

Office personnel should relay for service, without delay, ERPOs that are sent or provided to the Sheriff's Office that are of, and upon a respondent of municipality with jurisdiction that employ local police department services within Wadena County. Such ERPOs should be forwarded without delay to the CLEO or other supervisory personnel or appropriate personnel of the police department with jurisdiction with a copy of the ERPO and also relay any other pertinent information regarding the subject respondent of the ERPO or any information related to the service of ERPO that may be pertinent.

Sheriff's Office personnel may assist as needed the local police department with service of the Order. The local police department should be prepared for the proper handling and storage of the prohibited items seized consistent with Minn. Stat. § 624.7171 to Minn. Stat. § 624.7178 for the duration of the ERPO.

350.9 RELAY OF THREATENING OR OTHER HARMFUL BEHAVIOR

If the office receives information regarding a subject's threatening behavior or significant risk of suicide, such information shall be forwarded to the local municipality of jurisdiction if the municipality employs a local police department for law enforcement services within Wadena County, or to the appropriate county sheriff or local police department CLEO if the respondent is found to be a resident of another county. Documentation of the relay and transfer of information shall be documented along with any other pertinent information regarding the notification. Minn. Stat. § 624.7171 sub 5.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Office to ensure intra-organization cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Wadena, respond to calls for assistance, act as a deterrent to crime, enforce state, local and, when authorized or empowered by agreement or statute, federal laws and respond to emergencies 24 hours per day, seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (c) Calls for service, both routine and emergency.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other section within the Office, as well as other government agencies.
- (h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Wadena County Sheriff's Office to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Investigation Unit Supervisor in a timely fashion.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Patrol Function

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organization cooperation and information flow between the various sections of the Wadena County Sheriff's Office.

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.2 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by deputies from all sections within the Office. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard and the written directive clipboard.

400.2.3 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Investigation Unit for display of suspect information, investigative reports and photographs. New Departmental Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed on the briefing room clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Wadena County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

This also includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. It does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject (Minn. Stat. § 626.8471).

401.2 POLICY

The Wadena County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group (Minn. Stat. § 626.8471, Subd. 3).

401.3 BIAS-BASED POLICING / RACIAL PROFILING PROHIBITED

Bias-based policing / racial profiling is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing / racial profiling to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based or racial profiling actions by another member.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Bias-Based Policing

401.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.4.2 INFORMATION TO BE PROVIDED

Deputies shall (Minn. Stat. § 626.8471, Subd. 3):

- (a) Introduce or identify themselves and state the reason for a contact as soon as practicable unless providing the information could compromise deputy or public safety.
- (b) Attempt to answer questions the person may have regarding the contact, including relevant referrals to other agencies when appropriate.
- (c) Explain the reason for the contact if it is determined the reasonable suspicion was unfounded.
- (d) When requested, provide their name and badge number and identify this office during routine stops.
- (e) When requested, deputies should inform a member of the public of the process to file a misconduct complaint for bias-based policing against a member of the Office, and that bias-based policing complaints may be made by calling the Attorney General's office (Minn. Stat. § 626.9514).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and their supervisor in a timely manner.
 1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio Video (MAV) recordings, body-worn camera (BWC) media, Mobile Data Terminal (MDT) data, and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.
 1. Supervisors should document these periodic reviews.
 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Bias-Based Policing

- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

The Patrol Sergeant should review the efforts of the Office to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Sheriff. The report should also include a documented review of office activities with potential for bias. This may include traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. The annual report should not contain any identifying information about any specific complaint, member of the public, or deputy. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

401.7.1 ADDITIONAL TRAINING REQUIREMENTS

The Chief Deputy should ensure that Board of Peace Officer Standards and Training (POST) approved in-service training is provided to deputies on recognizing and valuing community diversity and cultural differences, including implicit bias, as required by Minn. Stat. § 626.8469, Subd. 1.

The Sheriff and supervisors should receive and review training materials prepared by POST on how to detect and respond to racial profiling (Minn. Stat. § 626.8471, Subd. 7).

401.8 VIOLATIONS

Alleged violations of this policy must be reported to POST in accordance with the reporting requirements in Minn. Stat. § 626.8457.

Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the Wadena County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

402.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Crime and Disaster Scene Integrity

persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

402.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

402.6 EXECUTION OF HEALTH ORDERS

Any licensed member of this office may assist in the enforcement of all directives of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Minn. Stat. § 144.4195, Subd. 2(c)).

SPECIAL WEAPONS AND TACTICS TEAM

403.1 PURPOSE AND SCOPE

The Special Weapons And Tactics Team (SWAT) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers (Deputies) appear to be necessary.

The Wadena County Sheriff's Office and its selected Deputies are part of a multi-jurisdictional SWAT Team, comprised of Operators from Hubbard County Sheriff's Office, Becker County Sheriff's Office and other city Law Enforcement agencies within their borders, providing Officers to the Team. This multi-jurisdictional team is know as 'Lakes Area SWAT'.

Administrative and Operational procedures are detailed in the Lakes Area SWAT Tactical Planning Guide, available in the Chief Deputy's Office.

403.1.1 SWAT TEAM DEFINED

SWAT team - A designated unit of law enforcement officers, including a multi-jurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of office policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

403.2 POLICY

It is the policy of this office to maintain a SWAT team and to provide the necessary equipment, manpower and training. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and control
- (b) Containment
- (c) Entry/apprehension/rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

403.3 OPERATIONAL GUIDELINES FOR SWAT

The Tactical Planning Guide procedures serve as guidelines for the operational deployment of the Lakes Area SWAT Team. Generally, the SWAT team and the Crisis Negotiation Team will

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

SPECIAL WEAPONS AND TACTICS TEAM

be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team, such as warrant service operations. This shall be at the discretion of the S.W.A.T. Commander.

403.4 FIELD UNIT (DEPUTIES) RESPONSIBILITIES

While waiting for the SWAT Team, field personnel (Deputies) should, if safe, practicable and if sufficient resources exist:

- a. Establish an inner and outer perimeter.
- b. Establish a command post outside of the inner perimeter.
- c. Establish an arrest/response team. the team's actions may include:
 1. Securing any subject or suspect who may surrender.
 2. Taking action to mitigate a deadly threat or behavior.
- d. Evacuate any injured persons or citizens in the zone of danger.
- e. Attempt to establish preliminary communication with the suspect. Once the SWAT Team has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- f. Be prepared to brief the SWAT Commander on the situation.
- g. Plan for and stage anticipated resources.

Ride-Along Policy

404.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for persons to experience the law enforcement function first hand. This policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

404.1.1 ELIGIBILITY

The Wadena County Sheriff's Office Ride-Along Program is offered to residents, students and those employed within the County. Eligible individuals must be 18 years of age or older to participate. Every reasonable attempt will be made to accommodate interested persons. Wadena County Jailers and Dispatchers are eligible as part of their training and continued familiarization of the county.

Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to;

- Prior criminal history.
- Pending criminal action.
- Pending lawsuit or complaint against the Office.
- Denial by any supervisor.

404.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Sheriff, or Chief Deputy.

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be approved by the Chief Deputy. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number.

The Deputy will schedule a date, based on availability, after the date of application. For approval, a copy of the ride-along waiver form will be forwarded to the Chief Deputy as soon as possible for their considerations.

If the ride-along is denied after the request has been made, a representative of the Office will contact the applicant and advise them of the denial.

The Chief Deputy will keep a file of all Ride-Along application/waiver forms.

When approved, the applicant will be given a copy of the signed waiver form.

[See attachment: Release and Indemnity Agreement.pdf](#)

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Ride-Along Policy

404.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: cadets, Explorers, RSVP, chaplains, Reserves, sheriff's applicants and all others with approval of the Chief Deputy.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Ride-along requirements for sheriff's cadets are covered in Policy number 342.

404.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in, examples; collared shirt, T-shirt with no offensive lettering or logos, blouse or jacket, slacks/pants and shoes. Sandals, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps, with no offensive lettering or logos, can be worn in the sheriff's vehicle. The Patrol Sergeant or Deputy may refuse a ride-along to anyone not properly dressed.

404.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this office or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the express consent of the Patrol Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or employee of this office or participate in any law enforcement activity except as emergency circumstances may require.

404.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ridealong applicants are subject to a criminal history check. The criminal history check may include a local records check and a Minnesota Bureau of Criminal Apprehension Criminal History System check prior to approval (provided that the ridealong is not an employee of the Office).

404.3 DEPUTY'S RESPONSIBILITIES

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times.

Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practicable have another sheriff's unit or nearby local law enforcement unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Chief Deputy.

Upon completion of the ride-along, if needed the Deputy may submit, in writing, to the Chief Deputy with any pertinent comments that may be offered by the deputy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Ride-Along Policy

404.4 CONTROL OF RIDE-ALONG

The assigned Deputy shall maintain control over the ride-along participant at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include:

- (a) The ride-along participant will follow the directions of the deputy.
- (b) The ride-along participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any sheriff's equipment.
- (c) The ride-along participant may terminate the ride at any time and the deputy may return the participant to his/her home or to the station if the ride-along interferes with the performance of the deputy's duties.
- (d) The deputy may terminate the ride-along and return the participant to their home or to the station if the ride-along interferes with the performance of any deputy's duties.
- (e) Ride-alongs participants may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (f) Deputies will not allow any ride-along participant to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.
- (g) Under no circumstance shall a civilian ride-along participant be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person.

Hazardous Material Response

405.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Minnesota law, the following represents the policy of this office.

405.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous material - Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid or contained gaseous form, which, because of its quantity, concentration, or chemical, physical or infectious characteristics may (Minn. Stat. § 116.06 Subd. 11):

- (a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.
- (b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

405.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment absent proper training. A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material
- (b) Notify the appropriate fire department.
- (c) Provide first aid to injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.
- (e) Contact the Minnesota Duty Officer (800-422-0798).
- (f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area are established.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Hazardous Material Response

405.3 REPORTING EXPOSURE(S)

Office personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to their Sergeant. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

405.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Office will be obtained through the appropriate fire department.

Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

406.2 POLICY

It is the policy of the Wadena County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

406.3.1 EMERGENCY COMMUNICATION

A supervisor with probable cause to believe that a person is being unlawfully confined may order a telephone company to cut, reroute, or divert telephone lines for the purpose of establishing and controlling communications with a suspect (Minn. Stat. § 609.774).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Hostage and Barricade Incidents

406.4 FIRST RESPONDER CONSIDERATION

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

406.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Sheriff.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Hostage and Barricade Incidents

- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

406.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- Provide responding emergency personnel with a safe arrival route to the location.
- Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- Coordinate pursuit or surveillance vehicles and control of travel routes.
- Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Sheriff.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Hostage and Barricade Incidents

- If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 SUPERVISOR RESPONSIBILITY

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the office Sheriff or a designated temporary media representative provide media access in accordance with the Media Relations Policy
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

406.6 CRISIS RESPONSE UNIT

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Hostage and Barricade Incidents

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Wadena County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

407.2 POLICY

It is the policy of the Wadena County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 RECEIPT OF BOMB THREAT

Office members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established office evidence procedures.

The member receiving the bomb threat should ensure that the Patrol Sergeant is immediately advised and informed of the details. This will enable the Patrol Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 WADENA COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Wadena County Sheriff's Office facility, the Patrol Sergeant will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's office, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Wadena County Sheriff's Office that is not the property of this office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Patrol Sergeant deems appropriate.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Response to Bomb Calls

407.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

407.5 PRIVATE FACILITY OR PROPERTY

When a member of this office receives notification of a bomb threat at a location in the County of Wadena, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting sheriff's assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Patrol Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE

The Patrol Sergeant should be notified when sheriff's assistance is requested. The Patrol Sergeant will make the decision whether the Office will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Patrol Sergeant determine that the Office will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Response to Bomb Calls

- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

407.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Patrol Sergeant including:
 - 1. The time of discovery.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Response to Bomb Calls

2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

407.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional office personnel, such as investigators and forensic services
- Field supervisor
- Patrol Sergeant
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Response to Bomb Calls

407.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

407.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Patrol Sergeant should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Civil Commitments

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual in protective custody and request a 72-hour hold under the Minnesota Commitment and Treatment Act (Minn. Stat. § 253B.051).

408.2 POLICY

It is the policy of the Wadena County Sheriff's Office to protect the public and individuals through legal and appropriate use of the 72-hour hold process.

408.2.1 MEDICAL AND MENTAL HEALTH TRANSPORTS

Effective January 1, 2007 Wadena County Sheriff's Department shall not transport any persons requiring medical attention and/or under the care of treating physician, specifically, law enforcement shall not transport patients between licensed medical facilities. Patients shall not be released to law enforcement personnel as it subjects the patient(s) to a lower level of care for which law enforcement is not licensed to provide the necessary level of medical care; the treating facility is required to maintain a prescribed level of care, consistent with medical standards and protocols to ensure the health, safety and well-being of the patient. Additionally, the law enforcement agency providing transportation shall not subject itself to liability for the care and well-being of a patient in a non-custodial setting. All persons requiring medical attention, including but not limited to chemical dependency, mental illness, etc. shall be stabilized and promptly attended to by trained medical professionals. Upon arrival at an emergency 911, " call and/or other incident involving law enforcement personnel, officers shall assist with any and all victims consistent with first responder and other law enforcement training protocols until medical professionals arrive on scene. Law enforcement will continue to remain on scene, executing their law enforcement duties as well as assisting medical personnel in stabilizing victims and ensuring safety at the scene for the public, first responders and medical professionals. Effective April 1st 2011 the Wadena County Sheriff's Office will follow the following guidelines for intoxicated persons: Before transporting an intoxicated person to the Emergency Room, if this person is not in need of medical help, call, or have dispatch call the Detox Facility before transporting to their location. Each person will be a case by case determination by the Detox facility. There are several conditions that may require a deputy to go to the Emergency room facility at a Hospital; they are DT's, visible injury, seizure history, confusion, hallucinations and other serious medical conditions. In some cases high PBT results in the range of .30 to .40, may require a hospital emergency room stop, if the Detox facility does not have prior history with the individual. In all cases you will fill out the 72hr detox hold, and if taken to the hospital the hospital will then have to determine transportation to a detox facility. If not taken to the hospital the deputy will transport. The hold will be presented to the Detox facility upon arrival. Wadena Deputies will transport the intoxicated person they are having contact with, all other agencies will transport their own intoxicated persons that they have contact with. In some cases Wadena Deputies may ride with ambulance personnel if the person the deputy brought in is

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Civil Commitments

violent or combative with ambulance personnel. The chief deputy will be contacted if this situation exists. All other agencies are responsible for their detox and M I transportations.

408.3 AUTHORITY

A deputy, having probable cause to believe that any individual because of mental illness, chemical dependency, or public intoxication is in danger of injuring him/herself or others if not immediately detained, may take, or cause to be taken, the individual to an appropriate treatment facility for a 72-hour evaluation (Minn. Stat. § 253B.051, Subd. 1).

The deputy shall make written application for admission of the individual to an appropriate treatment facility. The application shall contain the deputy's reasons for and circumstances under which the individual was taken into custody. If danger to specific individuals is a basis for the requested emergency hold, the statement must include identifying information for those individuals to the extent reasonably practicable. The deputy shall also provide the office contact information for purposes of receiving notice if the individual is released prior to the 72-hour admission or leaves the facility without consent. The facility shall make a copy of the statement available to the individual taken into custody (Minn. Stat. § 253B.051, Subd. 1).

408.3.1 RESTRAINTS

If the deputy reasonably believes the patient is violent or potentially violent or that restraints are otherwise appropriate, the deputy may apply appropriate restraints to the person. If reasonably practicable, the deputy should communicate with facility staff as to whether specific restraints, if available, should be used. If a patient is to be transferred from one facility to another and specific restraints are desired, the deputy should permit their application by staff and may assist in physical control of the patient, if needed (Minn. Stat. § 253B.03 Subd. 1 (a)).

408.3.2 WRITTEN DOCUMENTATION

The deputy will complete an application for admission and provide it to the staff member assigned to that patient. The deputy will retain a copy of the application for the emergency admission form for inclusion in the case report.

Deputies shall provide an application for admission in writing, including the circumstances under which the person's condition was called to the attention of the deputy, the circumstances under which the person was taken into custody, and describing probable cause to believe that the person, because of mental illness, chemical dependency or intoxication, is likely to harm him/herself or others if allowed his/her liberty. If the probable cause is based on the statement of a person other than the deputy, or other individual authorized by statute, such person may be informed that he/she may be liable in a criminal and/or civil action for intentionally giving a statement which he/she knew to be false.

If danger to specific individuals is a basis for the emergency hold, the statement must include identifying information of those individuals to the extent practicable.

A copy of the statement shall be made available to the person taken into custody (Minn. Stat. § 253B.051).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Civil Commitments

The deputy shall also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

408.3.3 SECURING OF WEAPONS

If a receiving facility prohibits weapons or if an extraordinary event occurs in the treatment facility and deputies determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the sheriff's unit.

408.3.4 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a 72-hour hold, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to the Minnesota Commitment and Treatment Act.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, deputies should proceed with the application for a 72-hour hold, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a 72-hour hold should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

408.5 TRANSPORTATION

Transport for any individual for a 72-hour hold shall be conducted in accordance with the Transporting Persons in Custody Policy.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy.

408.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Civil Commitments

provide the staff member with the written application for a 72-hour hold and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

408.7 DOCUMENTATION

The deputy should complete an application for emergency admission, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

408.8 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for purposes of a 72-hour hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a 72-hour hold has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 72-hour hold.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 72-hour hold.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

408.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a 72-hour hold, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Civil Commitments

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

408.10 TRAINING

This office will endeavor to provide office-approved training on interaction with persons with a mental disability, 72-hour holds, and crisis intervention.

Cite and Release Policy

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Wadena County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

This policy also provides guidance on when a court orders that a person be released.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

409.2 POLICY

The Wadena County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

409.2.1 DISCRETION TO ARREST

While this office recognizes the statutory power of peace officers to make arrests throughout the state, deputies are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this office, except in cases of hot or fresh pursuit, while following up on crimes committed within the County, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. Onduty deputies who discover criminal activity outside the jurisdiction of the County should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty deputies observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved deputy shall clearly identify him/herself as a sheriff's deputy.

Deputies are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and criminal violations when appropriate.

409.3 RELEASE

A suspected offender shall be released on issuance of a citation:

- (a) When the offender has been arrested without a warrant and either a prosecutor or district court judge orders that the offender should be released (Minn. R. Crim. P. 4.02; Minn. R. Crim. P. 6.01).
 1. Release is not required if a reviewing supervisor determines that the offender should be held pursuant to Minn. R. Crim. P. 6.01 Subd. 1.
- (b) When the offender is charged with a petty or fine-only misdemeanor (Minn. R. Crim. P. 6.01).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Cite and Release Policy

- (c) In misdemeanor cases unless it reasonably appears to the arresting deputy that the offender will (Minn. R. Crim. P. 6.01):
 - 1. Cause bodily injury to him/herself or another if he/she is not detained.
 - 2. Continue engaging in criminal conduct.
 - 3. Not respond to a citation.
- (d) When the offender is from another state which has a reciprocal agreement with Minnesota unless the offense is (Minn. Stat. § 169.91):
 - 1. One which would result in the revocation of the offender's driver's license under Minnesota law upon conviction.
 - 2. A violation of a highway weight limitation.
 - 3. A violation of a law governing the transportation of hazardous materials.
 - 4. That the offender was driving without a valid driver's license.

409.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Minn. R. Crim. P. 6.01 Subd. 1 (1) (a)).

Deputies may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense whenever appropriate.

409.3.2 JAIL RELEASE

In certain cases, it may be impracticable to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail.

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless the person is disqualified for reasons listed below (Minn. R. Crim. P. 6.01 Subd. 1 (1) (b)).

409.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

- (a) The offender has committed a driving while impaired (DWI) offense (Minn. Stat. § 169A.40; Minn. Stat. § 169.91).
- (b) The offender is arrested for a violation of state law or an ordinance related to the operation or registration of a vehicle punishable as a misdemeanor or felony and (Minn. Stat. § 169.91):
 - 1. The offender demands an immediate appearance before a judge.
 - 2. The offender is charged with:
 - (a) An offense involving an accident that resulted in injury or death.
 - (b) Criminal vehicular homicide.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Cite and Release Policy

- (c) Failure to stop after being involved in an accident that resulted in death, personal injuries or damage to property.

3. There is reasonable cause to believe that the offender may leave the state.

See the Domestic Abuse Policy for release restrictions related to those investigations.

409.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, deputies should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

409.6 FISH AND GAME AND ENVIRONMENT-RELATED OFFENSES

In the case of game and fish laws or other environment-related offenses, as specified in Minn. Stat. § 97A.211, deputies should release the offender unless there is reason to believe that criminal conduct will continue or that the offender will not respond as required by the citation (Minn. Stat. § 97A.211).

Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Wadena County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.1.1 DEFINITIONS

Foreign National - Is anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by foreign service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

410.2 POLICY

The Wadena County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Foreign Diplomatic and Consular Representatives

- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

410.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Foreign Diplomatic and Consular Representatives

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations.
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers.

410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Foreign Diplomatic and Consular Representatives

Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist deputies in situations that call for rapid response and deployment.

411.2 POLICY

The Wadena County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

411.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably possible, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Rapid Response and Deployment

- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

411.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

411.5 PLANNING

The Patrol Sergeant should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

411.6 TRAINING

The Chief Deputy should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Rapid Response and Deployment

- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Wadena County Sheriff's Office relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the Wadena County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Minnesota constitutions.

413.4 DETENTIONS

A deputy should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the deputy may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

A deputy is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

A deputy should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Immigration Violations

413.4.1 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

413.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, a deputy should not notify federal immigration officials when booking arrestees at a county jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

413.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this office should be directed to a supervisor. The Office may provide available support services, such as traffic control or peacekeeping efforts.

413.7 INFORMATION SHARING

No member of this office will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in office records
- (c) Exchanging such information with any other federal, state, or local government entity

413.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

413.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Immigration Violations

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Unit supervisor assigned to oversee the handling of any related case.

The Investigation Unit supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

413.9 TRAINING

The Chief Deputy should ensure deputies receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

413.10 SECTION TITLE

413.11 SECTION TITLE

413.12 SECTION TITLE

Emergency Utility Service

414.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Office. Requests for such service received by this office should be handled in the following manner.

414.1.1 BROKEN WATER LINES

The County's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the County side of the meter, emergency personnel should be called as soon as practicable by Dispatch.

414.1.2 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

414.1.3 RESERVOIRS, PUMPS AND WELLS

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

414.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Dispatch.

414.2 TRAFFIC SIGNAL MAINTENANCE

Maintenance for all traffic signals within the County, are maintained by the Minnesota Department of Transportation (Mn/DOT).

414.2.1 DEPUTY'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the deputy will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Patrol Rifles

415.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Wadena County Sheriff's Office will make patrol rifles available to qualified deputies as an additional and more immediate tactical resource.

415.2 PATROL RIFLE

The Wadena County Sheriff's Office has been enrolled in the 1033 Program since 1994 and will evaluate the use, effectiveness, and training requirements of all specialized equipment (rifles) acquired through the program on an annual basis.

415.2.1 DEFINITION

Patrol Rifle - An authorized weapon which is owned by the Office and which is made available to properly trained and qualified deputies as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Sheriff and the Office armorer.

415.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Sheriff and issued by the Office, may be used by deputies in their law enforcement responsibilities. The authorized patrol rifle issued by the Office is the AR 15 .223.

415.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Firearms Instructor or armorer, who shall inspect and service each patrol rifle on a monthly basis.
- (b) Each patrol deputy carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol deputy shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor, the Firearms Instructor or armorer.
- (d) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.
- (e) Each patrol rifle shall be subject to inspection by a supervisor, the Firearms Instructor or armorer at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Firearms Instructor or armorer.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Patrol Rifles

415.5 TRAINING

Deputies shall not carry or utilize the patrol rifle unless they have successfully completed Office training. This training shall consist of an initial eight-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Deputies shall thereafter be required to successfully complete quarterly training and yearly firearms proficiency qualification conducted by a certified patrol rifle instructor.

Any deputy who fails to qualify or who fails to successfully complete two or more Office-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol deputies user's course and qualification.

415.6 DEPLOYMENT OF THE PATROL RIFLE

Deputies may deploy the patrol rifle in any circumstance where the deputy can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the deputy reasonably anticipates an armed encounter.
- (b) When a deputy is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where a deputy reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a deputy reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When a deputy reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When appropriate to aid in the dispatch of an animal.

415.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Use of Force Policy and the Shooting Policy.

415.8 PATROL READY

Any qualified deputy carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned deputy, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

415.9 RIFLE STORAGE

- (a) When not in use, patrol rifles will be stored in a locked gun rack mounted inside the patrol vehicle or in a gun case inside a locked vehicle's trunk.

Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

It is the policy of the Wadena County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Aircraft Accidents

416.5 NOTIFICATIONS

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

416.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Aircraft Accidents

- (d) Evacuation chutes, ballistic parachute systems and composite materials.

416.8 DOCUMENTATION

All aircraft accidents occurring within the County of Wadena shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of WCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

416.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS

The Sheriff ([PIO]) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Aircraft Accidents

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The [PIO] should coordinate with other involved entities before the release of information.

Field Training Officer Program

417.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Wadena County Sheriff's Office.

It is the policy of this office to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

417.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry-level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

417.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of four years of patrol experience, two of which shall be with this office.
- (c) Demonstrated ability as a positive role model.
- (d) Possess an FTO certificate of completion from a Minnesota POST Board-approved course.

417.2.2 CONTINUED TRAINING

All FTOs must complete a POST-approved FTO update course every three years while assigned to the position of FTO.

417.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program Supervisor will be selected by the Patrol Sergeant or designee.

The responsibilities of the FTO Program Supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO coordinators of other agencies.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

The FTO Program supervisor will be required to obtain a Field Training Officer Supervisory certificate from a Minnesota POST Board-approved course within one year of appointment to this position.

417.4 TRAINEE DEFINED

Trainee - Any entry level or lateral sheriff's deputy newly appointed to the Wadena County Sheriff's Office who possesses a Minnesota POST license or is eligible to be licensed.

417.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience.

417.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as a deputy with the Wadena County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Wadena County Sheriff's Office.

417.5.2 WCSO FIELD TRAINING MANUAL

Wadena County Sheriff's Department - Field Training Manual

Wadena County Sheriff's Department - FTO's Packet

Table of Contents

- **Section 1: Explanation of Steps**
- **Section 2: Daily Observation Reports**
- **Section 3: Evaluation Report Between Steps**
- **Section 4: Dispatcher Evaluation Report**
- **Section 5: Final Recommendation**

Wadena County Sheriff's Department - Field Training Program

Section 1 - Explanation of Steps

Step 1

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

The new Deputy (Probationer) will report to the FTO on assigned shifts or on pre-arranged dates set by the FTO and Probationer. The FTO will instruct the Probationer on the rules and regulations of the department. The FTO will review with the Probationer the policies and procedures of the department and the chain of command. The FTO will introduce the Probationer to the physical layout of the department, county boundaries and geographical landmarks of the county. FTO will be responsible to make sure the Probationer is MN POST Board licensed, sworn in by the county Sheriff and has acquired all certification needed prior fulfilling their duties as a Peace Officer. The Probationer will be assigned to work in the county dispatch to learn and work the operations of the dispatch. It will be the discretion of the FTO on the amount of time the Probationer will spend in dispatch. FTO will show the Probationer how to fill out time sheets, overtime sheets and leave requests. FTO will review with the Probationer the 10-codes, proper radio language, use of the portable and mobile radios. Equipment stored in and on the squad car, equipment the Probationer has on their duty belt and uniform attire. The FTO will review with the Probationer the department's procedure for reports and the computer system. The FTO begins a course of instruction designed to introduce the Probationer to basic patrol operations, using skills approved by the MN POST Board and the Wadena County Sheriff's Department. The Probationer will function as an observer during this step, in full uniform, and will advance in accordance with their capabilities. The Probationer's time as an observer is minimized as they become more familiar with their duties and show signs of being a more active participant.

Step 2

The Probationer will assume the role of a participating probationary Deputy. They will use the radio and drive the squad car. They will learn and review areas of patrol functions, report writing, booking and jail procedures. They will assist and begin to take the lead in all functions of a patrol officer. The FTO will instruct the Probationer on statutes, traffic codes and all other functions of regular patrol. The FTO will review the Probationer's citations, reports and both FTO and Probationer may attend court proceedings as observers or witnesses. As the Probationer shows signs of advancement, the Probationer will take on the role as the lead Deputy and the FTO will be their back up.

Step 3

The FTO may report to work in plain clothes, armed and will ride with the Probationer as an observer. The new Deputy will function as if they were alone in the squad car. The FTO will be their cover officer and usually will not actively participate, except in the case of an emergency or discretionary override. This step ends with the Probationer fully prepared for final evaluation as a solo Deputy Sheriff.

Step 4

The FTO will advise the Chief Deputy of their recommendations of the Probationer based on the following. To:

1. Un-conditionally certify the Probationer for solo patrol.
2. Conditionally certify the Probationer for solo patrol.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

(Specific conditions, training objectives and standards must be articulated)

3. Recommend extension of field training period.

(Specific conditions, training objectives and standards must be articulated)

4. Recommend return to previous step(s) for retraining.

(Specific conditions, training objectives and standards must be articulated)

5. Recommend employee status review.

Step 5

The Probationer will complete the balance of the probationary period on solo patrol. They may be subject to evaluation by the FTO at any time during their solo patrol probationary period. During this step the Probationer, if needed, is subject to periodic retraining or reentry into the earlier steps of the field training program without penalty. This can be requested by the Probationary themselves, the FTO or the Chief Deputy. One-on-one training and evaluation by the FTO normally ceases at the close of step 4. During step 5 the majority of the training and any performance evaluations become the responsibility of specific training officers, Chief Deputy and FTO.

Section 2 - Daily Observation Report

Wadena County Sheriff's Department

Daily Observation Report

Probationer: _____ Date: _____

FTO: _____ Step#: 1 2 3

Performance Assessment Categories Evaluation Performance

1. Motor Vehicle Operation 1 2 3 4 5 NE NRT
2. Geography and Orientation 1 2 3 4 5 NE NRT
3. Written Communication 1 2 3 4 5 NE NRT
4. Perception, Awareness, and Decision Making 1 2 3 4 5 NE NRT
5. Field Operations / Tactical & Procedural 1 2 3 4 5 NE NRT
6. Telecommunications Skills 1 2 3 4 5 NE NRT
7. Criminal Law & Ordinances 1 2 3 4 5 NE NRT
8. Department Policies & Procedures 1 2 3 4 5 NE NRT
9. Traffic Enforcement & MVA Investigation 1 2 3 4 5 NE NRT
10. Interpersonal Communications & Relations 1 2 3 4 5 NE NRT

Evaluation Scale

1 & 2 = Not Acceptable By Program Standards

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

3 = Marginal Performance

4 = Acceptable

5 = Exceeds Program Standards

NE = Not Evaluated

NRT = Not Responding to Training

FTO will discuss this evaluation with Probationer. Both will sign after discussion.

Probationer: _____ Date: _____

FTO: _____ Date: _____

Daily Observation Report (continuation)

Narrative Evaluation and Commentary

Initials: FTO: _____ Probationer: _____

Section 3 - Step Evaluation Form

Confidential

Wadena County Sheriff's Department

Step Evaluation Report

Probationer: _____ Date: _____

Field Training Officer: _____

Completion of Step # _____

Assessment and Recommendation:

The Probationer is: _____ Progressing Satisfactorily;

Continue as scheduled in this step.

Advance to the next step.

_____ Experiencing Difficulty;

Extend this step's training period.

Recommend employee status hearing.

Field Training Officers Narrative Evaluation

Synopsis: _____

Details: _____

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

Section 4 - Dispatcher Evaluation

Wadena County Sheriff's Department

Dispatcher/Supervisor Evaluation Sheet

Probationer: _____ Date: _____

FTO: _____

Dispatcher: _____

Explanation: The FTO will recommend the amount of time the Probationer will need to spend in dispatch. The Probationer will be assigned to one dispatcher for training and use of the dispatch center. Upon completion of the training the assigned dispatcher will evaluate the Probationer and discuss this with the FTO.

1. Understands 10-codes. 1 2 3 4 5
2. Recognizes officer call signs. 1 2 3 4 5
3. Knowledge of the repeater and other radio systems 1 2 3 4 5
4. Communication skills. 1 2 3 4 5
5. Understands the dispatch center. 1 2 3 4 5
(911 calls, paging, alarm calls, basic radio traffic)
6. Is a good and patient listener. 1 2 3 4 5
7. Understanding of the state computer and its uses. 1 2 3 4 5
8. Knowledge of computers. 1 2 3 4 5
9. Knowledge of the S.O's phone system. 1 2 3 4 5
10. Works well with others 1 2 3 4 5

Evaluation Scale

1 & 2 = Not Acceptable By Program Standards 3 = Marginal Performance

4 = Acceptable 5 = Exceeds Program Standards

Dispatcher's Comments: _____

Section 5 - Final Recommendation

Confidential

Wadena County Sheriff's Department

Final Evaluation Report

Field Training Officer's Recommendations:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

Field Training Officer

Date

417.5.3 WCSO FIELD TRAINING PACKET

Wadena County Sheriff's Department - Field Training Packet

"New Deputy" (Probationer)

Table of Contents

- **Section 1: Introduction**
- **Section 2: New Hire Orientation Procedure**
- **Section 3: Probationary Deputy's Guide**
- **Section 4: Worksheets of Deputy's Tasks**
- **Section 5: Probationer's Notes**

Section 1 - Introduction

Wadena County Sheriff's Department

Field Training Program

Introduction

The Field Training Guide was created as a guide to those tasks areas that are trained to a standard of competency before a Probationer may be considered qualified to enter the field on solo patrol.

The Probationer is required to carry this document with them during the entire field training phase. The Field Training Officer (FTO) and Probationer use the guidelines in this tool to identify the appropriate task(s) listed for each step.

The time frames for each step are to be determined at the discretion of the FTO. The Wadena County Sheriff's Department trains to articulate standards of performance, not to time. As such, each individual Probationer may spend shorter or longer periods of time in each step compared to another Probationer. This is normal, and reflects a philosophy to tailor our training to the individual on a one on one basis.

In order to advance from the current step to the next step, the Probationer must earn a Daily Observation Evaluation Average of 4 or higher in all areas. In addition the Probationer must earn a recommendation from the FTO favorable to advance to the next step.

The Probationer may be extended in the current step for a period of time to be determined by the FTO and Chief Deputy to allow him/her the opportunity to retrain and reach an acceptable level

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

of performance. Retraining or extension of a training step is not to be construed as a disciplinary measure or as a measure of failure.

Congratulations on your new job and remember to always put your best foot forward!!!

Section 2 - New Hire Orientation Procedure

New Hire Orientation Procedure

Name: _____ Department: _____

Administration, Benefits and Personal Information

Date & Initial

_____ County Personnel Policy

_____ Department Policy

_____ Insurance Enrollment

_____ Copy of Union Contract

_____ Personnel File Info. (POST license, DL, Certificates, etc.)

Department Responsibility /Issue

_____ Computer Orientation and Security

_____ Payroll Procedures

_____ Field Training Packet

Full Time

_____ 2 short sleeve & 2 long sleeve shirts

_____ 2 pants

_____ 2 ties

_____ 1 jacket

_____ 2 badges

Part-Time

_____ 1 short sleeve & 1 long sleeve shirts

_____ 1 badge

_____ 1 tie

_____ 1 pants (or personally buy their own)

_____ 1 jacket (or personally buy their own)

_____ 1 set of keys (courthouse, impound lot, keys for both spare cars)

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

Items listed above must be returned upon termination of employment

Section 3 - Probationary Deputy's Guide

Wadena County Sheriff's Department - Field Training Program

Probationary Deputy's Guide

Step 1 (Basic Patrol Operations)

The primary objectives of field Training Step 1 is to stress the importance of officer and public safety, officer survival and cover officer responsibilities. Heavy emphasis is placed on the learning through observation.

What does learning through observation mean? Although Step 1 is strongly orientated towards observation, you should not "sit back" and passively observe. Observation means actively recording all actions of your Field Training Officer and yourself so that you are capable of functioning as an active cover officer. The objective of field training is not to get a good evaluation, but to become a competent Deputy on solo patrol. Your participation, based on careful observation, is encouraged.

Your first few days in the field will begin with patrol area and station orientation. This will acquaint you with the areas you will be patrolling during the first step and familiarize you with the location of supplies and equipment at the station. Your FTO will also acquaint you to the Field Training Program, and give you the opportunity to get to know each other. During this time you will also be trained and working the dispatch center. This is to make you familiar with the radio procedures used in the field and recognize the voices and techniques of the other officers you will be working with.

By the end of Step 1, you are expected to be responsible for:

Pre-field assignments (info/intel/vehicle prep)

Onboard Scribe (patrol log, radar log, notes)

Onboard Navigator (map overlays)

Onboard Telecommunications (radio, MDT, cell phone)

The basic skills you learn during Step 1 will be the fundamental skills and techniques that are required for law enforcement and public safety situations with a high frequency of occurrences and low consequence of error.

Step 2 (Intermediate Patrol Operations)

Step 2 of field training consists principally of participatory learning. Having functioned primarily as an observer during Step 1, you will now be expected to contribute more actively and assume full responsibility as a junior officer in the squad. You will advance into more difficult and involved traffic and criminal investigations, and will be required to shoulder an increasing share of the workload.

Step 3 (Advanced Patrol Operations)

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

Step 3 of the field training can be characterized as a period of partnership learning. Prior to this step, you functioned primarily as a junior officer in the car. You are now ready to assume Full Responsibility as a partner, accomplishing the majority of the workload with the senior officer functioning as your cover officer. You will be expected to respond to radio calls, initiate activities on your own and carry contacts through their conclusion. At some point your FTO will observe and "shadow" you in plain clothes.

Step 4 (Review and Final Evaluation)

Step 4 of the field training will be your last step with the FTO. Your goal should have been to demonstrate to your FTO that you can now work as an independent officer in a one-officer unit on solo patrol. Your FTO will evaluate you now and report to the Chief Deputy his recommendations. Successful completion of this step may result in your advancement to Step 5 and certification for solo patrol.

Step 5 (Balance of Probationary Period)

This step comprises the remainder of the probationary period. You will continue your education under the supervision of the FTO and Chief Deputy. You may return to a brief Field Training Program or retraining period as considered appropriate, with no penalty or negative impact. Successful completion with this step may result in your certification as a Full-time or Part-time Deputy for WCSO.

Section 4 - Worksheets of Deputy's Tasks

Worksheets of Deputy's Tasks

1. Department Instructions

Date

- _____ A. Wadena County Sheriff's Office Policy
- _____ B. Department Information Sources: memo board, e-mail
- _____ FTO _____ Probationer

2. Patrol Vehicle Inspection

Date

- _____ A. Exterior: dents, broken lights, tire inflation
- _____ B. Trunk: 1st aid kit, O2 (oxygen), shotgun, spare
- _____ C. Check fuel, oil level, washer fluid
- _____ D. Under front and rear seats
- _____ E. Systems: emergency lights, sirens, spotlight, radio, radar
- _____ F. Gas cards
- _____ FTO _____ Probationer

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

3. Communications Systems Familiarization

Date

- _____ A. Switches: function and position
 - _____ B. Frequency assignments and selection
 - _____ C. Radio protocol: 10-codes, phonic alphabet
 - _____ D. Squelch
 - _____ E. Public Address System
 - _____ F. Siren
 - _____ G. Use of microphone
 - _____ H. Operation of portable radio
 - _____ I. How to call for help
 - _____ J. Mobile Data Terminal (MDT) In-car Computer
- _____ FTO _____ Probationer

4. Patrol Daily Log

Date

- _____ A. Complete all blanks at top
 - _____ B. Fill in times and descriptions
 - _____ C. Radar Log
- _____ FTO _____ Probationer

5. Emergency Vehicle Operations

Date

- _____ A. Patrol: observation of surroundings, pedestrians, other vehicles, businesses, residences, property watches
 - _____ B. Radio call response, defensive driving, use of mirrors
 - _____ C. Pursuits: gravity of offense (PC), contacting supervisor(s), radio coordination, traffic flow, termination, area (rural vs. residential), Pursuit Report
 - _____ D. Multi-tasking
 - _____ E. Operation of MDT / in-car computer
- _____ FTO _____ Probationer

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

6. Radio Call For Service (CFS) Response

Date

- _____ A. Use of County map, planning route
- _____ B. Approach to residence / business
- _____ C. Observation of surroundings, parked cars, obstacles, cover availability, lighting, subjects in the area
- _____ D. Needed equipment: flashlight, radio, cell phone, additional firepower
- _____ E. Visual of location: placement of doors, windows, rooftop
- _____ F. Approach to and position at: door, window, building
- _____ G. Coordination with other officers
- _____ FTO _____ Probationer

7. Information Reporting

Date

- _____ A. Supplementary Reports
- _____ B. CIS
- _____ C. Information Reports: FYI'S
- _____ D. Arrest Reports: Juvi / Adult
- _____ E. Booking: Detainers, PC to hold
- _____ F. Animal Bite Reports
- _____ G. Long form report procedure
- _____ FTO _____ Probationer

8. Vehicle / Person Stop

Date

- _____ A. Call in location and plate number or description
- _____ B. Choice of location for stop: road conditions lighting
- _____ C. Distance and angle from stopped vehicle
- _____ D. Mechanics of stop: spotlight, emergency lights, portable on, observation of occupants, observation of approaching traffic
- _____ E. Approach to vehicle: driver or passenger side
- _____ F. Approach to person

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

_____ G. Terry vs. Ohio

_____ H. Requesting information: ID, insurance, rental paperwork

_____ I. Citation writing: aware of surroundings, proper information on citation

_____ J. Explain citation

_____ FTO _____ Probationer

9. Alternatives to Arrest

Date

_____ A. Citations: Juvi vs. Adult

_____ B. Verbal Warning

_____ FTO _____ Probationer

10. Search of Person

Date

_____ A. Check area for potential weapons

_____ B. Advise reason for pat-down search

_____ C. Position: distance from suspect, gun side away, keeping hands free/out of pockets, positioning suspect, companions

_____ D. Custodial search: Hand Cuff, thoroughly check all outer and inner garments, seams, linings, shoes

_____ E. Use of gloves

_____ FTO _____ Probationer

11. Commonly Used Statutes and Ordinances

Date

_____ A. Statutes

_____ B. Ordinances

_____ C. Cheat Sheet

_____ FTO _____ Probationer

12. Radio Communications

Date

_____ A. Response: hearing, acknowledging calls, transmitting

_____ B. Requests: short and to the point, do not tie up the radio

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

_____ C. Inquiries: records checks on person and vehicle, wants or warrants

(NCIC/Portals/State and local

_____ FTO _____ Probationer

13. Intermediate Information Gathering

Date

_____ A. Original Investigation Reports: animal bites

_____ B. Information Reports: school notifications

_____ C. Follow-up Reports

_____ D. Stolen Vehicle Reports: signed and entered

_____ E. Domestic Assault Reports: advocate cards

_____ F. Missing Persons Reports: runaway, found body

_____ G. Long Form Reports

_____ H. Statements: written and recorded

_____ FTO _____ Probationer

14. Motor Vehicle Accident Investigation

Date

_____ A. Approach: evaluate scene, number of vehicles, number of injured

_____ B. Arrival: need for EMS, traffic control, tow trucks

_____ C. Investigation: control and interview of witnesses, participants, photos, marking the scene, escort to hospital for tests

_____ D. State and SO forms

_____ E. DNR Accident Report (ATV, Snowmobiles, etc)

_____ FTO _____ Probationer

15. Vehicle Tows / Impounds

Date

_____ A. New Vehicle Tow Form

_____ B. Proper use of Vehicle Tow Form and procedures

_____ C. Vehicle Identification Numbers (VIN) and locations

_____ D. County and Private Impound lots

_____ FTO _____ Probationer

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

16. Alarms

Date

- _____ A. Red Codes
- _____ B. Varda Alarms
- _____ C. Residential / Business alarms
- _____ D. Hold up (gas station) / panic (courtroom)
- _____ E. Method of Response
- _____ FTO _____ Probationer

17. Found Property

Date

- _____ A. Required Reports
- _____ B. Evidence Room Procedure
- _____ C. Identification Numbers
- _____ FTO _____ Probationer

18. Custodial Arrest Procedures

Date

- _____ A. Approach: surroundings, companions or multiple arrestees, attitude or past record of suspects
- _____ B. Position: stance, probable direction of flight, possible use of nearby objects as weapons, bulges in clothing, etc.
- _____ C. Handcuffing and search
- _____ D. Visible signs of illness or injury
- _____ E. Transporting to jail
- _____ F. Jail procedures: assisting jailer, detox cell, restraint chair, use of force in jail (mace, taser, physical, etc)
- _____ G. Probable cause and detainer form
- _____ FTO _____ Probationer

19. Misdemeanor Criminal Investigation

Date

- _____ A. Citation: completion and needed information

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

_____ B. Offenses: 5th Degree Assault, Criminal Damages to Property, Trespassing, Theft

_____ FTO _____ Probationer

20. Gross Misdemeanor Criminal Investigation

Date

_____ A. Long Form: completion and needed information

_____ B. Crimes: DWI, Damage to Property, Theft, Assault, Fleeing, False Information to Peace

Officer (two types), School bus stop violation

_____ FTO _____ Probationer

21. Vehicle Searches

Date

_____ A. Probable Cause for search

_____ B. Consent to Search form

_____ C. Inventory Search

_____ D. Plain View and Smell Doctrines

_____ E. When to obtain a Search Warrant

_____ FTO _____ Probationer

22. Juvenile Contacts

Date

_____ A. Use of Juvenile "Notice to Appear"

_____ B. Condition for placement into Juvenile Detention Center: Brainerd, Moorhead, County

Jail Juvenile Hold Policy

_____ C. Condition for placement into foster care: 72 Hour Hold form

_____ D. Notification of parent(s), schools

_____ E. Release to parent(s), older family members, responsible adult

_____ F. Child Protection Services: child abuse or neglect

_____ G. Lutheran Social Services

_____ FTO _____ Probationer

23. High Risk Felony Vehicle Stops

Date

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

_____ A. Broadcasting direction of travel, description of vehicle and occupant(s), license number

_____ B. Choice of location for stop, traffic flow, cover, lighting, pedestrians, location of backup officers

_____ C. Distance and angle from stopped vehicle

_____ D. Mechanics of stop: spotlight, emergency lights, observation of vehicle, doors

_____ E. Commands to Occupants: hand positions, keys, doors

_____ F. Cover Officer position

_____ G. Removing suspect(s): control, verbal commands, handcuffing, search, process for multiple suspects

_____ H. Clearing and searching suspect vehicle.

_____ FTO _____ Probationer

24. Disturbance Calls

Date

_____ A. Noise complaints: Loud Party, music, barking dog, etc.

_____ B. Public Disturbances: fights in bars, other businesses

_____ FTO _____ Probationer

25. Detox Facilities

Date

_____ A. Alternatives to Detox Centers

_____ B. Detox Centers: Pine Manor, Crow Wing County, Fergus Falls

_____ FTO _____ Probationer

26. Domestic Assaults

Date

_____ A. Verbal, Physical, with Weapons

_____ B. Approach with/out backup

_____ C. Family members, Boyfriend/Girlfriend, Husband/Wife

_____ D. Policy and Procedure Requirements

_____ E. Wadena County Crisis and Referral Program. Advocate Card

_____ F. Alternatives to be used

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

_____ FTO _____ Probationer

27. Arrest Warrants

Date

_____ A. Radio procedure for running check(s)

_____ B. Transporting to Jail

_____ C. Requirements for day/night services

_____ D. Bail, Bond, Body Only

_____ FTO _____ Probationer

28. Driving Under the Influence Alcohol/Drugs

Date

_____ A. Vehicle Stop, observation

_____ B. Initial Contact, Field Sobriety Tests, Arrest

_____ C. Inventory Search, Tow or alternatives

_____ D. Implied Consent procedures at Jail, Jail policy & procedures, Evidence Procedures, blood and urine tests samples

_____ E. Forms: DL Revocation, Plate Impound, Forfeiture

_____ F. Report(s): info into CIS, Narrative supplemental, accompanying forms and documentation, copies of all recordings

_____ FTO _____ Probationer

29. Searches of Buildings and Open Areas

Date

_____ A. Working knowledge of laws that apply to searches incidental to arrest

_____ B. Be aware of dangers inherent during searches

_____ C. Large area searches: looking for people as well as contraband

_____ D. Consent to Search Form, Search Warrant

_____ FTO _____ Probationer

30. Evidence Processing and Deposition

Date

_____ A. Evidence Collection: photographing, recording, sketching, handling, documentation, packaging, transporting (Chain of Custody)

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

_____ B. Types of Evidence: photos, recordings, objects, DNA, prints, firearms, vehicles

_____ C. Evidence Room Procedures

_____ D. County Impound Lot Procedures

_____ E. Receipts for property (received and returned)

_____ FTO _____ Probationer

31. Felony Criminal Investigation

Date

_____ A. Burglary

_____ B. Theft

_____ C. Assault

_____ D. Criminal Sexual Conduct

_____ E. Homicide / Manslaughter

_____ F. Narcotics

_____ G. Damage to Property

_____ FTO _____ Probationer

32. Court Preparation and Testimony

Date

_____ A. Preparation: Review all reports relating to the incident, review all recordings (audio and video), has physical evidence been processed and tested, Confer with County

Attorney!

_____ B. Testimony: are you prepared? Try not to look anxious, only testify to the known facts.

_____ FTO _____ Probationer

33. High Risk / Hazardous Calls

Date

_____ A. Preplanning: gather as much intelligence before responding (building[s], subjects, past

calls, number of assisting officers, will SWAT be needed, surrounding area, neighbors,

terrain)

_____ B. Approach: direct or indirect, noise and light discipline (silent, no lights, volume off on radios), advise dispatch of 10-33 traffic, on foot or vehicles, be aware of surroundings

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

and sounds

_____ C. Remember your training: weapon at the ready, lights at the ready, visual on the entire area/room

_____ D. Take advantage of TIME!

_____ FTO _____ Probationer

34. Weapon Control Laws and Improvised Weapons

Date

_____ A. Knowledge of local, state and federal laws

_____ B. Improvised Weapons, Devices: guns, knives etc.

_____ C. Awareness of the seriousness and frequency of time you may encounter these types of

weapons.

_____ FTO _____ Probationer

35. Mental Illness

Date

_____ A. Physical Handling: assisting officers, use of ambulance, restraints if violent, language and actions to avoid

_____ B. S.O's policy on transporting Mentally Ill patients

_____ C. Reports (if needed)

_____ D. Suicide attempts: what the subject has done, said or written

_____ FTO _____ Probationer

36. Miscellaneous

Date

_____ A. County Courthouse: Security, Bailiff Procedures

_____ B. County Map: Resident numbers (how the system works), campgrounds, location of cities and towns, know surrounding counties and adjoining roads

_____ C. Property Watches: notification and procedure

_____ D. Civil Paper Service Process: need copy of cheat sheet, do's & don'ts

_____ E. Transporting In-Custodies: Juveniles, Males, Females

_____ F. Use of Force Reports

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Field Training Officer Program

- _____ G. Hazardous Materials: HAZMAT, MN Duty Officer, safety guidelines
- _____ H. K-9 Services: Wadena, Ottertail and Park Rapids, narcotic searches, tracking
- _____ I. Critical Incident Stress Management
- _____ J. Relations with Local PD's, Fire Departments, surrounding County agencies
- _____ K. Wadena Hubbard SWAT
- _____ L. Familiarization with all frequently used forms
- _____ M. Familiarization with S.O's computer system
- _____ FTO _____ Probationer

Section 5 - Probationary Deputy's Notes

417.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

417.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Completing and submitting a written evaluation on the performance of the assigned trainee to the trainee's immediate supervisor on a daily basis.
- (b) Reviewing the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Completing a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.
- (d) Signing off all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

417.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations.
- (b) End of phase evaluations.
- (c) A Certificate of Completion, certifying that the trainee has successfully completed the Wadena County Sheriff's Office field training program.

Obtaining Air Support

418.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

418.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or deputy in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

Civil Air Patrol Mission Request Contacts

For search and Rescue (SAR)/ Life-Saving Missions including emergency blood, organ & tissue transport:

- Air Force Rescue Coordination Center (AFRCC)
- Manned 24/7/365
- Toll Free Number (800) 851-3051
- Commercial Number (850) 283-5955
- Military DSN Number 523-5955

For All Other Mission Requests

(Includes immediate response missions to prevent human suffering or to mitigate great property damage as well as routine missions):

- CAP NATIONAL OPERATIONS CENTER (CAP-NOC)
- MANNED 24/7/365
- Toll free number (888) 211-1812, Ext 300
- Commercial Number (334) 953-3922, Ext 300
- Military DSN Number: 493-3922, Ext 300
- Email: opscenter@capnhq.gov
- If Cap-Noc not reachable

(For CONUS and PR immediate response missions only):

- AFNORTH CAP LIAISON OFFICER (CAPLNO)
- MANNED NORMAL DUTY HOURS ONLY
- TOLL FREE NUMBER: (800) 896-8806
- (Tyndall AFB Operator)

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Obtaining Air Support

- COMMERCIAL NUMBER; (850) 283-5880
- MILITARY DSN NUMBER; 523-5880
- CAOC SENIOR OPERATIONS DUTY OFFICER (SODO)
- MANNED 24/7/365
- TOLL FREE NUMBER (800) 896-8806
- (Tyndall AFB Operator)
- COMMERCIAL NUMBER (850) 283-5573
- MILITARY DSN NUMBER 523-5573

418.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Patrol Sergeant or designee will call the closest agency having air support available. The Patrol Sergeant will apprise that agency of the specific details of the incident prompting the request.

418.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

- (a) When the aircraft is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.
- (c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When an aircraft is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits (Minn. Stat. § 626.8458).
- (f) When the Patrol Sergeant or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for deputies on the ground.

Contacts and Temporary Detentions

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Video Recorder (MVR) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the [officer_deputy], the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person's freedom of movement.

419.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Wadena County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Contacts and Temporary Detentions

419.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the deputy.

419.3 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

419.4 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Contacts and Temporary Detentions

419.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should have the individual read and sign the appropriate form accompanying the photograph.

419.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

419.4.3 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken. Field photographs shall be classified as law enforcement data under Minn. Stat. § 13.82, and shall be collected, maintained, and disseminated consistent with the Minnesota Government Data Practices Act. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

419.4.4 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Patrol Sergeant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Patrol Sergeant should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Patrol Sergeant will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Contacts and Temporary Detentions

of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

419.5 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by office members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if reasonably available, prior to transport.

419.6 POLICY

The Wadena County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

Criminal Organizations

420.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Wadena County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

420.2 POLICY

The Wadena County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect and share relevant information while respecting the privacy and legal rights of the public.

420.3 CRIMINAL INTELLIGENCE SYSTEMS

No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

420.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records. Any supporting documentation

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Criminal Organizations

for an entry shall be retained by the Records in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records are appropriately marked as intelligence information. The Administrative Assistant may not purge such documents without the approval of the designated supervisor.

420.3.2 ENTRIES INTO CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

It is the designated supervisor's responsibility to approve the entry of any information into the criminal gang investigative data system maintained by the Minnesota Bureau of Criminal Apprehension and authorized by Minn. Stat. § 299C.091. Entries may be made if the individual is 14 years of age or older and the Office documents the following:

- (a) The Office has reasonable suspicion to believe that the individual has met at least three of the criteria or identifying characteristics of gang membership, developed by the Violent Crime Coordinating Council.
- (b) The individual has been convicted of a gross misdemeanor or felony, or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult.

420.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

420.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible office supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records or Evidence Room, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, Dispatch records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Criminal Organizations

- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

420.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

420.4.3 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the street gang participant's file, such information shall be provided by the unit supervisor unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation.

Employees must strictly comply with the procedures governing release of information from a Office-approved gang intelligence database.

420.4.4 RIGHT TO REQUEST REVIEW OF CRIMINAL INFORMATION

When the parent or guardian of a juvenile who is documented as a criminal gang member submits a written request challenging the accuracy of the information contained within that file, the Sheriff or designee shall review the information contained within the file. If, after conducting a review of the information it is determined the information is not accurate, all records shall be destroyed.

420.5 INFORMATION RECOGNITION

Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Chief Deputy to train members to identify information that may be particularly relevant for inclusion.

420.6 RELEASE OF INFORMATION

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Criminal Organizations

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

420.7 CRIMINAL STREET GANGS

The Investigation Unit supervisor should ensure that there are an appropriate number of office members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.
- (b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

420.8 TRAINING

The Chief Deputy should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Mobile Video Recorders

421.1 PURPOSE AND SCOPE

The Wadena County Sheriff's Office has equipped marked patrol cars with Mobile Video Recording (MVR) systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

421.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Video Recorder (MVR) - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder, and monitor.

Law Enforcement Operator (LEO) - Primarily a licensed peace officer but on occasion may be a non-licensed representative of the Office who is authorized and assigned to operate MVR-equipped vehicles to the extent consistent with Minn. Stat. § 169.98.

MGDPA - The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

MVR technician - Personnel certified or trained in the operational use and repair of MVRs, duplicating methods and storage and retrieval methods, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

421.2 POLICY

It is the goal of the Wadena County Sheriff's Office to use mobile video recorder (MVR) technology to more effectively fulfill the mission of the Office and to ensure these systems are used securely and efficiently.

421.3 DEPUTY RESPONSIBILITIES

Prior to going into service each deputy will properly equip themselves to record audio and video in the field. At the end of the shift each deputy will follow the established procedures for providing to the Office any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. In the event a deputy works at a remote location and reports in only periodically, additional recording media may be issued. Only Wadena County Sheriff's Office identified and labeled media with tracking numbers is to be used.

At the start of each shift, deputies should test the MVR system operation in accordance with manufacturer specifications and office operating procedures and training.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Mobile Video Recorders

System documentation is accomplished by the deputy recording their name, serial number, badge or personal identification number (PIN), and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

421.4 ACTIVATION OF THE MVR

The MVR system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded the video will also record.

421.4.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The MVR system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Prisoner transports
 - 9. Non-custody transports
 - 10. Pedestrian checks
 - 11. Driving While Intoxicated (DWI) investigations including field sobriety tests
 - 12. Consensual encounters
 - 13. Crimes in progress
 - 14. Responding to an in-progress call
 - 15. Medical incidents attended to by members of the Office

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Mobile Video Recorders

- (b) All self-initiated activity in which a deputy would normally notify Dispatch
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, including:
 - 1. Domestic abuse
 - 2. Disturbance of the peace
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the deputy believes that a recording of an incident would be appropriate

Activation of the MVR system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

421.4.2 CESSATION OF RECORDING

Once activated the MVR system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

421.4.3 SURREPTITIOUS RECORDING

No member of this office may surreptitiously use County equipment to record a conversation of any other member of this office except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

421.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 - 1. The tracking number of the MVR system media.
 - 2. The date the media was issued.
 - 3. The name of the office member or the vehicle to which the media was issued.
 - 4. The date the media was submitted.
 - 5. The name of the office member submitting the media.
 - 6. Holds for evidence indication and tagging as required.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Mobile Video Recorders

- (c) The operation of MVR systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, office-involved traffic collisions), a supervisor shall respond to the scene and ensure that the appropriate person properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MVR system remotely to monitor a developing situation such as a chase, riot, or an event that may threaten public safety, officer safety, or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MVR system for the purpose of monitoring the conversations or actions of a deputy.

421.5 REVIEW OF MVR RECORDINGS

All recording media, recorded images, and audio recordings are the property of the Office and subject to the provisions of the MGDPA. Dissemination outside of the Office is strictly prohibited except to the extent permitted or required under the MGDPA, Peace Officer Disciplinary Procedures Act, or other applicable law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the Office, MVR technician, or forensic media staff. When reasonably possible a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations.

- (a) By deputies for use when preparing reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct
- (c) By a supervisor to conduct documented reviews of their subordinate's MVR media at least annually to evaluate the member's performance, verify compliance with office procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review MVR media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
- (d) To assess proper functioning of MVR systems
- (e) By office investigators who are participating in an official investigation such as a personnel complaint, administrative inquiry, or a criminal investigation
- (f) By office personnel who request to review recordings
- (g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to their employment
- (h) By court personnel through proper process or with the permission of the Sheriff or the authorized designee

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Mobile Video Recorders

- (i) By the media through proper process or with an MGDPA request (Minn. Stat. § 13.01 et seq.)
- (j) To assess possible training value
- (k) Recordings may be shown for staff or public safety training purposes. If an involved deputy objects to showing a recording, their objection will be submitted to the command staff to determine if the training value outweighs the deputy's objection
- (l) As may be directed by the Sheriff or the authorized designee

Members desiring to view any previously uploaded or archived MVR recording should submit a request in writing to the Patrol Sergeant. Approved requests should be forwarded to the MVR technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

421.6 DOCUMENTING MVR USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the records copy of the citation indicating that the incident was recorded.

421.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage all recording media will be labeled and stored in a designated secure area. All recording media that is not booked in as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

421.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

421.7.2 MVR RECORDINGS AS EVIDENCE

Deputies who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy, or against the Wadena County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

421.8 SYSTEM OPERATIONAL STANDARDS

- (a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Mobile Video Recorders

- (b) The MVR system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MVR system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating deputy's transmitter, should be activated at a scene to minimize interference or noise from other MVR transmitters.
- (e) Deputies using digital transmitters that are synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MVR equipped law enforcement vehicles in order to minimize the possibility of causing electronic or noise interference with the MVR system.
- (g) Deputies shall not erase, alter, reuse, modify, or tamper with MVR recordings. Only a supervisor, MVR technician, or other approved designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician or forensic media staff.

421.9 MVR TECHNICIAN RESPONSIBILITIES

The MVR technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing, and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected the MVR technician:
 - 1. Ensures it is stored in a secured location with authorized controlled access.
 - 2. Makes appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field.
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the office evidence storage protocols and the established records retention schedule.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Mobile Video Recorders

421.10 TRAINING

All members who are authorized to use the MVR systems shall successfully complete an approved course of instruction prior to its use.

421.11 ANNUAL PROGRAM REVIEW

The MVR technician should complete an annual administrative review of the MVR program and provide it to the Sheriff for review.

Mobile Data Terminal Use

422.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between office members and Dispatch. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

422.2 POLICY

Wadena County Sheriff's Office members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

422.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

422.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Patrol Sergeants.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Office. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Mobile Data Terminal Use

422.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

422.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Patrol Sergeant or other office-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

422.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT while the vehicle is not in motion.

422.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Patrol Sergeant are notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

422.6 EQUIPMENT CONSIDERATIONS

422.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Mobile Data Terminal Use

be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the sheriff's radio.

422.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Portable Audio/Video Recorders

423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties (Minn. Stat. § 626.8473). Portable audio/video recording devices include all recording systems whether body-worn, hand-held, or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Wadena County Sheriff's Office facility, undercover operations, wiretaps, or eavesdropping (concealed listening devices).

423.1.1 DEFINITIONS

Definitions related to this policy include:

Portable recording system - A device worn by a member that is capable of both video and audio recording of the member's activities and interactions with others or collecting digital multimedia evidence as part of an investigation and as provided in Minn. Stat. § 13.825.

423.2 POLICY

The Wadena County Sheriff's Office may provide members with access to portable recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public.

423.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any office-issued device at any time or while acting in an official capacity of this office, regardless of ownership of the device, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

423.4 MEMBER RESPONSIBILITIES

Prior to going into service, uniformed members will be responsible for making sure that they are equipped with a portable recorder issued by the Office, and that the recorder is in good working order (Minn. Stat. § 13.825). If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner at or above the mid-line of the waist and notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473).

See attachment: [BWC Test Procedure.pdf](#)

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Portable Audio/Video Recorders

conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record their name, employee number, and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording (Minn. Stat. § 626.8473). Members should include the reason for deactivation.

Per section 626.8473, subdivision 3(b)(3); all members to whom this policy applies must comply with the provisions contained in this policy. Deputies assigned a portable recording system must wear and operate the system in compliance with the policies of the Wadena County Sheriff's Office while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official.

423.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members will activate the recorder any time the member believes it would be appropriate or valuable to record an incident, and anytime a "Call For Service" is generated where the member is in contact with the general public (exceptions listed below).

The recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

The recorder should not be activated in any of the following situations:

- (a) When attending public events, such as; school functions, fairs, picnics ect.
- (b) When entering a medical facility (HIPAA laws), (*Activation allowed only for recording investigative statements.*)
- (c) Civil Commitment Transports
- (d) Whenever a "Call For Service " is generated and the activity reflects the above mentioned situations

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Portable Audio/Video Recorders

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

423.5.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Deputies may, when deemed necessary, mute the audio for the purposes of sensitive or tactical conversations with other Officers, supervisors and legal counsel.

423.5.2 SURREPTITIOUS RECORDINGS

Minnesota law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Minn. Stat. § 626A.02).

Members of the Office may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Sheriff or the authorized designee, for the purpose of conducting a criminal or administrative investigation.

423.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

423.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Portable Audio/Video Recorders

- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an under-cover officer or confidential informant.
- (g) The recording or portions of the recording may be protected under the Minnesota Data Practices Act.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

423.7 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) By a supervisor as part of internal audits and reviews as required by Minn. Stat. § 626.8473.
- (b) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- (c) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (d) By media personnel with permission of the Sheriff or the authorized designee.
- (e) In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, including pursuant to Minn. Stat. § 13.82, Subd. 15, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that are clearly offensive to common sensibilities should not be publicly released unless disclosure is required by law or order of the court (Minn. Stat. § 13.82, Subd. 7; Minn. Stat. § 13.825, Subd. 2).

In all cases, recordings shall only be accessed for legitimate law enforcement or data administration purposes. Prior to accessing recordings, staff shall document the specific law

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Portable Audio/Video Recorders

enforcement purpose for the viewing of the recording in the Event Notes section of the Event Details associated with the recording. Law enforcement Officers from other agencies shall submit a written request for any non-public recordings. This written request must include the specific law enforcement purpose for which the recording is sought.

423.8 COORDINATOR

The Sheriff or the authorized designee should designate a coordinator responsible for (Minn. Stat. § 626.8473; Minn. Stat. § 13.825):

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) The coordinator should work with the Custodian of Records and the member assigned to coordinate the use, access and release of protected information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) and other applicable laws (Minn. Stat. § 13.01 et seq.) (See the Protected Information and the Records Maintenance and Release policies).
- (c) The coordinator should work with the Custodian of Records to identify recordings that must be retained for a specific time frame under Minnesota law (e.g., firearm discharges, certain use of force incidents, formal complaints).
- (d) Establishing procedures for accessing data and recordings.
 - (a) These procedures should include the process to obtain written authorization for access to non-public data by WCSO members and members of other governmental entities and agencies.
- (e) Establishing procedures for logging or auditing access.
- (f) Establishing procedures for transferring, downloading, tagging or marking events.
- (g) Establishing an inventory of portable recorders including:
 - 1. Total number of devices owned or maintained by the Wadena County Sheriff's Office.
 - 2. Daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used.
 - 3. Total amount of recorded audio and video data collected by the devices and maintained by the Wadena County Sheriff's Office.
- (h) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- (i) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Wadena County Sheriff's Office that expands the type or scope of surveillance capabilities of the office's portable recorders.
- (j) Ensuring that this Portable Audio/Video Recorders Policy is posted on the Office website.

See attachment: [Visio-Wadena WG.pdf](#)

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Portable Audio/Video Recorders

423.9 PROHIBITED USE OF AUDIO/VIDEO RECORDERS

Members are prohibited from using office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned recording devices while on-duty, Minn. Stat. § 13.825 Subd. 6.

Members are prohibited from activating the portable audio/video recorder to record their supervisors, other members, or other co-workers while in the confines of any Sheriff's Office facilities. Unless for training purposes only.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

423.10 RETENTION OF RECORDINGS

(a) Portable recording system data that are not active or inactive criminal investigative data and are not described in paragraph (b) or (c) must be maintained for at least 90 days and destroyed according to the agency's records retention schedule approved pursuant to section 138.17.

(b) Portable recording system data must be maintained for at least one year and destroyed according to the agency's records retention schedule approved pursuant to section 138.17 if;

(1) the data document (i) the discharge of a firearm by a peace officer in the course of duty if a notice is required under section 626.553, subdivision 2, or (ii) the use of force by a peace officer that results in the substantial bodily harm; or

(2) a formal complaint is made against a peace officer related to the incident.

(c) Portable recording system data that document a peace officer's use of force must be maintained indefinitely.

(d) If a subject of the data submits a written request to the law enforcement agency to retain the recording beyond the applicable retention period for possible evidentiary or exculpatory use related to the circumstances under which the data were collected, the law enforcement agency shall retain the recording for an additional time period requested by the subject for up to 180 days and notify the requester that the recording will then be destroyed unless a new request is made under this paragraph.

(e) Notwithstanding paragraph (b), (c), or (d), a government entity may retain a recording for as long as reasonably necessary for the possible evidentiary or exculpatory use related to the incident with respect to which the data were collected.

(f) No portable recording system data or metadata may be altered, erased, or destroyed prior to the expiration of the applicable retention period.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Portable Audio/Video Recorders

[See attachment: Records Retention Schedule.pdf](#)

423.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

423.10.2 ACCESS TO RECORDINGS

Except as provided by Minn. Stat. § 13.825, Subd. 2, audio/video recordings are considered private or nonpublic data.

Any person captured in a recording may have access to the recording. If the individual requests a copy of the recording and does not have the consent of other non-law enforcement individuals captured on the recording, the identity of those individuals must be blurred or obscured sufficiently to render the subject unidentifiable prior to release. The identity of on-duty peace officers may not be obscured unless their identity is protected under Minn. Stat. § 13.82, Subd. 17.

BWC data may be shared with other Law Enforcement agencies only for the legitimate purposes that are documented in writing at the time of disclosure.

BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

423.11 ACCOUNTABILITY

Any member who accesses or releases recordings without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies) (Minn. Stat. § 626.8473).

The Coordinator shall establish regular intervals at which they will conduct a review of audio/video recorder data to ensure compliance with Sheriff's Office policy and Minnesota Statutes, Chapter 13.

423.12

423.13 DATA CLASSIFICATION; COURT-AUTHORIZED DISCLOSURE

(a) Data collected by a portable recording system are private data on individuals or nonpublic data, subject to the following:

(1) data that record, describe, or otherwise document actions and circumstances surrounding either the discharge of a firearm by a peace officer in the course of duty, if a notice is required under section 626.553, subdivision 2, or the use of force by a peace officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a, are public;

(2) data are public if a subject of the data requests it be made accessible to the public, except that, if practicable, (i) data on a subject who is not a peace officer and who does not consent to the release must be redacted, and (ii) data on a peace officer whose identity is protected under section 13.82, subdivision 17, clause (a), must be redacted:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Portable Audio/Video Recorders

(3) subject to paragraphs (b) to (d), portable recording system data that are active criminal investigative data are governed by section 13.82, subdivision 7, and portable recording system data that are inactive criminal investigative data are governed by this section;

(4) portable recording system data that are public personnel data under section 13.43, subdivision 2, clause (5), are public; and

(5) data that are not public data under other provisions of this chapter retain that classification.

(b) Notwithstanding section 13.82, subdivision 7, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, subject to paragraphs (c) and (d):

(1) the deceased individual's next of kin;

(2) the legal representative of the deceased individual's next of kin; and

(3) the other parent of the deceased individual's child.

(c) A law enforcement agency may deny a request to inspect portable recording system data under paragraph (b) if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access under this paragraph, the chief law enforcement officer must provide a prompt, written denial to the individual in paragraph (b) who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82, subdivision 7.

(d) When an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency shall release all portable recording system data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the chief law enforcement officer asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82, subdivision 7.

(e) A law enforcement agency may redact or withhold access to portions of data that are public under this subdivision if those portions of data are clearly offensive to common sensibilities.

(f) Section 13.04, subdivision 2, does not apply to collection of data classified by this subdivision.

(g) Any person may bring an action in the district court located in the county where portable recording system data are being maintained to authorize disclosure of data that are private or nonpublic under this section or to challenge a determination under paragraph (e) to redact or withhold access to portions of data because the data are clearly offensive to common sensibilities. The person bringing the action must give notice of the action to the law enforcement agency and subjects of the data, if known. The law enforcement agency must give notice to other subjects of the data, if known, who did not receive the notice from the person bringing the action. The court may order that all or part of the data be released to the public or to the person bringing the action. In

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Portable Audio/Video Recorders

making this determination, the court shall consider whether the benefits to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency, or to a subject of the data and, if the action is challenging a determination under paragraph (e), whether the data are clearly offensive to common sensibilities. The data in dispute must be examined by the court in camera. This paragraph does not affect the right of a defendant in a criminal proceeding to obtain access to portable recording system data under the Rules of Criminal Procedure.

Foot Pursuits

424.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

424.2 DECISION TO PURSUE

The safety of office members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and office members.

Deputies may be justified in initiating a foot pursuit of any individual the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place office members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Foot Pursuits

424.3 GENERAL GUIDELINES

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The deputy is acting alone.
- (c) Two or more deputies become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The deputy is unsure of his/her location and direction of travel.
- (e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the deputies renders him/her incapable of controlling the suspect if apprehended.
- (g) The deputy loses radio contact with Dispatch or with assisting or backup deputies.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.
- (j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.
- (k) The deputy loses possession of his/her firearm or other essential equipment.
- (l) The deputy or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Office personnel or the public if the suspect is not immediately apprehended.
- (o) The deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Foot Pursuits

424.4 RESPONSIBILITIES IN FOOT PURSUITS

424.4.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify Dispatch of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

424.4.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize nonessential radio traffic to permit the involved deputies maximum access to the radio frequency.

424.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established office guidelines.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Foot Pursuits

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

424.4.4 DISPATCH RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, Dispatch personnel shall, as soon as practicable, notify the field supervisor and provide available information. In addition, Dispatch personnel are also responsible for the following:

- (a) Clear the radio channel of non-emergency traffic.
- (b) Repeat the transmissions of the pursuing deputy as needed.
- (c) Ensure that a field supervisor is notified of the foot pursuit.
- (d) Relay all pertinent information to responding personnel.
- (e) Contact additional resources as indicated.
- (f) Coordinate response of additional resources to assist with the foot pursuit.
- (g) Assigning an incident number and logging all foot pursuit activities.

424.5 REPORTING

The initiating deputy shall complete the appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and deputies.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Foot Pursuits

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

424.6 POLICY

It is the policy of this office that deputies, when deciding to initiate or continue a foot pursuit, must continuously balance the objective of apprehending the suspect with the risk and potential for injury to office members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

Homeless Persons

425.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Wadena County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Wadena County Sheriff's Office will address these needs in balance with the overall missions of this office. Therefore, deputies will consider the following policy when serving the homeless community.

425.2 FIELD CONTACTS

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest. Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

425.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Homeless Persons

- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

425.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to a supervisor.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform a supervisor if such property appears to involve a trespass, blight to the community or is the subject of a complaint.

425.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a 72-hour emergency medical hold unless facts and circumstances warrant such a detention.

425.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

425.6 POLICY

It is the policy of the Wadena County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this office will not use homelessness solely as a basis for detention or law enforcement action.

Criminal Conduct on School Buses

426.1 PURPOSE AND SCOPE

Criminal conduct on school buses has been identified by the legislature as a critical component for the safety and security of the community. The primary purpose of this policy is to provide deputies guidance in responding to reports of alleged criminal conduct on school buses. This office, in cooperation with any other law enforcement agency that may have concurrent jurisdiction over the alleged offense, is responsible for responding to all reports of criminal misconduct on school buses in this jurisdiction.

This policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses (Minn. Stat. § 169.4581).

426.2 COMMUNITY COOPERATION

The Wadena County Sheriff's Office shall work with and consult with school officials, transportation personnel, parents and students to respond to these incidents to protect student safety and deal appropriately with those who violate the law.

426.3 PROCEDURE

This office shall respond to all criminal misconduct on school buses within the jurisdiction of this office regardless of the source of the report. Deputies should take reasonable actions to complete the following:

- (a) Provide for the safety of any person involved in the incident or present at the incident.
- (b) Coordinate any appropriate care.
- (c) Investigate reports of crimes committed on school buses using the same procedures as followed in other criminal investigations as appropriate for juveniles and/or adults.
- (d) Issue citations, release pending further investigation, or apprehend and transport individuals committing crimes on school buses to the extent authorized by law.
- (e) Submit reports regarding the incident for review, approval and consideration for prosecution.
- (f) Complete follow-up and additional investigation as reasonably necessary to prepare a case pertaining to criminal conduct on school buses as required for prosecution.
- (g) Provide information to the relevant school regarding the incident as required or authorized by law.

426.3.1 INVESTIGATIONS OF CRIMINAL ACTIVITY ON BUSES

It shall be the policy of the Wadena County Sheriff's Department to respond to all reports of alleged criminal incidents which occur on school buses while within the jurisdiction of the Wadena County Sheriff's Department and to cooperate fully with any other law enforcement agency who may be responsible for such an investigation.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Criminal Conduct on School Buses

The Sheriff's Office shall work with and consult school officials, transportation personnel, parents of students and students to respond to these incidents in an effort to protect student's safety and to deal appropriately with those who violate the law.

This policy recognizes that responding to reports of alleged criminal conduct on school buses within this jurisdiction is the responsibility of this office in coordination with any other law enforcement agency which has jurisdiction over the alleged offense.

This policy is not intended to interfere with or replace school disciplinary policies which relate to student misconduct on school buses.

The Wadena County Sheriff's Department shall:

- (a) Respond to calls for assistance from any citizen, school or bus transportation company as they may pertain to alleged criminal conduct on school buses.
- (b) Issue citations, release information on pending investigations, or apprehend and transport to jail or court those individuals committing crimes on schools buses, to the extent authorized by law and in accordance with the policies and procedures of the Wadena County Sheriff's Department.
- (c) Investigate reports of crimes committed on school buses by using the same procedures followed in other criminal investigations involving adults or juveniles as appropriate.
- (d) Submit reports regarding the incident and investigation of the incident to the Wadena County Sheriff and to the prosecuting attorney.
- (e) Follow through with other investigation necessary to prepare a case pertaining to alleged criminal conduct on school buses as requested by the prosecuting attorney.
- (f) Provide information to the school regarding the incident as required or authorized by law.

Public Recording of Law Enforcement Activity

427.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

427.2 POLICY

The Wadena County Sheriff's Office recognizes the right of persons to lawfully record members of this office who are performing their official duties. Members of this office will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

427.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the deputies.
 - 4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, him/herself or others.

427.4 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Public Recording of Law Enforcement Activity

individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

427.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of office members, such as how and where to file a complaint.

427.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a office-owned device.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Evidence Room Policy.

Suspicious Activity Reporting

428.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

428.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

428.2 POLICY

The Wadena County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

428.3 RESPONSIBILITIES

The Investigation Sergeant and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for office participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Sergeant include, but are not limited to:

- (a) Remaining familiar with those databases available to the Office that would facilitate the purpose of this policy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Suspicious Activity Reporting

- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Office.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Office conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

428.4 REPORTING AND INVESTIGATION

Any office member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

428.5 HANDLING INFORMATION

The Records will forward copies of SARs, in a timely manner, to the following:

- Investigation Unit supervisor
- Crime Analysis Unit
- Other authorized designees

Crisis Intervention Incidents

429.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

429.2 POLICY

The Wadena County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

429.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Crisis Intervention Incidents

429.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Sergeant to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

429.4.1 OBTAINING MENTAL HEALTH INFORMATION

The Sheriff should designate a member of the Office to develop access procedures, retention guidelines, data security safeguards, notification procedures, and any other applicable standards for obtained mental health information (Minn. Stat. § 626.8477).

Deputies may seek information from a mental health professional during a crisis situation pursuant to office procedures. When information is requested, deputies should provide an explanation why disclosure of mental health information is necessary to protect the health or safety of the individual in crisis or of another person (Minn. Stat. § 13.46; Minn. Stat. § 144.294).

Information obtained from mental health professionals in crisis incidents should generally be limited to that necessary to safely respond. Deputies obtaining mental health information to address crisis incidents should document the following in the associated reports (Minn. Stat. § 13.46; Minn. Stat. § 144.294):

- (a) The name of the deputy who requested the information
- (b) The name of the health professional who provided the information
- (c) The name of the individual experiencing the crisis

Mental health information obtained in these circumstances should not be used for any purpose beyond addressing the crisis. The subject of the information should be advised of the information obtained (Minn. Stat. § 13.46; Minn. Stat. § 144.294).

429.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Crisis Intervention Incidents

- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

429.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Crisis Intervention Incidents

429.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

429.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Sergeant.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

429.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to office reporting procedures or other official mental health or medical proceedings.

429.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Crisis Intervention Incidents

429.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

429.11 EVALUATION

The Sergeant designated to coordinate the crisis intervention strategy for this office should ensure that a thorough review and analysis of the office response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

429.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide comprehensive education and training to all office members to enable them to effectively interact with persons in crisis.

Additionally, the Chief Deputy will provide deputies, including part-time deputies, with in-service training in crisis intervention and mental illness crisis as required by Minn. Stat. § 626.8469 and Minn. Stat. § 626.8474.

First Amendment Assemblies

430.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

430.2 POLICY

The Wadena County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

[See attachment: Public Assembly and First Amendment Rights model policy.pdf](#)

430.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

First Amendment Assemblies

430.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

430.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

430.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

430.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

First Amendment Assemblies

- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

430.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

- (a) Command assignments, chain of command structure, roles, and responsibilities
- (b) Staffing and resource allocation
- (c) Management of criminal investigations
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)
 1. Uniforms must display the Office name and a unique personal identifier.
 2. A protocol for keeping record of any deputies on scene who are not in compliance with uniform requirements due to exigent circumstances.
- (e) Deployment of specialized resources
- (f) Event communications and interoperability in a multijurisdictional event
- (g) Liaison with demonstration leaders and external agencies
- (h) Liaison with County government and legal staff
- (i) Media relations
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation
- (k) Traffic management plans
- (l) First aid and emergency medical service provider availability
- (m) Prisoner transport and detention
- (n) Review of policies regarding public assemblies and use of force in crowd control
- (o) Parameters for declaring an unlawful assembly (as defined by Minn. Stat. § 609.705)
- (p) Arrest protocol, including management of mass arrests
- (q) Protocol for recording information flow and decisions

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

First Amendment Assemblies

- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
- (s) Protocol for handling complaints during the event
- (t) Parameters for the use of body-worn cameras and other portable recording devices

430.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

430.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, the Incident Commander or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress (at least two routes when possible). A reasonable time to disperse should be allowed following a dispersal order.

Additionally, the dispersal order must include:

- (a) The name and rank of the person and the agency giving the order.
- (b) The reasons for the declaration.
- (c) How long the participants have to comply.

The dispersal announcements should be repeated after commencement of the initial dispersal order so that participants understand that they must leave the area.

If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

First Amendment Assemblies

has been determined that it is an unlawful assembly, and a new declaration of unlawful assembly has been made.

430.6.1 MINNESOTA POST GUIDELINES ON UNLAWFUL ASSEMBLY

The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly.

The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.

Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or deputies are threatened with dangerous circumstances.

430.7 USE OF FORCE

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

430.8 ARRESTS

The Wadena County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

First Amendment Assemblies

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

430.9 MEDIA RELATIONS

The Sheriff should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

430.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

430.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment, and supply records
- (e) Incident, arrest, use of force, injury, and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)
- (h) Record of any unlawful assembly declarations

430.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

First Amendment Assemblies

- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

430.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Office should, when practicable, train with its external and mutual aid partners.

430.13 ADDITIONAL INCIDENT COMMANDER RESPONSIBILITIES

The Incident Commander is responsible for maintaining familiarity with the Minnesota model policy on Public Assembly and First Amendment Activity and incorporating additional protocols as appropriate for the office's preparedness in addressing:

- (a) Approved devices, tactics, and munitions.
- (b) Accessibility to the public assembly or demonstration by media representatives and other observers.
- (c) Additional documentation requirements, if any.

Civil Disputes

431.1 PURPOSE AND SCOPE

This policy provides members of the Wadena County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Abuse Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Minnesota law.

431.2 POLICY

The Wadena County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

431.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

431.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Civil Disputes

court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

431.4.1 STANDBY REQUESTS

Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

431.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

431.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Medical Cannabis

432.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for investigating the possession, transportation, or use of medical cannabis under Minnesota's medical cannabis laws.

432.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 152.22):

Medical cannabis - Any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins in the form of a liquid, oil, pill, or dried raw cannabis that is properly packaged and labeled with:

- (a) The name and address of the authorized manufacturer.
- (b) The patient's registry identification number, name, date of birth, and address.
- (c) The chemical composition of medical cannabis.
- (d) Recommended dosage.
- (e) Directions for use.
- (f) Batch number.
- (g) Date of manufacture.

Patient - A Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met any other requirements for patients under Minn. Stat. § 152.22 et seq.

Caregiver - A person who has been approved by the Minnesota Office of Cannabis Management to assist a patient who is unable to self-administer medication or acquire medical cannabis from a distribution facility, and who is authorized to assist the patient with the use of medical cannabis.

432.2 POLICY

It is the policy of the Wadena County Sheriff's Office to prioritize resources to avoid making arrests related to medical cannabis that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

Minnesota medical cannabis laws are intended to provide protection from prosecution to those who use or possess medical cannabis for medical purposes. The Wadena County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Minnesota law and the resources of the Office.

432.3 INVESTIGATION

Investigations involving the possession or use of cannabis generally fall into one of the following categories:

- (a) Investigations when no person makes a medicinal claim.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Medical Cannabis

- (b) Investigations when a person claims to be a patient or caregiver.
- (c) Investigations when the person is otherwise authorized.

432.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production, or use of a cannabis product or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the deputy should proceed with a criminal investigation if the amount is greater than permitted for personal use under Minn. Stat. § 342.09. A medicinal claim may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

432.3.2 INVESTIGATIONS INVOLVING A PATIENT OR CAREGIVER

Arrest shall not be made for the possession of medical cannabis by a patient, a caregiver or the parent or legal guardian of a patient (Minn. Stat. § 152.32).

Possession of medical cannabis properly packaged and labeled by an authorized manufacturer should suffice for verification of a person's status as a patient. The possession of medical cannabis registry verification from the Minnesota Department of Health should also suffice for verification a person's status as a patient or caregiver (Minn. Stat. § 152.22; Minn. Stat. § 152.27).

432.3.3 EXCEPTIONS

This policy does not apply to the following offenses. Deputies may take enforcement action if the person (Minn. Stat. § 152.23):

- (a) Possesses or engages in the use of medical cannabis on a school bus or van, on the grounds of any preschool or primary or secondary school, in any correctional facility, or on the grounds of any child care facility or home daycare.
- (b) Vaporizes or smokes medical cannabis on any form of public transportation, where the vapor or smoke would be inhaled by a non-patient minor child, or in any public place or a place of employment.
- (c) Operates any motor vehicle, aircraft, train, or motorboat, or works on transportation property, equipment, or facilities while under the influence of medical cannabis.

432.3.4 INVESTIGATIONS INVOLVING OTHER AUTHORIZED INDIVIDUALS

Any person falling into the following category shall not be arrested for the authorized possession of cannabis (Minn. Stat. § 342.515):

- (a) An otherwise authorized individual transporting cannabis plants or products between business facilities pursuant to state law.

432.4 FEDERAL LAW ENFORCEMENT

Deputies should provide information regarding a medical cannabis investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Medical Cannabis

432.5 EVIDENCE ROOM SUPERVISOR RESPONSIBILITIES

The Evidence Room supervisor shall ensure that medical cannabis, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed. Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Evidence Room supervisor shall as soon as practicable return to the person from whom it was seized any medical cannabis, drug paraphernalia or other related property.

The Evidence Room supervisor may not destroy medical cannabis except upon receipt of a court order.

The Evidence Room supervisor may release medical cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Unit supervisor.

432.6 REPORTING

Deputies aware of a person experiencing a negative medical condition or a death related to a cannabis overdose, including as a result of an unauthorized access to medical cannabis, must contact the Minnesota Department of Health's Office of Medical Cannabis within five business days. If discovered as part of an ongoing investigation, the report must be made within 72 hours of the conclusion of the investigation (Minn. R. 4770.4002; Minn. R. 4770.4004).

Deputies having reasonable suspicion of unauthorized possession of medical cannabis or of violations of cannabis laws by individuals authorized to possess medical cannabis, must report to the Office of Medical Cannabis using the designated online form. Reports related to unauthorized possession must be submitted within 72 hours, unless discovered as part of an ongoing investigation, in which case reporting must be made within 72 hours of the conclusion of the investigation. Reports of violations by persons authorized to possess medical cannabis must be submitted within 15 days (Minn. R. 4770.4010).

Civil Disturbance

433.1 PURPOSE AND SCOPE

The office shall respond to the report of all, civil disturbances, and take action to maintain the peace, or restore order. All licensed deputies shall be responsible for following these procedures and take action as directed by office supervisors.

433.2 DEFINITIONS

Riot: When three or more persons assembled disturbed public piece by an intentional act or threat of unlawful force or violence to person or property.(Minnesota statute 609.71)

Unlawful Assembly: When three or more persons assemble with intent to commit any unlawful act by force, or with intent to carry out any purpose in such manner as will disturb or threaten the public peace, or without unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace.(Minnesota statute 609.705)

433.3 PROCEDURES

- A. Deputies who are dispatched to the report of a civil disturbance will proceed to the scene and assess the situation to determine:
 1. The purpose of the persons assembled as indicated by their conduct, signs, placards, etc.
 2. The general mood of the persons assembled.
 3. The number of people involved and weapons, if present.
 4. Any unlawful acts which have been perpetrated or are in progress.
 5. If any additional assistance or equipment is required.
- B. A Supervisor will be notified and will proceed to the scene and take the following actions:
 1. Assess the need for additional assistance, and/or equipment such as:
 - (a) Additional Sheriff's personnel.
 - (b) Assistance from other agencies.
 - (c) Air support.
 - (d) K-9 teams.
 2. The assigned Deputy or Supervisor shall notify the Chief Deputy, who in turn will notify the Sheriff.
 3. The assigned Deputy, if a Supervisor in not yet available, will coordinate the response of assisting units until relieved by a Supervisor:
 - (a) Direct responding units to form a perimeter.
 - (b) Designate a standby location for fire and ambulance units.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Civil Disturbance

- (c) Designate a command post/assembly area.
- C. At the scene of peaceful civil disputes where no criminal activity is expected, the Sheriff's office may maintain a visible presence to preserve the peace and maintain order.
- D. Based on the crowd behavior and law enforcement personnel available, a supervisor may take the following actions:
 - 1. Isolate the area and contain the crowd.
 - 2. Block the crowd from sensitive targets, such as:
 - (a) Gun shops
 - (b) Drugstores
 - (c) Liquor stores
 - (d) Gas stations
 - (e) Banks
 - 3. Disperse the crowd:
 - (a) Use a public address system to order the crowd to disperse prior to taking enforcement action.
 - (b) Measure the enforcement response required to avoid panic in the crowd.
 - (c) Structure an escape route which will allow the crowd to peacefully leave the disturbance.
- E. At the scene of disturbance where enforcement action is required and the crowd is unmanageable, a Supervisor will take the following actions:
 - 1. Property Crimes:
 - (a) Establish a perimeter in standby for assisting units.
 - (b) Announced to the crowd that they must disperse or they may be charged with "Presence at an Unlawful Assembly", and the announcement should be given, if scene allows, three times.
 - (c) Instruct deputies to record all vehicle license numbers, present, and make observations to identify offenders for later criminal action.
 - (d) Assign a person and/or set squad video to record the area.
 - 2. Persons Crimes: based on the tactical situation, Sheriff's Office deputies must intervene to prevent personal injury and protect life.
- F. In cases where an inadequate number of law enforcement personnel are available, the crowd should be monitored pending appropriate response.
 - 1. Negotiations should be attempted when the crowd spokesperson can be identified.
 - 2. Photographs and audio/video recording should be made of violators.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Civil Disturbance

3. Deputies should attempt to identify the primary agitators.
- G. A Supervisor shall assume command of the situation. upon arrival and have the authority to order the use of riot control agents.
1. Adequate medical personnel should be available at a staging area.
 2. An escape route shall be available and open for the crowd to peacefully leave the disturbance.
- H. The SWAT (special weapons and tactics team) should be reserved for special threats and may be used for:
1. Counter sniper operations.
 2. Arrest teams.
 3. Special reaction force.
 4. Chemical agent dispersing.
- I. Once order has been restored the Sheriff's Office should remain in the area with adequate personnel to ensure that no further disturbances occur.
- J. Upon completion of a Civil Disturbance operation. The deputy assigned to the initial report call will complete a report. All of the deputies and Supervisors who have an active role in the incident, or if pertinent information regarding the incident, shall prepare supplemental reports.

Body-Worn Cameras

434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this office and for the access, use, and retention of office BWC media (Minn. Stat. § 626.8473).

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

434.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by office BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Office to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

434.2 POLICY

It is the policy of the Office to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and office accountability and transparency while also protecting the privacy of members of the public.

434.3 RESPONSIBILITIES

434.3.1 BWC COORDINATOR RESPONSIBILITIES

The Sheriff or the authorized designee should delegate certain responsibilities to a BWC coordinator (Minn. Stat. § 13.825; Minn. Stat. § 626.8473).

The responsibilities of the coordinator include:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Body-Worn Cameras

- (a) Serving as a liaison between the Office and the BWC manufacturer/distributor and any third-party media storage vendor.
- (b) Developing inventory and documentation procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Office, recording the date each BWC is placed into or taken out of service, and maintaining the following information:
 - 1. The total number of devices owned or maintained by the Wadena County Sheriff's Office
 - 2. The daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used
 - 3. The total amount of recorded audio and video data collected by the BWC media systems and maintained by the Wadena County Sheriff's Office
- (c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
 - 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (d) Managing BWC media systems so that:
 - 1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned office duties.
 - 2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
 - 3. Procedures include a process to obtain written authorization for access to non-public data by WCSO members and members of other governmental entities and agencies for a legitimate, specified law enforcement purpose (Minn. Stat. § 13.825, Subd. 7; Minn. Stat. § 13.825, Subd. 8).
- (e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
- (f) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and office policy.
- (g) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
- (h) Coordinating with the community relations coordinator to (see the Community Relations Policy):
 - 1. Provide the public with notice of the office's use of BWCs (e.g., posting on the office website or social media pages) (Minn. Stat. § 626.8473, Subd. 3).
 - 2. Gain insight into community expectations regarding BWC use.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Body-Worn Cameras

- (i) Coordinating with the Administrative Assistant to (see the Records, Records Maintenance and Release, and Protected Information policies):
 1. Determine and apply proper retention periods to BWC media (e.g., firearm discharges, certain use of force incidents, formal complaints) (Minn. Stat. § 13.825, Subd. 3).
 2. Develop procedures for the appropriate release of BWC media.
 3. Ensure procedures comply with the requirements of the Minnesota Government Data Practices Act and other applicable laws (Minn. Stat. § 13.01 et seq.).
- (j) Coordinating with the Evidence Room to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Evidence Room Policy).
- (k) Completing an annual administrative review of the BWC program and providing it to the Sheriff for review.
- (l) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- (m) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Wadena County Sheriff's Office that expands the type or scope of surveillance capabilities of the office's portable recorders (Minn. Stat. § 13.825, Subd. 10).

434.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time (Minn. Stat. § 13.825; Minn. Stat. § 626.8473).

Members should wear their assigned BWC on their outermost garment positioned at or above the mid-line of the waist (Minn. Stat. § 626.8473). Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement (Minn. Stat. § 626.8473).

Members shall comply with this policy's provisions while performing law enforcement activities under the command and control of another law enforcement agency (Minn. Stat. § 626.8473).

434.4 BWC USE

The following guidelines apply to the use of BWCs:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Body-Worn Cameras

- (a) Only office-issued BWCs should be used (Minn. Stat. § 13.825, Subd. 6).
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
- (c) The use of office-issued BWCs shall be strictly limited to office-related activities.
- (d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Sheriff.

434.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the Office that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Office has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the office facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other members without their knowledge.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.
- (f) Interactions with undercover deputies or confidential informants.
- (g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

434.5 ACTIVATION OF BWC

Members should activate their BWC during all calls for service and the performance of law enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Body-Worn Cameras

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

434.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

434.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate office interest in recording the event. Members may also mute or deactivate their BWC:

- (a) To protect the privacy of a victim or witness.
- (b) When an individual wishes to provide information anonymously.
- (c) To avoid recording a confidential informant or undercover deputy.
- (d) When discussing case tactics or strategy.
- (e) During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the office's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

434.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and dispatchers approved by the Sheriff or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

- (a) For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.
- (b) To assist with situational awareness or tactical decisions during a significant incident.
- (c) When requested by the member.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Body-Worn Cameras

434.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

- (a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- (b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
- (c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- (d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.
- (e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

434.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Office.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

434.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

- (a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
- (b) When a member has sustained a serious injury or a line-of-duty death has occurred.
- (c) When a firearm discharge or use of force incident has occurred.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Body-Worn Cameras

- (d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

434.7 BWC MEDIA

All BWC media is the sole property of the Office. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Office and shall not be used by the vendor for any purpose without explicit approval of the Sheriff or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Sheriff or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Sheriff or the authorized designee.

434.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate office-related purposes in accordance with the following guidelines:

- (a) BWC media tagged as restricted should only be accessible by those designated by the Sheriff or the authorized designee.
- (b) Members may review their own BWC media for office-related purposes. Members should document in their report if they reviewed BWC media before completing the report.
- (c) Investigators may review BWC media pertaining to their assigned cases.
- (d) A member testifying regarding a office-related event may review the pertinent BWC media before testifying.
- (e) Supervisors are permitted to access and view BWC media of their subordinates.
 1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
 2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with office procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member (Minn. Stat. § 626.8473).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Body-Worn Cameras

3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.
- (f) The Chief Deputy is permitted to access and view BWC media for training purposes.
1. The Chief Deputy should conduct a quarterly review of a random sampling of BWC media to evaluate office performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.
 2. The Chief Deputy may use BWC media for training purposes with the approval of the Sheriff or the authorized designee. The Chief Deputy should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.
- (g) The Administrative Assistant may access BWC media when necessary to conduct office-related duties.
- (h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.
- (i) Any member who accesses or releases BWC media without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies for additional guidance) (Minn. Stat. § 626.8473, Subd. 3).
- (j) Members may be subject to criminal penalties for the misuse of BWC media pursuant to Minn. Stat. § 13.09 (Minn. Stat. § 626.8473, Subd. 3).

434.7.2 ACCESS BY OTHER LAW ENFORCEMENT AGENCIES AND GOVERNMENT ENTITIES

Other law enforcement agencies and government entities (e.g., prosecutors, criminal justice agencies) may obtain access to not public BWC media for a legitimate, specified law enforcement purpose upon written authorization from the Sheriff or the authorized designee and pursuant to office protocols (Minn. Stat. § 13.825, Subd. 8).

434.7.3 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if:

- (a) It is clearly offensive to common sensibilities (Minn. Stat. § 13.82, Subd. 7; Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 13.825, Subd. 4).
- (b) It unreasonably violates a person's privacy or depicts the interior of:
 1. A private residence.
 2. A facility that offers health care, mental health or substance abuse treatment, or social services.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Body-Worn Cameras

3. A school building.
4. Any other building in which public access is restricted or which implicates heightened security concerns.

Except as provided by Minn. Stat. § 13.825, Subd. 2 or pursuant to Minn. Stat. § 13.82, Subd. 15, BWC media is considered private or nonpublic data.

434.7.4 ACCESS BY PERSONS CAPTURED ON BWC MEDIA

Any person captured on BWC media may have access to the BWC media. If the individual requests a copy of the BWC media and does not have the consent of other non-law enforcement individuals captured on the BWC media, the identity of those individuals must be blurred or obscured sufficiently to render the person unidentifiable prior to release unless otherwise provided by law. The identity of on-duty peace officers may not be obscured unless their identity is protected under Minn. Stat. § 13.82, Subd. 17 (Minn. Stat. § 13.825, Subd. 4).

434.7.5 ACCESS TO BWC MEDIA USED IN COLLISION INVESTIGATIONS

Individuals shall be provided with unredacted BWC media used in a collision investigation if the individual (Minn. Stat. § 13.825, Subd. 4):

- (a) Is entitled to a collision report under Minn. Stat. § 169.09
- (b) Submits a written request accompanied by the related collision report

The Office may deny access to unredacted data as provided in Minn. Stat. § 13.825, Subd. 4.

434.7.6 BWC MEDIA REGARDING USE OF FORCE INCIDENTS RESULTING IN DEATH

When a person dies as a result of the use of force by a deputy, the Office shall (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 626.8473, Subd. 3):

- (a) Allow certain individuals as identified in Minn. Stat. § 13.825, upon request, to inspect all portable recording system data that documents the incident within five days of the request pursuant to the provisions of Minn. Stat. § 13.825.
- (b) Release all portable recording system data that documents the incident within 14 days of the incident pursuant to the provisions of Minn. Stat. § 13.825.

434.7.7 DENIALS, REDACTIONS, AND NOTICES

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Administrative Assistant should review BWC media before public release.

The Sheriff should work with the Custodian of Records when redactions, denials, or notices (e.g., reason for denial, potential penalties for misuse, seeking court relief) are necessary (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 13.825, Subd. 4; Minn. Stat. § 626.8473, Subd. 3).

434.8 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained in accordance with state records retention laws but in no event for a period less than 90 days (Minn. Stat. § 13.825).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Body-Worn Cameras

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Sheriff or the authorized designee.

If an individual captured on BWC media submits a written request, the BWC media shall be retained for an additional time period up to 180 days. The BWC coordinator should be responsible for notifying the individual that the BWC media will then be destroyed unless a new request is made (Minn. Stat. § 13.825, Subd. 3).

Members shall not alter, erase, or destroy any BWC media, before the end of the applicable retention period (Minn. Stat. § 626.8473).

434.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established office procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Evidence Room Policy).

434.8.2 EVIDENTIARY RETENTION REQUIREMENTS

BWC media documenting the following incidents must be retained for a minimum of one year and destroyed according to the office's records retention schedule (Minn. Stat. § 13.825, Subd. 3):

- (a) Any reportable firearms discharge
- (b) Any use of force by a deputy resulting in substantial bodily harm
- (c) Any incident that results in a formal complaint against a deputy

Evidentiary BWC media that documents a deputy's use of deadly force must be maintained indefinitely (Minn. Stat. § 13.825; Minn. Stat. § 626.8473).

434.9 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

- (a) Proper use of the BWC device and accessories.
- (b) When BWC activation is required, permitted, and prohibited.
- (c) How to respond to an individual's request to stop recording.
- (d) Proper use of the BWC media systems, including uploading and tagging procedures.
- (e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventative patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Wadena County Sheriff's Office. Information provided by the Minnesota Office of Traffic Safety (OTS) is a valuable resource for traffic collision occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of collision-causing violations during periods of high-collision incidence and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate, against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high-collision incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.2.1 VEHICLE UNLOCKS

The Wadena County Sheriff's Office does not discourage deputies from unlocking private motor vehicles for the following reasons, a child or animal locked inside a private motor vehicle. Cold weather, where the driver or occupants will be subject to injury due to the time lapse in summoning a private tow or locksmith to come to that location to unlock the vehicle.

The deputy should inform the owner of the vehicle or driver that any damage that occurs to this vehicle as a result of an attempt to unlock said vehicle is being made as a public service. That the deputy is not locksmith nor specially trained for such procedure. In the event of damage to any part of said vehicle that the owner or driver of said vehicle agrees to hold Wadena County harmless for any such damage and waive any claim for compensation for any reason.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Traffic Function and Responsibility

Deputes will encourage all other unlocks to be accomplished by a locksmith or towing company.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This office does not establish ticket quotas and the number of citations issued by any deputy shall not be used when evaluating deputy performance (Minn. Stat. § 169.985; Minn. Stat. § 299D.08). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (d) The court contact information.

500.3.3 TRAFFIC CITATION COURT JURISDICTION

A deputy who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction (Minn. Stat. § 169.91 Subd. 3).

500.3.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (Minn. Stat. § 169.91):

- (a) Negligent homicide.
- (b) Driving under the influence of alcohol/drugs.
- (c) Hit-and-run resulting in serious injury or death.
- (d) Hit-and-run resulting in damage to any vehicle or property.

500.3.5 LIMITATION AND DISCLOSURE OF REASON FOR TRAFFIC STOP

Deputies conducting a traffic stop for violations of Minnesota Statute Chapters 168 or 169 shall not ask the motorist if they can identify the reason for the traffic stop. Deputies shall state a reason

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Traffic Function and Responsibility

for the stop unless it would be unreasonable to do so under the totality of the circumstances (Minn. Stat. § 169.905).

500.4 HIGH-VISIBILITY VESTS

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of office members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; Minn. R. 5205.0030).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plain clothes deputy might benefit from being readily identified as a deputy.

500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Chief Deputy should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

Traffic Collisions

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic collisions.

501.2 POLICY

It is the policy of the Wadena County Sheriff's Office to respond to traffic collisions and render or summon aid to injured victims as needed. The Office will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of collisions by attempting to identify the cause of the collision and through enforcing applicable laws. Unless restricted by law, traffic collision reports will be made available to the public upon request.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this office and there is:
 - 1. A life-threatening injury.
 - 2. A fatality.
 - 3. A County vehicle involved.
 - 4. A County official or employee involved.
 - 5. Involvement of an on- or off-duty member of this office.
- (b) Is within another jurisdiction and there is:
 - 1. A County of Wadena vehicle involved.
 - 2. A County of Wadena official involved.
 - 3. Involvement of an on-duty member of this office.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Traffic Collisions

- (f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic collision involves a life-threatening injury or fatality, the responding deputy shall notify a supervisor, or if unavailable, the Patrol Sergeant. The Patrol Sergeant or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Patrol Sergeant will ensure notification is made to the Patrol Sergeant, office command staff and County Board in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Coroner, office chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic collision should not be released until notification is made to the victim's immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

A collision report shall be taken when:

- (a) A fatality, any injury (including complaint of pain), impaired driving or hit and run is involved.
- (b) An on-duty member of the County of Wadena is involved.
- (c) The collision results in any damage to any County-owned or leased vehicle.
- (d) The collision involves any other public agency driver or vehicle.
- (e) There is damage to public property.
- (f) There is damage to any vehicle to the extent that towing is required.
- (g) Prosecution or follow-up investigation is contemplated.
- (h) Directed by a supervisor.

501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic collision occurs on private property unless there is an injury or fatality, a hit-and-run violation or other traffic law violation involved. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

501.5.2 COUNTY VEHICLE INVOLVED

A traffic collision report shall be taken when a County vehicle is involved in a traffic collision that results in property damage or injury.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Traffic Collisions

A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a County vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Sergeant. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

501.5.3 INJURED ANIMALS

Office members should refer to the Animal Control Policy when a traffic collision involves the disposition of an injured animal.

501.6 INVESTIGATION

When a traffic collision meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Patrol Sergeant or on-duty Patrol Sergeant should request that the Minnesota Department of Public Safety or other outside law enforcement agency investigate and complete a traffic collision investigation when a life-threatening injury or fatal traffic collision occurs within the jurisdiction of the Wadena County Sheriff's Office and involves:

- (a) An on- or off-duty member of the Office.
 - 1. The involved member shall complete the office traffic collision form. If the member is unable to complete the form, the supervisor shall complete it.
- (b) An on-or off-duty official or employee of the County of Wadena.

Office members shall promptly notify a supervisor when any office vehicle is involved in a traffic collision. The collision investigation and report shall be completed by the agency having jurisdiction.

501.6.2 COMMERCIAL VEHICLE COLLISIONS

Commercial vehicle collisions additionally require notification to the Minnesota State Patrol if the collision results in (Minn. Stat. § 169.783):

- (a) A fatality.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Traffic Collisions

- (b) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the collision.
- (c) One or more vehicles incurring disabling damage as a result of the collision, requiring the vehicle to be transported away from the scene by tow truck or other motor vehicle.

A waiver or inspection by a state trooper or other authorized person is required before a person may drive a commercial motor vehicle that was involved in such a collision (Minn. Stat. § 169.783).

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the collision, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

Office members shall utilize forms approved by the Minnesota Department of Public Safety as required for the reporting of traffic collisions (Minn. Stat. § 169.09, Subd. 9). All such reports shall be forwarded to the Patrol for approval and filing.

501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

501.8.2 PATROL SERGEANT RESPONSIBILITIES

The responsibilities of the Patrol Sergeant include but are not limited to:

- (a) Ensuring the monthly and quarterly reports on traffic collision information and statistics are forwarded to the Patrol Sergeant or other persons as required.
- (b) Forwarding the traffic collision report to the Department of Public Safety within 10 days of the collision investigation (Minn. Stat. § 169.09, Subd. 8).
- (c) Ensuring the Department of Public Safety is notified within two business days of a collision that results in a fatality (Minn. Stat. § 169.09, Subd. 8).

Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Wadena County Sheriff's Office and under the authority of Minn. Stat. § 168B.035.

502.1.1 POLICY

When the driver of a vehicle is arrested, and if the vehicle is subject to a lawful impound, the arresting officer will make an inventory of the vehicle contents consistent with this policy and procedure.

502.1.2 CIRCUMSTANCES WARRANTING IMPOUND

According to statute and case law peace officers may impound a motor vehicle under the circumstances established in Minnesota Statute 169.041, which provides in relevant part:

- Subd. 2. - Towing order required
 - A towing authority may not tow a motor vehicle from public property unless a peace officer or parking enforcement officer has prepared, in addition to the parking citation, a written towing report describing the motor vehicle and the reasons for towing. The report must be signed by the officer and the tow driver.
 - Except in cases where an accident or traffic hazard to the traveling public exists, the officer shall ensure that if the tower requested to remove the vehicle by the owner arrives before the tower requested by the officer, the tower requested by the owner is given the opportunity to actually conduct and complete all towing operations requested.
- Subd. 3. - Four-hour waiting period
 - In enforcing state and local parking and traffic laws, a towing authority may not tow, or allow or require the towing of, a motor vehicle from public property for a parking or traffic violation until four hours after issuance of the traffic ticket or citation, except as provided in this section or as provided for an unauthorized vehicle in section 168B.04.
- Subd. 4. - Towing allowed
 - A towing authority may tow a motor vehicle without regard to the four-hour waiting period if:
 - (a) The vehicle is parked in violation or snow emergency regulations;
 - (b) The vehicle is parked in a rush-hour restricted parking area;
 - (c) The vehicle is blocking a driveway, alley or fire hydrant;

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Towing

- (d) The vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;
 - (e) The vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
 - (f) The vehicle is parked in a disability transfer zone or a disability parking space without a disability parking certificate or disability license plates;
 - (g) The vehicle is parked in an area that has been posted for temporarily restricted parking
 1. At least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or
 2. At least 24 hours in advance in another political subdivision;
 - (h) The vehicle is parked within the right-of-way of a controlled-access highway or within the traveled portion of a public street when travel is allowed there;
 - (i) The vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety or emergency vehicles;
 - (j) A law enforcement official has probable cause to believe that the vehicle is stolen or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
 - (k) The driver, operator or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
 - (l) A law enforcement official has probable cause to believe the owner, operator or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;
 - (m) The vehicle is unlawfully parked in a zone that is restricted by posted signs to be used by taxicabs;
 - (n) The vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;
 - (o) The vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibiting parking; or
 - (p) The vehicle is a junk, abandoned or unauthorized vehicle, as defined in section 168b.011, and subject to immediate removal under chapter 168B.
- Subd. 5. - Towing prohibited
 - Unless the vehicle is described in subdivision 4, a towing authority may not tow a motor vehicle because;

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Towing

- (a) The vehicle has expired registration tabs that have been expired for less than 90 days;
- Subd. 6. - Private property
 - This section does not restrict the authority of the owner of private property to authorize under chapter 168B the towing of a motor vehicle unlawfully parked on the private property.

502.1.3 INVENTORY PROCEDURES

- (a) On the inventory form, the officer shall list all personal property and vehicle accessories such as radios, tape/CD players and telephones. Further, the inventory form shall contain a description of the vehicle's condition.
- (b) Upon its completion the inventory form will be signed by the impounding officer.
- (c) The original copy of the vehicle inventory form and impound slip will be turned in with the incident report. The duplicate copy will be given to the wrecker driver.
- (d) In all cases where an impound is made there will be an incident report completed except when a traffic crash report is made.

502.1.4 RELEASE OF VEHICLE

Once a vehicle is impounded it will be necessary for the owner or authorized operator to secure a release slip at the Sheriff's Office. No releases will be made at the wrecker yard without first processing the release slip through the Sheriff's Office.

502.2 STORAGE AND IMPOUNDS

Vehicles may be towed for violations of Minn. Stat. § 168B.035, including parking, registration and snow emergency violations.

Vehicles may be moved or removed from a highway when in violation of Minn. Stat. § 169.32(a) or when left unattended upon any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic (Minn. Stat. § 169.33).

The responsibilities of those employees storing or impounding a vehicle are as follows:

502.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT

Office members requesting towing of a vehicle shall complete a Vehicle Impound and Inventory Report, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Records as soon as practicable after the vehicle is stored.

The Records shall promptly enter pertinent data from the completed Vehicle Impound and Inventory Report into the Minnesota Justice Information Services (MNJIS) and return the form to the Patrol Sergeant for approval.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Towing

Approved Vehicle Impound and Inventory Report forms shall be promptly placed into the auto-file so that they are immediately available for release or for information, should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the towing of any such vehicle, it shall be the responsibility of the Records to determine through MNJIS the names and addresses of any individuals having an interest in the vehicle. Notice to all such individuals shall be sent by certified mail within five business days of impound (Minn. Stat. § 168B.06 Subd. 1).

502.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

If the owner is incapacitated or for any reason it is necessary for the Office to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call a company selected from the rotational list of towing companies. The deputy will then conduct an inventory and store the vehicle using a Vehicle Impound and Inventory Report.

502.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Office should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

502.2.5 RECORDS RESPONSIBILITIES

Records personnel shall promptly enter pertinent data from the completed Vehicle Impound and Inventory Report form into the stolen vehicle system. Approved forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Within 48 hours of recovering a stolen vehicle or receiving notification that a vehicle reported stolen through this office has been recovered, the Records shall make a reasonable and good faith effort to notify the victim of the recovery. The notice must specify when the recovering law enforcement agency expects to release the vehicle to the owner and where the owner may pick up the vehicle. Upon recovery of a vehicle reported stolen to another agency, the Records is to promptly inform the agency that the vehicle is recovered, where it is located and when it can be released to the owner (Minn. Stat. § 169.042 Subd. 1).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Towing

502.3 TOWING SERVICES

The County of Wadena periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Office to tow a vehicle.

502.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this office to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, the vehicle would present a traffic hazard if it were not removed, or the vehicle is located in a high-crime area and is susceptible to theft or damage if left at the scene.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the occupant was arrested nor may be subject to forfeiture proceedings.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall note in the report that the owner was informed that the Office will not be responsible for theft or damages.

502.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in sheriff's custody, to provide for the safety of deputies and the public, and to protect the Office against fraudulent claims of lost, stolen or damaged property.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Towing

502.6 VEHICLE SEARCHES

Vehicles may be searched when one or more of the following conditions are met:

- (a) When probable cause to search the vehicle exists.
- (b) When it is reasonable to believe that the vehicle contains evidence of the offense for which the occupant(s) were arrested.
- (c) With consent of the operator.
- (d) Incident to an arrest if the occupant(s) of the vehicle have not been secured and remain within reaching distance of the passenger compartment.
- (e) To search for weapons or other contraband when reasonable suspicion exists that a weapon or other contraband may be present.
- (f) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.
- (g) Under emergency circumstances not otherwise enumerated above.
- (h) Pursuant to a valid search warrant.

502.7 PRESERVATION OF EVIDENCE

A deputy who removes a vehicle pursuant to Minn. Stat. § 168B.035 is required to take reasonable and necessary steps to preserve evidence. If there is probable cause to believe that a vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or that a particular person has committed a criminal offense, deputies shall ensure that all legally required and reasonably necessary efforts are taken to preserve the evidence. Such evidence is to be provided safe storage and preserved until released to the owner or otherwise disposed of according to law.

502.8 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputy should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings.

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Wadena County Sheriff's Office, a hearing will be conducted upon the request of the owner or operator of the vehicle to determine if probable cause existed for the removal and placement of the vehicle.

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle.

503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone, within 10 days of the date appearing on the notice. The Patrol Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing.

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Office.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a mediation or reduction of the period the vehicle is impounded.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision that the inquiring party may pursue further civil remedies if desired.
 1. If mitigating circumstances are found to be relevant, the hearing officer may make reasonable adjustments to the impound period, storage or assessment fees as warranted.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Impound Hearings

- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be at the Office's expense.
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Sergeant. The hearing officer will recommend to the appropriate Sergeant that the fees paid by the registered or legal owner of the vehicle in question or the owner's agent be reimbursed by the Office.

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving while impaired (DWI).

504.2 POLICY

The Wadena County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Minnesota's impaired driving laws.

504.3 INVESTIGATIONS

Deputies should not enforce DWI laws to the exclusion of their other duties unless specifically assigned to DWI enforcement. All deputies are expected to enforce these laws with due diligence.

The Patrol Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DWI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Minnesota or another jurisdiction.

504.4 FIELD TESTS

The Patrol Sergeant should identify standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DWI laws.

504.5 CHEMICAL TESTS

A person implies consent under Minnesota law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Minn. Stat. § 169A.51, Subd. 1):

- (a) The arresting deputy has probable cause to believe the person was driving, operating or in physical control of a vehicle while impaired as defined by Minn. Stat. § 169A.20.
- (b) The deputy has probable cause to believe that the person is DWI and has been involved in a vehicle accident resulting in property damage, personal injury or death.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Impaired Driving

- (c) The deputy has probable cause to believe that the person is DWI and the person has refused to take the preliminary screening test provided for by Minn. Stat. § 169A.41.
- (d) The person was administered a preliminary screening test and the results indicated an alcohol concentration of 0.08 or more.
- (e) The deputy has probable cause to believe the person was driving, operating or in physical control of a commercial motor vehicle with the presence of any alcohol in the person's body.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 BREATH SAMPLES

The Patrol Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Sergeant.

504.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Minn. Stat. § 169A.51, Subd. 7). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.3 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the person giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Impaired Driving

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

504.5.4 STATUTORY NOTIFICATIONS

At the time that the deputy requests the person to submit to a breath test the deputy must inform the person that (Minn. Stat. § 169A.51, Subd. 2):

- (a) Minnesota law requires that he/she take the test.
- (b) Refusal to take the test is a crime.
- (c) He/she has the right to consult with an attorney unless it would unreasonably delay administration of the test.

At the time that the deputy directs a person to submit to a blood or urine test pursuant to a warrant, the person must be informed that a refusal to submit to a blood or urine test is a crime (Minn. Stat. § 171.177, Subd. 1 and Subd. 2).

504.6 REFUSALS

When an arrestee refuses to provide a chemical sample deputies should:

- (a) Advise the arrestee of the requirement to provide a sample (Minn. Stat. § 169A.51; Minn. Stat. § 171.177, Subd. 1).
- (b) Audio- and/or video-record the admonishment and the response when it is legal and practicable.
- (c) Document the refusal in the appropriate report.

504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of intention to revoke upon the person and invalidate the person's license (Minn. Stat. § 169A.52, Subd. 7).

504.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who does not consent to a chemical test when any of the following conditions exist (Minn. Stat. § 169A.51, Subd. 3):

- (a) A search warrant has been obtained.
- (b) The deputy can articulate that exigent circumstances exist and the deputy has probable cause to believe that the person has committed DWI, including vehicular homicide or injury (Minn. Stat. § 169A.52, Subd. 1; Minn. Stat. § 171.177, Subd. 13). Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to a collision investigation or medical treatment of the person.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Impaired Driving

504.6.3 FORCED BLOOD SAMPLE

A forced sample may not be taken except in DWI cases involving vehicular homicide or injury (Minn. Stat. § 171.177, Subd. 13). In those cases, if a person indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy), and attempt to persuade the person to submit to such a sample without physical resistance.
 1. This dialogue should be recorded on audio and/or video when reasonably practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure that the forced blood draw is recorded on audio and/or video when reasonably practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

504.6.4 WARRANTS FOR CONTROLLED SUBSTANCES OR INCAPACITATION

A blood or urine test may be required pursuant to a warrant if the deputy has probable cause to believe that (Minn. Stat. § 169A.51, Subd. 4):

- (a) The person's impairment is due to a controlled substance, an intoxicating substance, or cannabis or hemp-related product that is not subject to testing by a breath test.
- (b) A controlled substance listed in Schedule I or II or its metabolite (other than a cannabis or hemp-related product or tetrahydrocannabinols), is present in the person's body.
- (c) The person is unconscious or incapacitated to the point that the deputy providing the breath test advisory, administering the breath test, or serving the search warrant has

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Impaired Driving

a good faith belief that the person is mentally or physically unable to comprehend the advisory or otherwise voluntarily submit to the chemical tests.

If a person objects to the blood or urine test as directed by the warrant or deputy, the deputy should offer the other type of test if the person is conscious. Action may be taken against a person refusing to submit to a blood or urine test only if an alternate test of blood or urine, as applicable, was offered (Minn. Stat. § 169A.51, Subd. 4; Minn. Stat. § 171.177, Subd. 2).

504.6.5 STATUTORY NOTIFICATIONS UPON REFUSAL WITH A SEARCH WARRANT

Upon refusal to submit to a chemical test pursuant to a search warrant, deputies shall personally serve the notice of intention to revoke upon the person and invalidate the person's license in such a way that no identifying information is destroyed and immediately return the license to the person (Minn. Stat. § 171.177, Subd. 8).

504.7 ARREST AND INVESTIGATION

504.7.1 RIGHT TO ATTORNEY CONTACTS

A person has a limited right to consult with an attorney prior to submitting to a chemical test. This right is limited to the extent that it cannot unreasonably delay administration of the test (Minn. Stat. § 169A.51, Subd. 2).

504.7.2 ARREST AUTHORITY

A deputy may arrest a person without a warrant and without regard to whether the offense was committed in the deputy's presence if there is probable cause to believe the person committed (Minn. Stat. § 169A.40):

- (a) A DWI offense (Minn. Stat. § 169A.20).
- (b) An alcohol- or cannabis-related driving offense involving a school bus or a Head Start bus (Minn. Stat. § 169A.31).
- (c) An underage drinking and driving offense (Minn. Stat. § 169A.33).

504.7.3 DEPUTY RESPONSIBILITIES

If a deputy requests that a person submit to a chemical test and the person refuses such request, the deputy shall report such refusal to the Commissioner of the Department of Public Safety (DPS) and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 1; Minn. Stat. § 171.177, Subd. 3).

If a person refuses to submit to a test or in the alternative submits to a test and the results indicate a prohibited alcohol concentration, the deputy shall immediately give notice to the person that their driving privilege will be revoked and shall (Minn. Stat. § 169A.52, Subd. 7; Minn. Stat. § 171.177, Subd. 8):

- (a) Issue the person a temporary license effective for only 14 days.
 - 1. Deputies are not required to issue a person a temporary license if the person's driving privilege is under withdrawal by DPS or if the person is unlicensed.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Impaired Driving

- (b) Send the notification of this action to the Commissioner of the DPS along with the certification that there was probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle while impaired, and that the person either refused to submit to a test or submitted to a test and the results indicated a prohibited alcohol concentration or drug presence.

Test results of a person that indicate a prohibited alcohol concentration or drug presence shall be forwarded to the Commissioner of the DPS and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 2).

504.7.4 PRELIMINARY SCREENING TEST

A deputy who has reason to believe the person was driving, operating or in physical control of a motor vehicle while impaired, may require the person to provide a sample of the person's breath for a preliminary screening test using a device approved by the DPS Commissioner (Minn. Stat. § 169A.41, Subd. 1).

The deputy must use the results of the preliminary screening test for the purpose of deciding whether to arrest the person and require further chemical testing pursuant to Minn. Stat. § 169A.51 (Minn. Stat. § 169A.41, Subd. 2).

504.7.5 ADDITIONAL TESTING

A deputy shall permit a person required to submit to a chemical test to have a qualified person of his/her own choosing administer a separate chemical test (Minn. Stat. § 169A.51, Subd. 7(b)). The separate chemical test shall:

- (a) Be conducted at the place where the person is in custody.
- (b) Be conducted after the deputy has administered the statutorily mandated test.
- (c) Impose no expense to the state.

504.7.6 ADDITIONAL REQUIREMENTS FOR BREATH SAMPLES

All breath samples requested in accordance with this policy shall be obtained in accordance with Minn. Stat. § 169A.51, Subd. 5.

504.8 RECORDS RESPONSIBILITIES

The Administrative Assistant will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS

The Administrative Assistant will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Driver and Vehicle Services Division (DVS) of the DPS.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Impaired Driving

A deputy called to testify at an administrative hearing should document the hearing date and the DVS file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.10 TRAINING

The Chief Deputy should ensure that deputies participating in the enforcement of DWI laws receive regular training. Training should include at minimum current laws on impaired driving, investigative techniques and rules of evidence pertaining to DWI investigations. The Chief Deputy should confer with the prosecuting attorney's office and update training topics as needed.

Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

505.2 RESPONSIBILITIES

The Patrol Sergeant shall be responsible for the development and design of all Departmental Directive traffic citations in compliance with state law (Minn. Stat. § 169.99 and Minn. Stat. § 169.999 Subd. 3).

The Records shall be responsible for the supply and accounting of all traffic citations issued to employees of this office. Citations will be kept in a secure location and issued to deputies by Records staff. Deputies will sign for the citation books when issued.

505.2.1 DATA COLLECTION

The Records should maintain information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

- (a) The race or ethnicity of the individual detained.
- (b) Whether a search was conducted and, if so, whether the person detained consented to the search.

The Records should submit an annual report to the Sheriff of the information collected to assist in the implementation and administration of the Office's Bias-Based Policing Policy required by state law (Minn. Stat. § 626.8471 Subd. 4).

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Patrol Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Sergeant may request the Patrol Sergeant to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the deputy may request the prosecutor to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Sergeant for review.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Traffic Citations

Members of the Office should provide a report or other verification to the owner of a stolen vehicle that may have received a citation during the time of the theft for the purpose of dismissing the citation (Minn. Stat. § 169.042 Subd. 2).

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Patrol.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Patrol. The Patrol shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this office shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records.

Upon separation from employment with this office, all employees issued traffic citation books shall return any unused citations to the Records.

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Minnesota state law and local regulations (Minn. Stat. § 169.04 (a) (1)).

505.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

- (a) Administrative reviews are conducted by the Patrol, which will review written/documentary data. Requests for administrative reviews are available at the front desk or Patrol of the Wadena County Sheriff's Office. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, an appellant may petition a municipal court for a hearing by filing with the clerk of the municipal court and posting fees as required.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Traffic Citations

505.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 days of issuance of the notice of parking violation, or within 10 days of mailing the Notice of Delinquent Parking Violation.
- (b) Requests for administrative hearings must be postmarked within 15 days of the notification mailing of the results of the administrative review.
- (c) Requests for appeal to the District Court must be made within 20 days of the mailing of the administrative hearing results.
- (d) Registered owners of leased or rented vehicles may transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation if the name, address and driver's license number of the lessee/renter is provided to the processing agency within 30 days of the mail date of the delinquent notice.

505.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must pay the full amount due for the citation or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.
- (c) An appeal through District Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the District Court.

505.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

- (a) When any juvenile is issued a citation for a drug or alcohol violation, or a juvenile 16 years of age or older is issued a citation for an adult court traffic offense, the deputy shall follow the arrest procedures prescribed in Minn. Stat. § 169.91 and shall make reasonable effort to notify the child's parent or guardian of the violation and the nature of the charge. Notifications should be documented (Minn. Stat. § 260B.225 Subd. 3).
- (b) When any juvenile is issued a citation for a major traffic offense, the deputy is required to file a signed copy of the citation, as provided in Minn. Stat. § 169.91, with the juvenile court of the county in which the violation occurred. The citation serves as a petition providing the juvenile court jurisdiction (Minn. Stat. § 260B.225 Subd. 5).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Traffic Citations

505.9 ADMINISTRATIVE VIOLATIONS

Administrative violations may be issued by deputies to any person for violations of any County ordinance by using the Wadena Administrative Violation Form. A completed Administrative Violation Form should be submitted in the same manner as any other citation.

Administrative citations should not be issued for crimes that may need to go through District Court for enhancement consideration purposes. The issuing deputy or a supervisor should determine the appropriate citation type to use in each situation after considering the factors in each circumstance.

505.9.1 ADMINISTRATIVE VIOLATION CONSIDERATIONS

When determining the appropriateness of issuing an administrative violation, a deputy should consider the following:

- (a) Only one ordinance violation can be written per Administrative Violation Form.
- (b) Parking tickets cannot be written on an Administrative Violation Form.
- (c) Speed and license-related citations should be written on a District Court ticket, as they will not appear on a driver's record if written on an Administrative Violation Form.
- (d) A person receiving an administrative citation cannot be jailed solely based on the ordinance violation.
- (e) Deputies who are aware that a violator has received prior administrative citations and failed to pay the related fine, should consider issuing a District Court Citation if the following conditions exist:
 - 1. The violator has an established record of non-payment with the County Clerk's Office.
 - 2. The violator is apparently unable to pay the fine.
 - 3. The violator owns no real property.

Disabled Vehicles

506.1 PURPOSE AND SCOPE

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

506.2 DEPUTY RESPONSIBILITIES

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practicable.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Office personnel will be contingent on the time of day, the location, the availability of Office resources and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Office personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

Abandoned Vehicle Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws, under the authority of Minn. Stat. § 168B.04.

507.1.1 DEFINITION

Pursuant to Minnesota statutes, a vehicle is abandoned if:

- (a) The motor vehicle has remained illegally for more than 48 hours on any government-owned or -controlled property, or for more than four hours on that property when properly posted (Minn. Stat. § 168B.011 Subd. 2 (1)).
- (b) The motor vehicle has been properly tagged by a deputy and abandoned for four hours on any highway (Minn. Stat. § 168B.04, Subd. 2 (b) (1)).
- (c) The motor vehicle has been abandoned and located so as to constitute a collision or traffic hazard (Minn. Stat. § 168B.04 Subd. 2 (b) (1)).
- (d) The motor vehicle is unattended on private residential property, that is a single-family or duplex, without permission of the property caretaker (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).
- (e) The motor vehicle can be immediately removed if on private non-residential property if properly posted or after 24 hours if not posted (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).
- (f) The motor vehicle remains at a service, repair or maintenance establishment of motor vehicles five days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Wadena County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.2.1 BLANK SUBSECTION TITLE - NEED CHANGES FROM THE USER CONTROLLED SUBSTANCES:

1. All controlled substances or suspected controlled substances, prescription drugs and drug paraphernalia found or confiscated shall be submitted to the Property Unit as soon as possible and packaged.
2. Field testing should be done before submitting the controlled substance evidence to the Property Unit. Field Test kits will NOT be submitted as evidence to the Property Unit. Field test results must be documented in the Officer's report.
3. The Submitting Officer will weigh the controlled substance indicating the result and if the packaging was weighed with the controlled substance. The results should be documented in the designated portions of the Computer Evidence System.

I. EVIDENCE BOOKED FOR LABORATORY TESTING:

A. Evidence needing laboratory analysis shall be flagged as "Send to Lab" during the log-in process done by the Submitting Officer. Officers shall submit all controlled substances to the BCA for testing if the controlled substance offense is a 1st, 2nd, or 3rd Degree Controlled Substance Crime. Processing of the drug evidence, for these crimes, shall be sent to the BCA as soon as the evidence is collected, field tested, and documented so as to ensure efficient return of the lab results. All other drug offense evidence will be sent to the BCA upon request of the prosecuting attorney or court notice of trial.

B. Drug related evidence will be forwarded to the crime lab by a Submitting Officer, Narcotics Detective, or West Central Minnesota Drug Task Force Special Agent. Illegal drug evidence shall be hand delivered to the BCA lab; however, residue amounts, marijuana amount less than 10 ounces and prescription medication may be sent to the BCA lab by mail. Narcotics Detective and Special Agents

with the West Central Minnesota Drug Task Force may deviate from this policy if special circumstances exist or other policies are in place through an agency with authority.

C. For all cases except controlled substance crimes, the assigned investigating officer is responsible for a verbal or written request for the proper analysis, i.e. forensic examinations

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Investigation and Prosecution

for DNA, biological evidence, trace evidence processing, latent print processing, and firearm or tool mark analysis. The Minnesota BCA lab requires a form to be completed and submitted with the evidence to be analyzed. The BCA form can be completed by the Submitting Officer. The Submitting Officer will review the request and determine where the evidence will be sent

D. Arrangement for the delivery of evidence to the Minnesota BCA for testing shall be the responsibility of the Submitting Officer. All evidence sent by mail will require a receipt indicating Certified Mail or Delivery Confirmation. DUI blood/urine kits and Sexual Assault kits may be placed directly with the US Mail without obtaining a receipt. Any evidence may be hand delivered to any criminal lab if practical.

E. Evidence that is no longer needed for court proceedings or no longer in the appeals time frame may be disposed of by first contacting the County Attorney, Sheriff or Chief Deputy. Evidence of value after court proceedings that belong to victims may be released to the victim in the same manner as described above. Evidence belonging to the suspect may or may not be released to the suspect depending on court disposition or direction of the prosecutor.

F. Controlled substances may not be held in evidence after the case is disposed of by court verdict or lack of prosecution. Controlled substances must be destroyed by incinerator, or flushing controlled substances in a controlled session by two or more officers present. There will be no exception to this policy. Controlled substances must be logged out of evidence and disposition stated in report form placed in the appropriate case file.

600.3 INITIAL INVESTIGATION

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 1. An initial statement from any witnesses or complainants.
 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the deputy shall:
 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Patrol Sergeant.
 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 5. Collect any evidence.
 6. Take any appropriate law enforcement action.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Investigation and Prosecution

7. Complete and submit the appropriate reports and documentation.
 - (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of a person who is suspected of having committed a criminal offense should be electronically recorded (audio/video or both as available) in its entirety, including any information or discussion about the person's rights and any waiver of those rights. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a non-custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Investigation and Prosecution

600.6 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this office. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using office equipment.

Information obtained via the Internet should not be archived or stored in any manner other than office-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.6.1 ACCESS RESTRICTIONS

Information that can be accessed from any office computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.6.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.7 ELECTRONIC BENEFIT TRANSFER (EBT) CARDS

Deputies shall make a report any time they arrest a person who possesses more than one welfare Electronic Benefit Transfer (EBT) card. The investigating deputies shall forward this report to the Minnesota Department of Human Services and the Minnesota Department of Children, Youth,

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Investigation and Prosecution

and Families within 30 days of the arrest. The report shall include all of the following (Minn. Stat. § 626.5533):

- (a) The name, address, and driver's license or state identification card number of the suspect
- (b) The number on each EBT card and name, if any
- (c) The date and location of any alleged offense
- (d) Any other information the Minnesota Department of Human Services or the Minnesota Department of Children, Youth, and Families may require on related state forms

600.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Sergeant or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The Wadena County Sheriff's Office adopts the Investigations of Sexual Assault model policy established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8442).

See attachment: [Sexual Assault Investigation model policy.pdf](#)

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses and controlled substance offenses (Minn. Stat. § 609.531 to Minn. Stat. § 609.5318).

602.2 POLICY

The Wadena County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or the due process rights of citizens.

It is the policy of the Wadena County Sheriff's Office that all employees of the agency, all employees assigned to another law enforcement agency's task force and all employees assigned to a task force from an outside law enforcement agency, in which this agency serves as the Fiscal Agent, follow all state and federal laws pertaining to forfeiture.

602.3 DEFINITIONS

Definitions related to this policy include:

Cash - Money in the form of bills or coins, traveler's checks, money orders, checks, or other forms of electronic money or stored value cards, including but not limited to gift cards, debit cards, gift cards/certificates, or other negotiable financial instruments.

Conveyance device - A device used for transportation. It includes but is not limited to a motor vehicle, trailer, snowmobile, airplane, and vessel, and any equipment attached to it. The term "conveyance device" does not include property which has been stolen or taken in violation of the law.

Firearms/ammunition/firearm accessories - A device that projects either single or multiple projectiles at high velocity. Ammunition is a term meaning the assembly of a projectile and its propellant. Accessories include but are not limited to holsters, gun cases, firearm optics, suppression devices, and cleaning supplies.

Fiscal Agent - The person designated by the Wadena County Sheriff's Office to be responsible for securing and maintaining seized assets and distributing any proceeds as a result of any forfeiture proceedings. This includes anytime the Wadena County Sheriff's Office seizes property for forfeiture or when the Wadena County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Asset Forfeiture

Forfeiture Reviewer - The Wadena County Sheriff's Office employee assigned by the Wadena County Sheriff's Office responsible for reviewing all forfeiture cases and for acting as the liaison between the Office and the prosecutor's office.

Jewelry/precious metals/precious stones - The term includes items of jewelry, such as rings, necklaces, and watches that reasonably appear to be made of precious metals or precious stones. Precious metals include but are not limited to gold, silver, platinum, iridium, and palladium. Precious stones, often referred to as gemstones, include but are not limited to diamonds, emeralds, and rubies.

Property subject to administrative forfeiture - The following property is subject to administrative forfeiture under Minnesota Law (Minn. Stat. § 609.5314):

- (a) All cash totaling \$1500 or more, precious metals, and precious stones that there is probable cause to believe represent the proceeds of a controlled substance offense, and all cash found in proximity to controlled substances when there is probable cause to believe that the cash was exchanged for the purchase of a controlled substance.
- (b) All conveyance devices containing controlled substances with a retail value of \$100 or more if there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale.
- (c) All firearms, ammunition, and firearm accessories found:
 1. In a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance.
 2. On or in proximity to a person from whom a felony amount of controlled substance is seized.
 3. On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152.

Seizure - The act of law enforcement officials taking property, including cash and conveyance devices that have been used in connection with or acquired by illegal activities.

602.4 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.4.1 PROPERTY SUBJECT TO SEIZURE

The following property is subject to seizure.

- (a) The following property may be seized upon review and approval of a supervisor and in coordination with the Forfeiture Reviewer:
 1. Controlled substances and associated property as described in Minn. Stat. § 609.5311.
 2. Property intended for use to commit or facilitate the commission of a designated offense, as listed in Minn. Stat. § 169A.63, Subd. 6 and limited by Minn. Stat. §

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Asset Forfeiture

169A.63, Subd. 7, and as listed in Minn. Stat. § 609.531, Subd. 1(f) and limited by Minn. Stat. § 609.5312.

- (b) Property subject to administrative forfeiture may be seized without prior supervisor approval if the item has a retail value of \$50,000 or less (Minn. Stat. § 609.5314).

602.4.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the prosecuting agency's current minimum forfeiture thresholds.
- (b) Cash totaling less than \$1,500, unless prerecorded buy funds are included in the cash seized.

602.4.3 SEIZURE OF PROPERTY TO BE FORFEITED

A deputy may seize property subject to forfeiture based on a court order. A deputy may also seize property without a court order under any of the following conditions (Minn. Stat. § 609.531, Subd. 4; Minn. Stat. § 169A.63, Subd. 2):

- (a) The seizure is incident to a lawful arrest or a lawful search.
- (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding.
- (c) The deputy has probable cause to believe that a delay to obtain a warrant or other process would result in the removal or destruction of the property and that either of the following apply:
 1. The property was used or is intended to be used in commission of a felony.
 2. The property is dangerous to health or safety.

602.5 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

- (a) If the retail value of the asset to be seized is \$50,000 or less, completely and accurately prepare the Notice of Seizure and Intent to Forfeit Property Form (seizure form) and present it to the person from whom the property is to be seized for that person's signature. If the person refuses to sign, the deputy shall indicate on the seizure form that the person refused. The seizure form is not used when the value of the seized property exceeds \$50,000.
- (b) Prepare and provide a receipt for the items seized to the person from whom the property is being seized.
 1. If cash or property is seized from more than one person, a separate property inventory receipt must be completed for each person specifying the amount of cash seized. The receipt shall include a detailed description of all property, checks, money orders, traveler's checks or other financial instruments.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Asset Forfeiture

- (c) Complete and submit a report within 24 hours of the seizure if practicable. The report must include, at minimum, the following:
 - 1. A description of the items seized
 - 2. The location where the property was turned in or stored
 - 3. The name of the individual who was served with the seizure form
 - 4. The date that the seizure form was served
 - 5. The name of the deputy making the seizure
 - 6. Whether the individual signed the seizure form
- (d) If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the receipt and seizure form must be given to the individual from whom the property was seized.
- (e) When property is seized and no one claims possession of the property, the deputy must leave a receipt in the place where the property was found if it is reasonably possible to do so.
- (f) The deputy will book seized property into the Evidence Room as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.
- (g) Forward the original and the pink copy of the seizure form, and any seized property processing worksheets, property receipts and reports to the Forfeiture Reviewer within 10 days of seizure.
- (h) Inform the Forfeiture Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

602.5.1 CASH HANDLING

It is the responsibility of the seizing deputy to secure and count cash consistent with this policy and the Cash Handling, Security and Management Policy. All cash shall be counted in the presence of another deputy and the envelope initialed by both deputies. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.

All forfeitable cash seized will be turned over to the Forfeiture Reviewer or property/evidence room as soon as practicable.

Prior to deposit with the Forfeiture Reviewer, deputies shall examine all cash seized to determine whether it contains any prerecorded buy funds. Deputies shall document the recovery of all buy funds and deposit those funds with the Forfeiture Reviewer to be returned to the appropriate buy fund account.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Asset Forfeiture

602.5.2 JEWELRY/PRECIOUS METALS/PRECIOUS STONES

Deputies seizing jewelry, precious metals and/or precious stones will write a detailed description of each item on the property inventory receipt. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Forfeiture Reviewer.

Deputies seizing jewelry, precious metals and/or precious stones shall book those items according to current property and evidence procedures as soon as practicable.

602.5.3 VEHICLES

Any conveyance device seized for forfeiture shall be taken to a secure designated area or to a department-approved impound facility as soon as practicable.

Deputies shall inventory the conveyance device and its contents in accordance with the Vehicle Towing Policy. Deputies shall also complete applicable report forms and distribute them appropriately. A copy of the vehicle storage report shall be included with the seizure documentation that is submitted to the Forfeiture Reviewer.

602.5.4 FIREARMS/AMMUNITION/FIREARM ACCESSORIES

When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the Evidence Room in accordance with the current booking procedures and the Evidence Room Policy.

602.6 MAINTAINING SEIZED PROPERTY

The Evidence Room supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (Minn. Stat. § 609.531 Subd. 5).
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or returned to the claimant or person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.7 FORFEITURE REVIEWER

The Sheriff will appoint a deputy as the Forfeiture Reviewer. Prior to assuming duties, or as soon as practicable thereafter, the Forfeiture Reviewer should attend a office-approved course on asset forfeiture.

The responsibilities of Forfeiture Reviewer include the following:

- (a) Confer regularly with the prosecuting attorney's office to remain familiar with forfeiture laws, particularly Minn. Stat. § 609.531 through Minn. Stat. § 609.5318, Minn. Stat. § 169A.63, and the forfeiture policies of the prosecuting agency.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Asset Forfeiture

- (b) Make reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (c) Ensure responsibilities, including designation of a Fiscal Agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (d) Ensure that a seizure form, property inventory receipt, and a forfeited property processing worksheet is available and appropriate for office use. The seizure form will minimally include the following (Minn. Stat. § 609.5314):
 - 1. Space for an itemized list of items seized
 - 2. The location and date of the seizure
 - 3. A place for the name of the individual served with the seizure form
 - 4. The date and signature of the deputy conducting the seizure
 - 5. The agency case number
 - 6. A space for the signature of the person from whom property is seized or an appropriate space or check box for the deputy to indicate that the person refused to sign
 - 7. At least an original and the pink copy
 - 8. Information in English, Hmong, Somali and Spanish explaining the right to obtain judicial review and the procedure provided by Minn. Stat. § 609.5314.
- (e) Ensure that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure form and the forfeiture process. The training should be developed in consultation with the prosecuting attorney and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins, or office directives. The training should be based on this policy and address any relevant statutory changes and court decisions.
- (f) Review each asset forfeiture case to ensure the following:
 - 1. Written documentation of the seizure and items seized is present in the case file.
 - 2. Independent prosecutorial review of the circumstances and propriety of the seizure is made in a timely manner.
 - 3. A timely notice of seizure has been given to interest holders of seized property.
 - 4. Property is promptly released to those entitled to its return.
- (g) Forward all changes to forfeiture status to any supervisor who initiates a forfeiture case.
- (h) Deposit any cash received with the Fiscal Agent.
- (i) Ensure the current minimum forfeiture thresholds are communicated appropriately to deputies.
- (j) Annually review and update this policy and any related policies to reflect current federal and state statutes and case law.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Asset Forfeiture

- (k) Prepare a written plan for the Sheriff to address any extended absence of the Forfeiture Reviewer to ensure that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (l) Ensure the Office disposes of property as provided by law following any forfeiture (Minn. Stat. § 609.5315).
- (m) Ensure that any forfeited property used in an undercover capacity, or that is sold or added to the office inventory is done so according to Minnesota law.
- (n) Ensure that all forfeited property is used or disposed of in a manner consistent with the use and disposition of similar property by this office.
- (o) Upon completion of any forfeiture process, ensure that no property is retained by the Wadena County Sheriff's Office unless the Wadena County Sheriff's Office authorizes in writing the retention of the property for official use.
- (p) Ensure that forfeiture proceeds are maintained in a separate fund or account subject to appropriate accounting control with regular reviews or audits of all deposits and expenditures (Minn. Stat. § 609.5315).
- (q) Ensure that records of forfeiture are retained for a minimum of six years.
- (r) Ensure forfeiture reporting is made to the state auditor in the manner prescribed by the auditor (Minn. Stat. § 609.5315, Subd. 6).

602.8 DISPOSITION OF FORFEITED PROPERTY

Legal disposition may include (Minn. Stat. § 609.5315; Minn. Stat. § 169A.63, Subd. 10):

- (a) Retention by the Office and/or prosecuting agency.
 - 1. If a forfeited motor vehicle is kept for Office use, the Office will make a reasonable effort to ensure the vehicle is available for use and adaptation by deputies who participate in the Office's Drug Abuse Resistance Education program (Minn. Stat. §609.5315).
- (b) Destruction.
- (c) Sale performed in a commercially reasonable manner.
- (d) Other disposition pursuant to applicable provisions of Minnesota Statutes.

No member of this office may use property that has been seized for forfeiture until the forfeiture action has been completed and the Wadena County Sheriff's Office has given written authorization to retain the property for official use.

Members of this office or persons related to members of this office by blood or marriage are prohibited from purchasing forfeited items sold by this office (Minn. Stat. § 609.5315, Subd. 1(c)).

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Wadena County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Wadena County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Wadena County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.2.1 POST MODEL POLICY

It is the policy of the Office to follow the requirements of the Confidential Informants Model Policy, established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8476).

[See attachment: Confidential Informants Model Policy.pdf](#)

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this office should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Juveniles under the guardianship of the state may not be used as informants.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Informants

- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Sheriff or the authorized designee

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Sergeant, Narcotics and Violent Crime Agent supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Wadena County Sheriff's Office, and that they shall not represent themselves as such.
- (d) The relationship between office members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Narcotics and Violent Crime Agent supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Narcotics and Violent Crime Agent supervisor.
 - 1. Deputies may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.
- (g) In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Informants

- (h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Office and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of a deputy.
- (c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this office to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Narcotics and Violent Crime Agent. The Narcotics and Violent Crime Agent supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Sergeant, Narcotics and Violent Crime Agent supervisor or their authorized designees.

The Investigation Sergeant should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Narcotics and Violent Crime Agent supervisor is replaced, the files will be audited before the new supervisor

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Informants

takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos, or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses, and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and the informant's subsequent reliability
 - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the deputy initiating use of the informant and any subsequent overseeing agents
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant
- (m) Emergency contact information
- (n) Criminal history record
- (o) Residential addresses in the last five years
- (p) Social media accounts
- (q) Marital status and number of children
- (r) Gang affiliations or other organizational affiliations
- (s) Special skills and hobbies
- (t) Special areas of criminal expertise or knowledge

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Informants

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Narcotics and Violent Crime Agent supervisor will discuss the above factors with the Patrol Sergeant and recommend the type and level of payment subject to approval by the Sheriff.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Narcotics and Violent Crime Agent buy/expense fund.
 1. The Narcotics and Violent Crime Agent supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the deputy who will be delivering the payment.
 1. The check shall list the case numbers related to and supporting the payment.
 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 3. The statement shall be signed by the informant verifying the statement as a true summary of the informant's actions in the case.
 4. Authorization signatures from the Sheriff and the County Board are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.
 1. The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Wadena County Sheriff's Office case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 2. The cash transfer form shall be signed by the informant.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Informants

3. The cash transfer form will be kept in the informant's file.
4. At least two deputies should be present when payments are made.
5. Any signature by the informant for receipt of payment should not contain the true identity of the informant but should use the informant's control number.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

603.6.3 AUDIT OF PAYMENTS

The Narcotics and Violent Crime Agent supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

603.7 TRAINING

The Chief Deputy shall provide in-service training to deputies, including part-time deputies, in the recruitment, control, and use of confidential informants as required by Minn. Stat. § 626.8476.

603.8 INFORMANT COORDINATOR

The Sheriff or the authorized designee should designate an informant coordinator responsible for remaining familiar with the requirements and guidelines set forth in Minn. Stat. § 626.8476 and the MN POST Confidential Informants Model Policy.

The coordinator is also responsible for implementing office procedures and protocols concerning the recruitment, control, and use of informants, as adopted by the model policy, including but not limited to:

- (a) Establishing general guidelines related to the oversight of informants such as:
 1. The execution of informant agreements.
 2. The use of informants in exigent circumstances.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Informants

3. Supervisor review of informant files and informant agreements, and attendance at debriefings and meetings.
 4. Communication strategies and plans to address the confidentiality and integrity of the office/informant relationship.
 5. The screening of informants for personal safety or mental health concerns before and after their use.
- (b) Developing procedures for determining initial and continued suitability, and preparing related reports (e.g., Initial Suitability Report, Continuing Suitability Report).
1. Procedures should include a process for forwarding the results of initial and continuing suitability determinations to appropriate office members.
 2. The local prosecutor's office should be consulted before engaging individuals who require special review and approval (e.g., juveniles, government officials, those individuals obligated by legal privilege of confidentiality).
- (c) Creating a process for identifying individuals who may be or who may become unsuitable to serve as informants (e.g., individuals receiving in-patient or partial-hospitalization treatment for a substance use disorder or mental illness, participating in a treatment-based drug court program or treatment court, having overdosed in the last 12 months, having a physical or mental illness that impairs the ability to understand instructions and make informed decisions).
- (d) Working with office members to identify informants who should be referred to prevention or treatment services.
- (e) Addressing jurisdictional issues to ensure proper coordination in the use of informants.
- (f) Working with the Narcotics and Violent Crime Agent supervisor to manage the informant file system, including establishing guidelines regarding access, review, and disclosure.
- (g) Establishing deactivation procedures.
- (h) Making any necessary updates to agency procedures.
- (i) Certifying annually to MN POST that the Office has adopted a policy that complies with the requirements of the model policy as required by Minn. Stat. § 626.8476, Subd. 3.

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques (Minn. Stat. § 626.8433).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The Wadena County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.2.1 POST MODEL POLICY

It is the policy of the Wadena County Sheriff's Office to follow the requirements of the Eyewitness Identification Procedures model policy, established and published by the Minnesota Board of Peace Officer Standards and Training (POST) (Minn. Stat. § 626.8433).

[See attachment: Eyewitness Identification Procedures model policy.pdf](#)

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating deputy should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Eyewitness Identification

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigation Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time, and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of the POST model policy.

The process and related forms should be reviewed at least annually and modified when necessary.

604.4.1 POST REQUIREMENTS

The Investigation Unit supervisor should remain familiar with the requirements contained in the Eyewitness Identification Procedures model policy issued by POST and incorporate these, as necessary, into the eyewitness identification process for use by members when conducting photographic and live lineups.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Eyewitness Identification

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When conducting a live lineup, the member presenting the lineup should not be involved in the investigation or know the identity of the suspect (Minn. Stat. § 626.8433).

When conducting a photographic lineup, if practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating deputy should contact the appropriate prosecuting attorney before proceeding.

604.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain and document a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Eyewitness Identification

6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
 - (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
 - (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
 - (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
 - (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect, or to perform other actions mimicking those of the suspect.
 - (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

604.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.6.1 DOCUMENTATION RELATED TO RECORDINGS

The member conducting the lineup should document the reason that an audio and/or video recording was not obtained, if applicable.

Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Wadena County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Wadena County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Wadena County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Office case file.

605.4 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Brady Material Disclosure

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and office member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or County Attorney should then be requested to file a motion in order to initiate an in-camera review by the court.
 - 1. If no motion is filed, the Custodian of Records should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that data ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use and further dissemination of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

605.5 INVESTIGATING BRADY ISSUES

If the Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

Office personnel should receive periodic training on the requirements of this policy.

605.7 BRADY PROCESS

The Sheriff shall select a member of the Office to coordinate requests for *Brady* information. This person shall be directly responsible to the Administration Sergeant or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the County Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
 - 1. Updating this list whenever potential *Brady* information concerning any office member becomes known to the Office or is placed into a personnel or internal affairs file.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Brady Material Disclosure

605.8 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS (Minn. Stat. § 626.19).

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled without the possibility of direct human intervention from within or on the aircraft (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means (Minn. Stat. § 626.19).

606.2 POLICY

Unmanned aerial systems may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

[See attachment: WCSO Procedure Manual.pdf](#)

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for office operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Unmanned Aerial System

- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.
- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.
- Developing protocols for reviewing and approving requests for use of the Office UAS by government entities (Minn. Stat. § 626.19).
- Preparing and submitting the required annual report to the Commissioner of Public Safety (Minn. Stat. § 626.19).
- Posting the Office policies and procedures regarding the use of UAV on the office website, as applicable (Minn. Stat. § 626.19).
- Reviewing the program and UAS use for compliance with Minn. Stat. § 626.19.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Unmanned Aerial System

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

Members shall not use a UAS without a search warrant, except (Minn. Stat. § 626.19):

- (a) During or in the aftermath of an emergency situation or disaster that involves the risk of death or bodily harm to a person.
- (b) To document evidence that is at imminent risk of destruction.
- (c) Over a public event where there is a heightened risk to the safety of participants or bystanders.
- (d) To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
- (e) To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.
- (f) To conduct a threat assessment in anticipation of a specific event.
- (g) To collect information from a public area if there is reasonable suspicion of criminal activity.
- (h) To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
- (i) Over a private area with the written consent of the occupant or a public area, for deputy training or public relations purposes.
- (j) For purposes unrelated to law enforcement at the request of a government entity, provided the request is in writing and specifies the reason for the request and a proposed period of use.
- (k) To facilitate the active search for a missing person.

606.5.1 DOCUMENTATION REQUIRED

Each use of a UAS should be properly documented by providing the following (Minn. Stat. § 626.19):

- (a) A unique case number
- (b) A factual basis for the use of a UAS
- (c) The applicable exception, unless a warrant was obtained

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Unmanned Aerial System

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized (Minn. Stat. § 626.19).

606.6.1 ADDITIONAL PROHIBITIONS

Unless authorized by a warrant, a UAS shall not be deployed with facial recognition or biometric-matching technology (Minn. Stat. § 626.19).

Unless authorized by a warrant or for purposes of a permitted use outlined in this policy, a UAS shall not be used to collect data on public protests or demonstrations (Minn. Stat. § 626.19).

606.7 RETENTION OF UAS DATA

The Records supervisor shall ensure that data collected by the UAS is disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19).

UAS data handling will follow the guidelines set forth in the Agency's Records Retention Schedule.

Scrap Metal Theft Investigation

607.1 PURPOSE AND SCOPE

This policy provides guidance regarding scrap metal theft investigations.

607.1.1 DEFINITIONS

Definitions related to this policy include:

Scrap vehicle operator or operator - A person described in Minn. Stat. § 168A.1501 who engages in a transaction involving the purchase or acquisition of a scrap vehicle.

Scrap metal dealer or dealer - A person engaged in the business of buying or selling scrap metal, or both, including a scrap metal processor, as defined in Minn. Stat. § 325E.21.

607.2 POLICY

The Wadena County Sheriff's Office recognizes the difficulty in preventing scrap metal theft and may investigate, place holds on or confiscate items as provided in this policy.

607.3 INSPECTIONS AND AUDITS

A deputy engaged in scrap metal theft investigations may (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21):

- (a) Conduct inspections and audits of any purchase and acquisition records maintained by scrap vehicle operators or scrap metal dealers.
- (b) Inspect scrap vehicle or scrap metal received by an operator or dealer at any reasonable time.
- (c) Inspect any video or still camera and any recordings or images required to be maintained by an operator or dealer.

Any refusal to allow such inspections or audits should be referred to the County attorney for criminal prosecution.

607.4 INVESTIGATIVE HOLDS

A deputy who has probable cause to believe that a scrap vehicle or motor vehicle parts in the possession of a scrap vehicle operator, or that scrap metal in the possession of a scrap metal dealer, is stolen or is evidence of a crime may verbally order the operator or dealer not to process, sell, remove or allow the removal of the item for 30 days (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

The deputy issuing the order is responsible for ensuring that the order to hold the item is confirmed in writing within 72 hours. If the item is identified as evidence in an active criminal case, the deputy may extend the hold in writing. This extension must occur within 30 days of the original order and may remain in effect for as long as the investigation or prosecution is active.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Scrap Metal Theft Investigation

607.5 SEIZING ITEMS

The investigating deputy should confer with the prosecuting attorney to determine whether the item should be confiscated. If the item is evidence or otherwise needed for an investigation or prosecution, the deputy may issue a written notice to confiscate any time during the investigative hold. The deputy shall take custody of the item within 15 days of the notice to confiscate (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

When an item is confiscated, the deputy shall:

- (a) Provide the operator or dealer a property receipt that includes at least the following:
 1. The name and telephone number of the Office.
 2. The name and telephone number of the deputy.
 3. The case number related to the confiscation.
- (b) Deliver the item to the Evidence Room.

When a confiscated item is no longer needed for an investigation or prosecution, it may be returned to a registered owner only after giving the operator or dealer from whom the item was seized written notice of intent to do so. The written notice should include notice of the right of the operator or dealer to make a written request for return of the item and that if the Office does not return the item within 48 hours of the request, excluding Saturday, Sunday or legal holidays, the operator or dealer may file a petition for the return of the item in the district court in the district in which the property was seized (Minn. Stat. § 626.04).

607.6 TERMINATION OF HOLD OR NOTICE TO CONFISCATE

At the conclusion of any investigation and prosecution, the deputy who issued the investigative hold or a notice to confiscate property not yet confiscated shall notify the operator or dealer in writing that the hold or notice is no longer in effect (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

Chapter 7 - Equipment

Office-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Office employees are expected to properly care for Office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or office property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Office, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF OFFICE PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of office property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any office-issued property or equipment assigned for their use.
 - 1. A supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Sergeant that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
 - 2. A review by Staff to determine whether misconduct or negligence was involved should be completed.
- (b) The use of damaged or unserviceable office property should be discontinued as soon as practicable and, if appropriate and approved by staff, replaced with comparable Office property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Office property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Office property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) In the event that any Office property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Office-Owned and Personal Property

700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Sheriff or appropriate Sergeant. The employee should submit for approval the description of personal property the employee has requested to carry, the reason for its use and the term of its use. Personal property of the type routinely carried by persons not performing law enforcement duties nor comprising a weapon are excluded from this requirement. The Sheriff or appropriate Sergeant should review the request and approved or deny the request as appropriate.

700.3.1 DEFINITIONS

Personal Property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Sergeant that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff, who will then forward the claim to the Finance Department.

The Office will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Office-Owned and Personal Property

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Sergeant.

Vehicle Maintenance

701.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Office vehicles so that they are properly equipped, maintained, refueled and present a clean appearance. [See attachment: General Order 16-01.docx.pdf](#)

701.2 DEFECTIVE VEHICLES

When a office vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

701.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspection and repair as soon as practicable.

For vehicle tire damage; [See attachment: General Order 18-01.pdf](#)

701.2.2 SEVERE USE

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as reasonably possible. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

701.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured by an Office member prior to the vehicle being released for maintenance, service or repair.

701.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Office vehicles for emergency purposes and to perform routine duties.

701.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares (Optional)
- 1 set of Tiger Flares
- 1 roll crime scene barricade tape
- 1 first aid kit, CPR mask
- 1 blanket

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Maintenance

- 1 fire extinguisher
- 1 blood borne pathogen kit, including protective gloves
- Oxygen tank with masks
- 1 hazardous waste disposal bag
- 1 traffic safety vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 camera
- 1 can of marking spray paint

701.3.2 UNMARKED VEHICLES

An employee driving an unmarked office vehicle shall ensure that, at minimum, the equipment listed below is present in the vehicle:

- Emergency road flares (Optional)
- 1 set of Tiger Flares
- 1 roll crime scene barricade tape
- 1 first aid kit, CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 blood borne pathogen kit, including protective gloves
- Oxygen tank with masks
- 1 hazardous waste disposal bag
- 1 traffic safety vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 camera
- 1 can of marking spray paint

701.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Maintenance

701.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

701.6 NON-LICENSED EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of office vehicles and shall not be construed to create or imply any contractual obligation by the County of Wadena to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

702.2 POLICY

The Wadena County Sheriff's Office provides vehicles for office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments and other considerations.

The Wadena County Sheriff's Office has been enrolled in the 1033 Program since 1994 and will evaluate the use, effectiveness, and training requirements of all specialized equipment (vehicles, armored vehicles) acquired through the program on an annual basis.

702.3 USE OF VEHICLES

702.3.1 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting deputy shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

702.3.2 AUTHORIZED PASSENGERS

Members operating office vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

702.3.3 ALCOHOL

Members who have consumed alcohol are prohibited from operating any office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

702.3.4 PARKING

Except when responding to an emergency or when urgent office-related business requires otherwise, members driving office vehicles should obey all parking regulations at all times.

Office vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to office vehicles or in other areas of the parking lot that are not so

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Use

designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

702.3.5 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

702.3.6 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

702.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Office vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

702.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other office members at the discretion of the Sheriff or the authorized designee.

702.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where office vehicles must be used by members to commute to and from a work assignment. Members may take home office vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Office.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Wadena County limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

702.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Use

employment or appointment status. Residence in the County of Wadena is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of Wadena may be required to secure the vehicle at a designated location or the Office at the discretion of the Sheriff.

Office members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Sheriff or a Sergeant gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Sheriff or Sergeants and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Sheriff or Sergeants.
 - 4. When the vehicle is being used by the Sheriff, Sergeants or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All office identification, portable radios and equipment should be secured.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Use

- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate office facility, at the discretion of the Office when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Office shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Office.
- (i) The member is responsible for the care and maintenance of the vehicle.

702.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Wadena County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their office-issued identification. Deputies should also ensure that office radio communication capabilities are maintained to the extent feasible.

702.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Office. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the office supervisor in charge of vehicle maintenance.
- (d) The Office shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Vehicle Use

- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

702.5 KEYS AND SECURITY

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Deputies shall not duplicate keys.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member's chain of command.

702.6 DAMAGE, ABUSE AND MISUSE

When any office vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any collision report shall be filed with the agency having jurisdiction (see the Traffic Collisions Policy).

Damage to any office vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Patrol Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

702.7 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of the assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

702.8 ATTIRE AND APPEARANCE

When operating any office vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Office.

Assigned Patrol Use Vehicle Policy

703.1 PURPOSE AND SCOPE

The Office may assign a patrol use vehicle to full-time deputies. This policy shall not be construed to create or imply any contractual obligation by County to assign patrol use vehicles and such assignment is at the discretion of the Sheriff. Assigned patrol use vehicles have demonstrated a long-term fiscal and service benefit to the County. Vehicles are provided better care during operation and storage and accumulate fewer service miles and hours of operation. This vehicle assignment results in an extended vehicle service life over pool patrol use vehicle assignment. Vehicles subsequently require less frequent replacement and reduced frequency of transfer and replacement of support equipment (radios, emergency, safety equipment). Ultimately per-mile operational costs are reduced.

703.2 LOGISTICS

The Office recognizes that the placement of all patrol vehicles in one location or a select few locations renders an increased risk of fleet damage due to act of nature or disaster (e.g., hail damage, tornado, floods, snowstorms) as well as planned or opportunity-based intentional damage and vandalism, domestic destruction and/or terrorism. These conditions could render the entire Office fleet unavailable for deployment.

703.3 DEFINITION

Patrol Use Vehicle - Includes, but is not limited to, any marked or unmarked squad car, transport, truck, plow, ATV, snowmobile, boat, hovercraft, rescue craft, jet-ski, dive vehicle, SERT vehicle, Mobile Crime Lab, undercover or unmarked vehicle or deployment trailers provided by the Office for the purpose of the job duties required by public safety or emergency response duties or essential job functions.

703.3.1 ASSIGNED PATROL/USE VEHICLES

To establish guidelines and uniform procedures to be used by all deputies who have been assigned patrol/use vehicles. The Wadena County Sheriff's Office may assign a patrol/use vehicle to each full-time/part-time/reserve deputy.

"Mission Statement"

Provide quality law enforcement, custodial and court related services to all persons within Wadena County and to perform all duties mandated by the Constitutions of the United States of America and the State of Minnesota in a professional, ethical and cost efficient manner through:

- Effective utilization of human and organization resources;
- Creative motivation of individual employees to increase productivity and continuing development of personal and professional skills;
- Positive involvement in the affairs of the community;
- Active participation of all employees in organizational development;

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Assigned Patrol Use Vehicle Policy

- Responsive interaction with all criminal justice agencies;

Innovative application of available technology for crime prevention, detections, reporting, apprehension and incarceration of criminals.

Objective analysis of planned activities for achieving targeted objectives assuring proper expenditure of limited funding resources.

703.4 ASSIGNMENT OF PATROL USE VEHICLES

Assignment of Sheriff's patrol use vehicles shall be governed solely by the County and the Office under the discretion of the Sheriff.

703.4.1 ELIGIBILITY

Eligibility for assignment of a patrol use vehicle requires the deputy to be in good standing with Office.

703.4.2 ASSIGNMENT GUIDELINES AND USE CRITERIA

Guidelines for assignment determination and criteria for use of patrol use vehicles include the following:

- (a) The location of the deputy's home, nature of the deputy's duties, job description and essential functions and employment status. Residence in the County is a prime consideration.
- (b) The Sheriff retains the right to assign/revoke any or all assigned patrol use vehicle.
- (c) Patrol use vehicles should be operated in accordance with Office policy and state law.
- (d) Patrol use vehicles shall not be used for unapproved use, either on- or off-duty and are restricted to operation by County employees, peace officers assigned to the County or by peace officers under their direction.
- (e) Patrol use vehicles are to be parked off-street at the deputy's residence unless prior arrangements have been made with the Sheriff or designee.
- (f) Patrol use vehicles are subject to inspection, search and validation of location at all times by the Sheriff, designee or any on-duty supervisor.
- (g) Patrol use vehicles are to be secured at the deputy's home or the Office when a deputy is on vacation. If the vehicle remains at the home of the deputy, the Office shall have access to the vehicle, including if garaged. If the deputy is unable or unwilling to provide access the patrol use vehicle it shall be parked at the Office.
- (h) A patrol use vehicle despite assignment to a deputy for specific duties may be re-assigned or utilized by other Office personnel at the discretion of the Office.
- (i) The assignment of patrol use vehicles may be suspended when the deputy is unable to perform his/her regular assignment.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Assigned Patrol Use Vehicle Policy

- (j) Deputies who live outside the County who may be assigned a patrol use vehicle may be required to secure or garage the vehicle at a designated location or the central office at the discretion of the Sheriff.
- (k) Any patrol use vehicle assignment that is declined will be secured or garaged at a designated location or the station.
- (l) Patrol use vehicles will not be used by members when off-duty with the following exceptions:
 - 1. On-call administrative positions, Sheriff and Sergeants.
 - 2. On-call investigators.
 - 3. In circumstances when a deputy has been placed on call by the Sheriff or Sergeants and there is a high possibility the deputy will be called back to duty.
 - 4. When the deputy is performing a work-related function while off-duty, including patrol use vehicle maintenance or travelling to or from a work-related activity or function.
 - 5. When the deputy has received permission for the use of the patrol use vehicle from the Sheriff or Sergeants.
- (m) A deputy's family members or other persons will not be allowed to ride in any County vehicle except as stated in the Ride Along Policy and under the following exceptions.
 - 1. The deputy will not operate the patrol/use vehicle at emergency response speeds with family members in the vehicle.
 - 2. Family members may ride with deputies during assignments when the deputy is not considered to be on duty for regular duties under the following circumstances:
 - (a) Out-of-County overnight schools and conferences.
 - (b) Parade functions as approved by the Sheriff.
 - (c) As authorized by the Sheriff or Sergeants.
 - (d) The deputy is called to duty and it is reasonably necessary drop off the family member(s) at a safe location prior to responding to the call.
- (n) Deputies are prohibited from operating a County-owned vehicle when on- or off-duty if the deputy is or has been consuming alcohol, unless required by their duty assignment (task force, undercover work, etc.). However, regardless of assignment employees may not violate state law regarding vehicle operation while intoxicated.
- (o) Whenever operating vehicles owned by the Office whether on- or off-duty the deputy will be carry and have accessible his/her duty firearm and be prepared to perform any function they would be expected to perform while on duty.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Assigned Patrol Use Vehicle Policy

- (p) The two-way communications radio, MDT and Global Positioning Satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (q) Deputies shall ensure all weapons are secure while the patrol use vehicle is unattended.
- (r) Unattended patrol use vehicles are to be locked and secure at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine environmental safety and charging).

The Sheriff or designee may make exceptions to these provisions.

703.5 VEHICLE ALTERATIONS

Alterations of any type to a patrol use vehicle require prior written authorization of the Sheriff or designee.

703.6 DEPUTY MAINTENANCE RESPONSIBILITIES

Deputies will be responsible for the upkeep of their assigned patrol use vehicle. Failure to adhere to these requirements may result in discipline and loss of patrol use vehicle assignment. The following should be performed as outlined below:

- (a) When in operation the deputy must be prepared and reasonably available to respond to emergency. If deputies are summoned to, or involved in, a law enforcement activity shall notify dispatch of their response or activity and should continue the action until cancelled or concluded.
- (b) Vehicles should be fueled at the end of each shift to prepare for an emergency response at the next use.
- (c) Upon start of shift check all fluid levels, tires, all safety and emergency equipment, interior and exterior to make verify the vehicle is in a safe operating condition and prepared for emergency service.
- (d) At the start and end of any use inspect the vehicle for any damage. If damage is discovered, advise your immediate supervisor.
- (e) Vehicle is kept clean both inside and out as is reasonable and all work-related and issued equipment is in the patrol use vehicle. The appearance of the vehicle reflects directly upon the deputy and the entire Office.
- (f) Ensure all scheduled vehicle maintenance and car washes are performed as necessary at a facility approved by the Office supervisor in charge of vehicle maintenance. The Office shall be notified of problems with Office-owned vehicles and approve any major repairs before they are performed. Scheduled regular maintenance, unless specified otherwise, is to perform vehicle maintenance as set by the vehicle manufacturer. This includes no less than:
 1. Belts, battery, fluids and radiator.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Assigned Patrol Use Vehicle Policy

2. Tune-ups, tires, brakes.
 3. Lube, oil and filter service every 3,500 miles.
- (g) Vehicle maintenance should not be delayed and should be coordinated in advance when reasonably possible for completion during a deputy's regular duty time to minimize cost to the County. If unanticipated circumstances thwart such advance planning, the deputy should arrange an alternative for timely vehicle maintenance with the Office supervisor in charge of vehicle maintenance. Vehicle maintenance during off-duty time resulting in overtime pay should be avoided and is warranted only in unusual circumstances after prior approval of a supervisor.
- (h) Receipts for all maintenance and service work should be submitted monthly to the Office supervisor in charge of vehicle maintenance.
- (i) Vehicles should be plugged in when temperature drops below 10 degrees Fahrenheit.

703.7 ATTIRE AND APPEARANCE

When operating a patrol use vehicle off-duty deputies may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public attire and appearance regardless of the activity should be suitable to reflect positively upon the Office.

Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure office members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Evidence Room and Informants policies.

704.2 PETTY CASH FUNDS

Employees designated as fund managers and authorized to maintain and manage petty cash funds are the Administrative Assistant, Administration Sergeant and Chief Deputy. These persons may delegate this responsibility to another person in their absence. All funds require the creation and maintenance of an accurate and current transaction ledger and filing of invoices, receipts and expense reports by the fund manager.

704.3 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.4 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the manager and at least one other command staff member, selected by the Sheriff, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Sheriff or the County.

704.5 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Narcotics and Violent Crime Agent supervisor duties shall discharge those duties in accordance with the Evidence Room and Informants policies.

Members who routinely accept payment for office services shall discharge those duties in accordance with the procedures established for those tasks.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Cash Handling, Security and Management

704.6 OTHER CASH HANDLING

Members of the Office who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Evidence Room and Informants policies.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

704.7 POLICY

It is the policy of the Wadena County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of office operations and ensure the public trust. [See attachment: Money Handling Procedure.pdf](#)

704.8 BANK ACCOUNT REVIEW

A reconciliation and review of all Office bank account(s) shall be completed monthly to insure the bank balance agrees with the Office subsidiary ledgers. This shall be done by the Administrative Assistant and cross checked by either the Jail Administrator or Chief Deputy. The Administrative Assistant, Jail Administrator and/or Chief Deputy shall review the fees posted to the County general ledger to insure the fees collected with the Office and Jail are receipted into the County general ledger timely and are posted to the correct revenue account.

704.9 UNCOLLECTIBLE FUNDS

(This policy covers Inmate's unclaimed checks.) The Administrative Assistant and Jail Administrator will periodically check the status on outstanding checks. Per Minn. Stat. 345.39, after three years, any outstanding checks will be considered unclaimed property and turned over to the state.

704.10 HANDLING OF INMATE FUNDS

Arrestees brought into the Jail Facility will turn over any and all cash/coins to the intake Jailer. These funds will be placed into the Inmate's cash account. When an Inmate is released, they will be issued a debit card with their remaining balance, if there is any. An Inmate is only issued a check if they are being sent to another jail facility for housing, sent to another County jail facility on that County's charges, sent off to prison, or malfunction prevents the issuance of a debit card.

Personal Communication Devices

705.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

705.2 POLICY

The Wadena County Sheriff's Office allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable data practices laws and rules of civil or criminal procedures.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

705.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through office PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for office-related business or when the use reasonably implicates work-related misconduct.

705.4 OFFICE-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Office-

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personal Communication Devices

issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

705.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by office procedures.
 - 1. Use of a personally owned PCD for work-related business constitutes consent for the Office to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 - 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 - 3. Searches of a personally owned PCD by the Office should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any office business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Office, without the express authorization of the Sheriff or the authorized designee.
- (f) If the PCD is carried on-duty, members will provide the Office with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Wadena County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personal Communication Devices

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in office business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty office-related business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate recordkeeping.

705.5.1 PUBLIC RECORDS

Work related information including data created, received, recorded or stored on a personally owned PCD in the course of office duties is considered government data subject to the requirements of the Minnesota Government Data Practices Act and discovery obligations (Minn. Stat. § 13.01 et seq.).

705.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means requires the express authorization of the Sheriff or the authorized designee.
- (f) Members will not access social networking sites for any purpose that is not official office business. This restriction does not apply to a personally owned PCD used during authorized break times.
- (g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personal Communication Devices

705.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

705.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters involving official duties and, where practicable, stop the vehicle at an appropriate location to use the PCD (Minn. Stat. § 169.475).

Except in an emergency, members who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Minn. Stat. § 169.475). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

705.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other office communications network.

Personal Protective Equipment

706.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Office as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

706.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

706.2 POLICY

The Wadena County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

706.3 DEPUTY RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Workplace Accident and Injury Reduction Policy to recommend new or improved PPE or additional needs for PPE.

706.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed industry standards for use at firing ranges (29 CFR 1910.95; Minn. R. 5205.0010).

706.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personal Protective Equipment

The Firearms Instructor shall ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133; Minn. R. 5205.0010).

706.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg, and groin protection should be provided as required by any collective bargaining agreement.

706.7 RESPIRATORY PROTECTION

The Administration Sergeant is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; Minn. R. 5205.0010):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

706.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; Minn. R. 5205.0010):

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personal Protective Equipment

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge, or canister.

706.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; Minn. R. 5205.0010):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per office-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

706.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes, or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; Minn. R. 5205.0010).

A scene commander may order the use of gas masks in situations where the use of an SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste, or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personal Protective Equipment

706.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

706.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; Minn. R. 5205.0010).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; Minn. R. 5205.0010):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

706.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; Minn. R. 5205.0010):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

706.8 RECORDS

The Chief Deputy is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personal Protective Equipment

- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

- 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the office records retention schedule, 29 CFR 1910.1020, and Minn. R. 5205.0010.

706.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; Minn. R. 5205.0010).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; Minn. R. 5205.0010).

706.10 LIFE JACKETS

The Administration Sergeant should ensure watercraft used by members are equipped with U.S. Coast Guard approved life jackets and that members who work over or near water where there is a danger of drowning are provided properly fitting U.S. Coast Guard approved life jackets.

Members are responsible for wearing provided life jackets when working over or near water where there is a danger of drowning.

Each member is responsible for inspecting the member's provided life jacket before and after each use. Damaged or defective jackets should be taken out of service and the Administration Sergeant notified so a replacement can be issued.

Chapter 8 - Support Services

Dispatch

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Office in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the Wadena County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Office provides two-way radio capability for continuous communication between Dispatch and office members in the field.

800.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Patrol Sergeant, command staff and office members with a specific business-related purpose.

800.4 COUNTY-OPERATED DISPATCHING OPERATIONS

County-established communications operations established for public safety purposes shall be under the direction of the county sheriff (Minn. Stat. § 373.041 Subd. 1). The county sheriff shall broadcast all law enforcement dispatches and reports which have a reasonable relation to or connection with (Minn. Stat. § 373.041 Subd. 4):

- The apprehension of criminals.
- The prevention of crime.
- The maintenance of peace and order throughout the area serviced by the broadcasting station or stations.

800.5 RESPONSIBILITIES

800.5.1 PSAP SUPERVISOR

The Sheriff shall appoint and delegate certain responsibilities to a PSAP Supervisor. The PSAP Supervisor is directly responsible to the Chief Deputy.

The responsibilities of the PSAP Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Dispatch

1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Dispatch information for release.
- (f) Maintaining Dispatch database systems.
- (g) Maintaining and updating Dispatch procedures manual.
 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
 2. Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of County personnel to be notified in the event of a utility service emergency.

800.5.3 ADDITIONAL PROCEDURES

The PSAP Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Patrol Sergeant contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for Dispatch (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Dispatch

800.5.4 DISPATCHERS

Dispatchers report to the PSAP Supervisor. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 1. Emergency 9-1-1 lines.
 2. Business telephone lines.
 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 4. Radio communications with office members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of office members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Dispatch, office and other law enforcement database systems (e.g., the Minnesota Division of Driver and Vehicle Services (DVS), the Minnesota Bureau of Criminal Apprehension (BCA) and the Minnesota Comprehensive Incident-Based Reporting System (CIBRS)).
- (d) Monitoring office video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Patrol Sergeant or field supervisor of emergency activity, including, but not limited to:
 1. Vehicle pursuits.
 2. Foot pursuits.
 3. Assignment of emergency response.

800.6 CALL HANDLING

This office provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Dispatch

- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

800.6.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding office members and affected individuals.

Emergency calls should be dispatched immediately. The Patrol Sergeant shall be notified of pending emergency calls for service when office members are unavailable for dispatch.

800.6.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

800.7 RADIO COMMUNICATIONS

The sheriff's radio system is for official use only, to be used by dispatchers to communicate with office members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Dispatch

- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The PSAP Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

800.7.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Wadena County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

800.7.2 RADIO IDENTIFICATION

Radio call signs are assigned to office members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the office member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate office member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the office station name or number.

800.8 DOCUMENTATION

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Dispatch

800.9 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as DVS records, warrants, criminal history information, records of internal sheriff's files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

800.10 CPR TRAINING

Members authorized to answer calls for service shall be trained in providing CPR by telephone or transferring calls to the appropriate member or agency (Minn. Stat. § 403.03, Subd. 2).

Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

801.1.1 EVIDENCE ROOM SECURITY

The Evidence Room shall maintain secure storage and control of all property necessitating custody by the Office. The Investigator reports to the Patrol Sergeant and is responsible for the security of the Evidence Room. Evidence Room keys are maintained only by the Investigator, Patrol Sergeant, Chief Deputy and Sheriff. The evidence room keys shall not be loaned to anyone.

If access is needed to the evidence room for either audit or maintenance purposes, that individual must be escorted by the investigator, Patrol Sgt., Chief Deputy or Sheriff.

801.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Office for safekeeping, such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

801.3 PROPERTY HANDLING

Any Deputy who first comes into possession of any property shall retain such property in their possession until it can be processed, properly tagged and placed in the property locker. Care shall be taken to maintain the chain of custody for all evidence.

Any property seized by a deputy with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence (Minn. Stat. § 626.04 (a)). Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Minn. Stat. § 626.04 (b) and Minn. Stat. § 629.361).

A deputy arresting a person for committing or aiding in committing a robbery, carjacking, or theft offense shall use reasonable diligence to secure the property that was alleged to have been stolen and shall be answerable for it while it remains in the deputy's custody (Minn. Stat. § 629.361).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Property and Evidence

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the documentation acknowledging receipt of the items.

801.3.1 PROPERTY BOOKING

All property must be processed/booked and entered into the evidence records system prior to the Deputy going off-duty. Deputies booking property shall follow the procedures set by the Administration and Investigators.

801.3.2 CONTROLLED SUBSTANCES

All controlled substances shall be booked separately using a separate property record. Drug paraphernalia shall also be booked separately.

The deputy seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker accompanied by two copies of the form for the Records and investigators. The original will be detached and submitted with the case report.

801.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify the immediate supervisor. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The deputy is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

801.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the deputy or placed in the designated container for return to the Minnesota Department of Driver and Vehicle Services. No formal property booking process is required.
- (c) All cash shall be counted in the presence of another deputy and the envelope initialed by both deputies. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.
- (d) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Property and Evidence

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.3.5 COURT-ORDERED FIREARM SURRENDERS

- (a) Although not required, this office generally will accept firearms surrendered by an abusing party or defendant pursuant to a court order. A decision to refuse a surrendered firearm should be approved by a supervisor (Minn. Stat. § 260C.201, Subd. 3; Minn. Stat. § 518B.01, Subd. 6; Minn. Stat. § 609.2242, Subd. 3; Minn. Stat. § 609.749, Subd. 8; Minn. Stat. § 624.7175).
- (b) Members accepting surrendered firearms should complete a standardized Firearms Proof of Transfer form, if available. If the surrender relates to an extreme risk protection order, the individual should be provided with a copy of the Proof of Transfer form (Minn. Stat. § 624.7175). If a standard form is not available, an evidence/property form should be used and include the following information:
 - 1. Whether the firearm is being transferred temporarily or permanently
 - 2. The abusing party or defendant's name
 - 3. The date and time of the transfer
 - 4. Complete description of all firearms surrendered (e.g., make, model, serial number, color, identifying marks)
- (c) In certain circumstances, a court may issue an order for the immediate transfer of firearms of an abusing party or defendant.
 - (a) The Office may serve the court order either by assignment or when a deputy comes into contact with an abusing party or defendant for which a court order has been issued but has not been served, or for which they are in violation. In such cases, if there are firearms that may be lawfully seized, they should be seized and submitted to either the evidence room or non-evidence property room, pursuant to standard protocol.
 - (b) If the abusing party or defendant is not cooperative, seek guidance from legal counsel to ensure that firearms are seized lawfully.
 - (c) Permits possessed by the abusing party or defendant should be returned to the Sheriff where the person resides.
- (d) The Office shall develop and maintain a process to store, transfer, or release firearms ordered surrendered by a court. The procedures shall:
 - 1. Provide for adequate storage and protection so as to preserve the condition of the firearms.
 - 2. Require a valid court order or written notice from the abusing party or defendant to be presented before any transfer of the firearms.
 - 3. Ensure that recipients of transferred firearms are not legally prohibited from possession of firearms under state or federal law.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Property and Evidence

4. Ensure that proper affidavits or proof of transfer are obtained from any designated firearms dealer or third party.
5. Ensure that prior to disposition of unclaimed firearms, abusing parties or defendants are notified via certified mail.

801.3.6 RECOVERED OR CONFISCATED FIREARMS

The Evidence Room shall establish a process to transmit all required information to the United States Bureau of Alcohol, Tobacco, Firearms and Explosives National Tracing Center's eTrace system for any firearm recovered or confiscated as soon as practicable, in accordance with Minn. Stat. § 626.5536.

801.4 PACKAGING OF PROPERTY

Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Drug paraphernalia
- (e) Fireworks
- (f) Contraband

801.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances in a suitable container available for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

801.4.2 PACKAGING CONTROLLED SUBSTANCES

The deputy seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the evidence locker, accompanied by a property label. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the results of this test shall be included in the deputy's report.

Controlled substances shall be packaged in an envelope of appropriate size, available in the processing room. The booking deputy shall initial the sealed envelope and the initials covered with cellophane tape. Controlled substances shall not be packaged with other property.

The booking deputy shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property label. After packaging and

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Property and Evidence

sealing as required, the entire package will be weighed and the Gross Package Weight (GPW) will be written on the outside of the package, initialed and dated by the packaging deputy.

The GPW will be verified every time the package is checked in or out of the Evidence Room and any discrepancies noted on the outside of the package. Any change in weight should be immediately reported to the Patrol Sergeant or Chief Deputy.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

801.4.3 RIGHT OF REFUSAL

The Investigator has the right to refuse any piece of property that is not properly documented or packaged. Should the Investigator refuse an item, he/she shall maintain secure custody of the item in a temporary property locker and inform the supervisor of the submitting deputy.

801.5 RECORDING OF PROPERTY

The deputy receiving custody of evidence or property shall enter all information in the Office's evidence/property records system for each piece of property received.

801.6 PROPERTY CONTROL

Each time the Investigator receives property or releases property to another person, he/she shall enter this information in the evidence/property records system. Deputies desiring property for court shall contact the Investigator at least one week prior to the court day.

801.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession, if applicable. Or, entered in the evidence/property records system. No property or evidence is to be released without first receiving written authorization from a supervisor or investigator.

Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the Investigator. This request may be filled out any time after booking of the property or evidence.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will transport the evidence after it has been properly checked out of evidence and recorded by the investigator.

The lab forms will be transported with the property to the examining laboratory. The original copy of the lab form will remain with the evidence and the copy will be returned to Records for filing with the case.

801.6.3 STATUS OF PROPERTY

Temporary release of property to deputies for investigative purposes, or for court, shall be noted in the chain of custody tab in the evidence/property records system, stating the date, time and to whom it was released.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Property and Evidence

The Office members shall obtain the signature of the person to whom property was released, and the reason for release. Any Office member receiving property shall be responsible for such property until it is properly returned to evidence or property or properly released to another authorized person or entity.

The return of the property should be recorded in the evidence/property records system, indicating date, time and the person who returned the property.

801.6.4 AUTHORITY TO RELEASE PROPERTY

The deputy shall not release any property without a signed authorization from an appropriate authorized member of the Office. The Investigation Unit shall authorize the disposition or release of all evidence and property coming into the care and custody of the Office.

Property held as evidence for a pending criminal investigation or proceeding shall be retained for a period of time no less than that required pursuant to Minn. Stat. § 628.26.

For property in custody of the Office for investigatory or prosecutorial purposes and owned by a victim or witness, a deputy shall, upon the request of the owner:

- (a) Provide a list describing the property unless such release would seriously impede an investigation.
- (b) Return the property expeditiously unless the property is required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner of the property. If the property is alleged to have been wrongfully taken, the property may be returned to the owner in accordance with the requirements of Minn. Stat. § 609.523.

801.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property label or must specify the specific item(s) to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, Office personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction, which may be conducted as an Internet-based auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Unless the auction is Internet based, property with an estimated value of

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Property and Evidence

\$500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.

A deputy shall release the property upon proper identification being presented by the owner for which an authorized release has been received. The owner shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property, documentation will be made in the evidence/property records system.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and records systems.

801.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this office may be restored to the owner (Minn. Stat. § 609.523 Subd. 3). Such property may be released from law enforcement custody when the following are satisfied:

- (a) Photographs of the property are filed and retained by the Evidence Room.
- (b) Satisfactory proof of ownership of the property is shown by the owner.
- (c) A declaration of ownership is signed under penalty of perjury.
- (d) A receipt for the property is obtained from the owner upon delivery.

801.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Office may be asked to file an interpleader in court to resolve the disputed claim.

801.6.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922.

The Office shall make best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner (Minn. Stat. § 609.5315 Subd. 7). At the expiration of such period, the firearm or other deadly weapon may be processed for disposal consistent with this policy.

801.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Property and Evidence

deputy shall request a disposition or status on all property that has been held in excess of 120 days and for which no disposition has been received from a supervisor or investigator.

801.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances.
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court.
- Counterfeiting equipment.
- Gaming devices.
- Obscene matter ordered to be destroyed by the court.
- Altered vehicles or component parts.
- Controlled substances.
- Unclaimed, stolen or embezzled property.
- Destructive devices.

Money found in gambling devices by any peace officer, other than a municipal police officer, shall be paid into the county treasury. Money found in gambling devices by a municipal police officer shall be paid into the treasury of the municipality (Minn. Stat. § 626.04 (b)).

801.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the money is presumed abandoned property and is reportable as specified in this policy (Minn. Stat. § 345.38 and Minn. Stat. § 345.75).

801.7.3 SHERIFF SEIZURES AND SALES

A deputy may seize and retain any personal property abandoned upon any public way, sidewalk or other public place, or any property entered as evidence in a judicial proceeding following its release by the court (Minn. Stat. § 345.15). After holding the property for a period of at least 90 days, it may be sold at a public auction. The net proceeds of the sale shall be transferred to the general revenue fund of the county, minus the cost of handling, storage or sale.

801.7.4 RETENTION OF BIOLOGICAL EVIDENCE

The Investigator shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Property and Evidence

- (d) Any sexual assault victim
- (e) The Investigation Section Supervisor

Biological evidence shall be retained for a minimum period established by law, or the expiration of any sentence imposed related to the evidence (Minn. Stat. § 590.10), whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Section Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

Bulk evidence may be destroyed prior to these minimum retention periods only pursuant to a court order or if the Investigator determines that such destruction is consistent with Minn. Stat. § 590.10 and the above notices have been made.

801.8 REPORT OF ABANDONED PROPERTY (MONEY)

The Investigation Unit supervisor shall complete an annual report of presumed abandoned property as described in law to the Commissioner of Commerce. The report is to cover the 12-month period ending June 30 each year and is to be filed before November 1 each year (Minn. Stat. § 345.41).

801.9 INSPECTIONS OF THE EVIDENCE ROOM

On a monthly basis, the Investigation Unit supervisor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

- (a) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.
- (b) An annual audit of evidence held by the Office shall be conducted by a independent official who is not routinely or directly connected with evidence control, as assigned by the Sheriff.
- (c) Whenever a change is made in personnel who have access to the Evidence Room, an inventory of all evidence/property shall be made by an individual(s) not associated with the Evidence Room or function to ensure that records are correct and all evidence property is accounted for.

Records

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Wadena County Sheriff's Office Records. The policy addresses office file access and internal requests for case reports.

802.2 FILE ACCESS AND SECURITY

The security of files in Records must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a sheriff's office case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within Records, accessible only by authorized members of Records. Access to case reports or files when Records staff is not available may be obtained through the Chief Deputy.

The Records will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

802.2.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records. Should an original case report be needed for any reason, the requesting office member shall first obtain authorization from the Administrative Assistant. All original case reports removed from the Records shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records.

All original case reports to be removed from the Records shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records. The photocopied report shall be shredded upon return of the original report to the file.

802.3 RECORDS MANAGER TRAINING

The Administrative Assistant/Records shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under the Minnesota Government Data Practices Act (MGDPA).

802.4 POLICY

It is the policy of the Wadena County Sheriff's Office to maintain office records securely, professionally, and efficiently.

802.5 CONFIDENTIALITY

Records staff has access to information that may be confidential or sensitive in nature. Records staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records procedure manual.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Records

802.6 ADMINISTRATIVE ASSISTANT/RECORDS

The Sheriff shall appoint and delegate certain responsibilities to a Administrative Assistant/Records. The Administrative Assistant Records shall be directly responsible to the Administrative Assistant/Accountant.

The responsibilities of the Administrative Assistant/Records include, but not limited to:

- (a) Overseeing the efficient and effective operation of the Records.
- (b) Training Records staff.
- (c) Maintaining and updating a Records procedure manual.
- (d) Insuring compliance with established policies and procedure.
- (e) Supervising the access, use and release of protected information (see the Protected Information Policy).
- (f) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to: Homicides, Cases involving office members or public officials, and any case where restricted access is prudent.

802.7 RECORDS

The responsibilities of Records include, but not limited to:

a. Maintaining a records management system for case reports.

1. The records management system should include a process for numbering identifying, tracking and retrieving case reports.

b. Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

c. Providing members of the Office with access to case reports when needed for investigation or court proceedings.

d. Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.

e. Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

f. Identifying missing case reports and notifying the responsible member's supervisor.

g. Establishing a process for collecting and submitting data to appropriate federal data collection authorities as applicable.

Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Confidential Data on Individuals - Data classified as confidential by state or federal law and that identifies individuals and cannot be disclosed to the public or even to the individual who is the subject of the data (Minn. Stat. § 13.02, Subd. 3).

Corrections and Detention Data - Data on individuals created, collected, used or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms and all other correctional and detention facilities (Minn. Stat. § 13.85, Subd. 1).

Data on Individuals - All government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual (Minn. Stat. § 13.02, Subd. 5).

Government Data - Data collected, created, received, maintained or disseminated by this office regardless of its physical form, storage media or conditions of use (Minn. Stat. § 13.02, Subd. 7).

Private Data - Data classified as private by state or federal law and that identifies individuals that are only available to the individual who is the subject of the data or with the individual's consent (Minn. Stat. § 13.02, Subd. 12).

804.2 POLICY

The Wadena County Sheriff's Office is committed to providing public access to records and data in a manner that is consistent with the Minnesota Government Data Practices Act (MGDPA) and Official Records Act (Minn. Stat. § 13.03; Minn. Stat. § 15.17).

804.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to:

- (a) Managing the records management system for the Office, including the retention, archiving, release, and destruction of office data (Minn. Stat. § 15.17; Minn. Stat. § 138.17, Subd. 7).
- (b) Maintaining and updating the office records retention schedule, including:
 1. Identifying the minimum length of time the Office must keep data.
 2. Identifying the office section responsible for the original data.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Records Maintenance and Release

- (c) Establishing rules regarding the inspection and copying of office data as reasonably necessary for the protection of such data.
- (d) Identifying data or portions of data that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of data.
- (f) Ensuring a current schedule of fees for public data as allowed by law is available.
- (g) Ensuring the posting or availability to the public a document that contains the basic rights of a person who requests government data, the responsibilities of the Office, and any associated fees (Minn. Stat. § 13.025).
- (h) Ensuring data created by the Office is inventoried and subject to inspection and release pursuant to lawful requests consistent with the MGDPA requirements (Minn. Stat. § 13.03, Subd. 1).
- (i) Ensuring that the current version of each office policy identified in Minn. R. 6700.1615 is posted on the office's website or otherwise posted in the public area of the Office in accordance with Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any office member who receives a request for data shall route the request to the Custodian of Records or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

The processing of requests for data is subject to the following:

- (a) A person shall be permitted to inspect and copy public government data upon request at reasonable times and places and shall be informed of the data's meaning if requested (Minn. Stat. § 13.03, Subd. 3).
 - 1. The Office may not charge or require the requesting person to pay a fee to inspect data. Inspection includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies, unless printing a copy is the only method to provide for inspection of the data (Minn. Stat. § 13.03, Subd. 3(b)).
 - 2. For data stored and made available in electronic form via remote access, public inspection includes allowing remote access by the public to the data and the ability to print copies or download the data. A fee may be charged for remote access to data where either the data or the access is enhanced at the request of the person seeking access (Minn. Stat. § 13.03, Subd. 3(b)).
- (b) Government data maintained by this office using a computer storage medium shall be provided in that medium in electronic form, if a copy can be reasonably made. The Office is not required to provide the data in an electronic format or program that is different from the format or program in which the data is maintained (Minn. Stat. § 13.03, Subd. 3 (e)).
- (c) The Office is not required to create records that do not exist.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Records Maintenance and Release

- (d) The Custodian of Records or designee processing the request shall determine if the requested data is available and, if so, whether the data is restricted from release or denied. The Custodian of Records or designee shall inform the requesting person of the determination either orally at the time of the request or in writing as soon after that time as reasonably possible. The Custodian of Records or designee shall cite the specific statutory section, temporary classification or specific provision of state or federal law on which the determination is based. Upon the request of any person denied access to data, the denial shall be certified in writing (Minn. Stat. § 13.03, Subd. 3 (f)).
- (e) When a record contains data with release restrictions and data that is not subject to release restrictions, the restricted data shall be redacted and the unrestricted data released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any office record, including traffic collision reports, is restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Private data on the following individuals (Minn. Stat. § 13.82, Subd. 17):
 - 1. An undercover law enforcement officer
 - 2. A victim or alleged victim of criminal sexual conduct, or sex trafficking, or of a violation of Minn. Stat. § 617.246, Subd. 2
 - 3. A paid or unpaid informant if the Office reasonably believes revealing the identity would threaten the personal safety of the informant
 - 4. A victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the Office reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual
 - 5. A person who placed a call to a 9-1-1 system or the identity of the person whose phone was used to place a call to the 9-1-1 system when revealing the identity may threaten the personal safety or property of any person or the purpose of the call was to receive help in a mental health emergency. A voice recording of a call placed to the 9-1-1 system is deemed to reveal the identity of the caller

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Records Maintenance and Release

6. A juvenile witness when the subject matter of the investigation justifies protecting the identity of the witness
7. A mandated reporter
8. A judicial official as described in Minn. Stat. § 480.40 (Minn. Stat. § 13.991)
- (c) Audio recordings of calls placed to the 9-1-1 system requesting law enforcement, fire, or medical agency response, except that a written transcript of the call is public unless it reveals the identity of protected individuals (Minn. Stat. § 13.82, Subd. 4).
- (d) Criminal investigative data involving active cases and inactive investigative data (Minn. Stat. § 13.82, Subd. 7):
 1. If the release of the data would jeopardize another ongoing investigation or would reveal the identity of protected individuals or is otherwise restricted.
 2. Images and recordings, including photographs, video, and audio records that are clearly offensive to common sensibilities. However, the existence of any such image or recording shall be disclosed.
 3. As otherwise restricted by law.
- (e) Juvenile records and data (Minn. Stat. § 260B.171).
- (f) State criminal history data held in the Bureau of Criminal Apprehension (BCA) database, including but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, and custody and supervision data (Minn. Stat. § 13.87).
- (g) Traffic collision reports and related supplemental information (Minn. Stat. § 169.09, Subd. 13).
- (h) Corrections and detention data (Minn. Stat. § 13.85).
- (i) Personnel data except, unless otherwise restricted (Minn. Stat. § 13.43, Subd. 2):
 1. Name, employee identification number, and some aspects of compensation
 2. Job title, bargaining unit, job description, education and training background, and previous work experience
 3. Date of first and last employment
 4. Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action
 5. Final disposition of any disciplinary action together with the specific reasons for the action, and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of this office
 6. Terms of any agreement settling any dispute arising out of an employment relationship
 7. Work location, work telephone number, badge number, and honors and awards received

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Records Maintenance and Release

8. Time sheets or other comparable data only used to account for an employee's work time for payroll purposes, excluding the use of sick or other medical leave or other nonpublic data
 9. All other personnel data regarding employees of this office are private data and may only be released as authorized by that classification
- (j) Any data that was created under the direction or authority of the County Attorney exclusively in anticipation of potential litigation involving this office shall be classified as protected nonpublic or confidential data while such action is pending (Minn. Stat. § 13.39).
- (k) All data collected by an Automated License Plate Reader (ALPR) on individuals or nonpublic data absent an exception (Minn. Stat. § 13.82; Minn. Stat. § 13.824).
- (l) Response or incident data, so long as the Custodian of Records determines that public access would likely endanger the physical safety of an individual or cause a perpetrator to flee, evade detection, or destroy evidence (Minn. Stat. § 13.82, Subd. 14).
- (m) Any data on individuals receiving peer counseling or critical incident stress management services (Minn. Stat. § 13.02, Subd. 12; Minn. Stat. § 181.9731; Minn. Stat. § 181.9732).

Any other record not addressed in this policy shall not be subject to release where such record is classified as other than public data. All public data shall be released as required by the MGDPA (Minn. Stat. § 13.03, Subd. 1).

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for data should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested data.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County Attorney, County Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

804.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the office name and to whom the record was released.

Each audio/video recording released shall include the office name and to whom the record was released.

804.8 EXPUNGEMENT

A petition for expungement and expungement orders received by the Office shall be reviewed for appropriate action by the Custodian of Records.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Records Maintenance and Release

804.8.1 PETITION FOR EXPUNGEMENT

When responding to a petition for expungement, the Custodian of Records shall inform the court and the individual seeking expungement that the response contains private or confidential data (Minn. Stat. § 609A.03, Subd. 3).

804.8.2 ORDERS OF EXPUNGEMENT

The Custodian of Records shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

Upon request by the individual whose records are to be expunged, the Custodian of Records must send a letter at an address provided by the individual confirming the receipt of the expungement order and that the record has been expunged (Minn. Stat. § 609A.03, Subd. 8).

Expunged records may be opened only by court order (Minn. Stat. § 609A.03, Subd. 7).

Expunged records of conviction may be opened for purposes of evaluating a prospective employee of the Office without a court order.

The Custodian of Records shall inform any law enforcement, prosecution or corrections authority, upon request, of the existence of a sealed record and of the right to obtain access to it.

804.8.3 BCA NOTIFICATION OF GRANT OF EXPUNGEMENT

If the Office receives notice from the BCA that its records may be affected by an automatic grant of expungement, the Custodian of Records shall determine if any records requested thereafter were expunged and, if so, treat the records as private data except as provided by law (Minn. Stat. § 609A.015, Subd. 5).

804.9 MAINTENANCE OF CLOSED RECORDS

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure. Closed records shall be kept separate from public records and shall remain confidential.

804.10 RECORDS STORAGE AND RETENTION

All Records and Recorded Data will be stored in a secure area and restricted to authorized personnel only.

All Record Data will follow the Sheriff's Office Record Retention Schedule.

[See attachment: Records Retention Schedule.pdf](#)

[See attachment: Sheriff-Law Enforcement - County General Records Retention Schedule.pdf](#)

Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Wadena County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the government data information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Wadena County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Members of the Wadena County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

The Sheriff shall select a member of the Office to coordinate the use of protected information (Minn. Stat. § 13.05, Subd. 13).

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, the National Law Enforcement Telecommunications System (NLETS), Minnesota Division of Driver and Vehicle Services (DVS) records, Minnesota Bureau of Criminal Apprehension (BCA), and the Minnesota Comprehensive Incident-Based Reporting System (CIBRS).
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the Wadena County Sheriff's Office CJIS Access, Maintenance, and Security Policy for additional guidance.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Protected Information

- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.
- (g) Ensuring a comprehensive security assessment of any personal information maintained by the Wadena County Sheriff's Office is conducted at least annually (Minn. Stat. § 13.055, Subd. 6).
- (h) Ensuring CIBRS is notified within 10 days that an investigation in CIBRS has become inactive (Minn. Stat. § 299C.40).

805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Wadena County Sheriff's Office policy, or training (Minn. Stat. § 13.09). Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (Minn. Stat. § 13.05; Minn. Stat. § 299C.40).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

805.4.1 DATA PRACTICES COMPLIANCE OFFICIAL

The Administrative Assistant is the designated Data Practices Compliance Official for the Wadena County Sheriff's Office. This supervisor is responsible for ensuring compliance with this procedure and with applicable records, security regulations and requirements imposed by federal and state law (Min. Stat. § 13.05 Subd. 13). The Data Practices Compliance Official will resolve specific questions that arise regarding authorized recipients of CHRI.

805.4.2 RELEASE OF CHRI

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Secretary.
- (b) Full-time employees of the Records Section.
- (c) Personnel specifically designated in writing by Chief Deputies with the concurrence of the Data Practices Compliance Official

805.4.3 RELEASE OF CHRI TO FIELD PERSONNEL

Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not generally be transmitted by radio, cellular telephone or through computer terminals to field personnel or to vehicles except for official purposes

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Protected Information

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Administrative Assistant for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

805.5.1 REVIEW OF CHRI

Members of this office shall refer individuals seeking access to CHRI to the Minnesota BCA (Minn. Stat. § 13.87, Subd. 1(b)).

805.5.2 REVIEW OF CIBRS DATA

An individual who is the subject of private data held by CIBRS may request access to the data by making a request to the Administrative Assistant. If the request is to release the data to a third party, the individual who is the subject of private data must appear in person at the Office to give informed consent to the access or release.

Private data provided to the individual must also include the name of the law enforcement agency that submitted the data to CIBRS and the name, telephone number and address of the agency responsible for the data.

A person who is the subject of private data may challenge the data. The Administrative Assistant shall review the challenge and determine whether the data should be completed, corrected or destroyed. The corrected data must be submitted to CIBRS and any future dissemination must be of the corrected data.

The Administrative Assistant must notify BCA as soon as reasonably practicable whenever data held by CIBRS is challenged. The notification must identify the data that was challenged and the subject of the data.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Protected Information

805.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Office to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Sheriff and appropriate authorities.

805.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

805.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

805.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records, Dispatch and in the Investigation Unit to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

805.7.2 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding at such time its destruction is permitted by the organization's records retention schedule.

Each employee shall be responsible for destroying the CHRI documents he/she receives.

[See attachment: Records Retention Schedule.pdf](#)

[See attachment: Sheriff-Law Enforcement - County General Records Retention Schedule.pdf](#)

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Protected Information

805.8 TRAINING PROGRAM

All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the Data Practices Compliance Official and consistent with BCA requirements. The Administration shall coordinate the course to provide training in the proper use, control and dissemination of CHRI.

805.9 PENALTIES FOR MISUSE OF RECORDS

It is a crime to obtain CHRI criminal history data in an unauthorized manner, to use the data for an unauthorized purpose, or to disclose the data to a person who is not entitled to the data (Minn. Stat. § 13.09).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Conduct Policy.

Employees who obtain, or attempt to obtain, information from the Office files, other than that to which they are entitled in accordance with their official duties, is a violation of the Conduct Policy.

805.10 SECURITY BREACHES

In the event of an actual or potential breach of the security or other unauthorized acquisition of private or confidential information, the Sheriff or designee shall ensure an investigation into the breach is made. Upon completion of the investigation and final disposition of any disciplinary action, a report containing the facts and result of the investigation shall be prepared. If the breach was conducted by an employee, contractor or agent of Wadena, the report must include a description of the type of data that was breached, the number of individuals whose information was breached, the disposition of any related disciplinary action, and the identity of the employee determined to be responsible for the breach (Minn. Stat. § 13.055).

Written notice shall be given to any individual whose private or confidential data was, or is reasonably believed to have been, acquired by an unauthorized person as soon as reasonably practicable. The notice shall include the following (Minn. Stat. § 13.055):

- (a) Notification that an investigation will be conducted.
- (b) Notification that a report containing the facts and results will be prepared.
- (c) Information on how the person may obtain access to the report, including that he/she may request delivery of the report by mail or email.

The notice may be delayed only so long as necessary to determine the scope of the breach and restore the reasonable security of the data or so long as it will impede an active criminal investigation. Notice shall be made by first class mail, electronic notice or substitute notice as provided in Minn. Stat. § 13.055, Subd. 4. If notification is required to be made to more than 1,000 individuals, notice to all consumer reporting agencies of the timing distribution and content of the notices must also be made (Minn. Stat. § 13.055, Subd. 5).

Computers and Digital Evidence

806.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

806.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with case number, evidence sheet number and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items into the Evidence Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, deputies should document the following in related reports:
 1. Where the computer was located and whether it was in operation.
 2. Who was using it at the time.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Computers and Digital Evidence

3. Who claimed ownership.
 4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media.

806.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence.

806.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, floppy disks, compact discs or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation or other legal authority for examination.
- (c) A listing of the items to search for (e.g., photographs, financial records, E-mail, documents).
- (d) A forensic copy of the media will be made, and subsequent forensic examination of the copy will be conducted by a trained digital forensic examiner.

806.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CDs, DVDs, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Evidence Room to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Computers and Digital Evidence

- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

806.4 SEIZING PCDS

Personal communication devices such as cellular telephones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

806.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Deputies handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

806.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

806.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (e.g., smart card, compact flash card or any other media) shall be brought to the Evidence Room as soon as reasonably possible for submission into evidence.
- (b) Deputies are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as reasonably possible following the collection of evidence, the camera operator is to remove the memory card from his/her digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Computers and Digital Evidence

the outside of the baggie before placing in the film drop box along with the evidence form.

- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for reuse. The storage media will be marked as the original.
- (e) Deputies requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

806.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where reasonably possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

806.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media related to case documentation that is held as evidence. Only digital forensic examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Jeanne Clery Campus Safety Act

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this office fulfills its obligation in complying with the Jeanne Clery Campus Safety Act (Clery Act).

807.2 POLICY

The Wadena County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Wadena County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Wadena County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Wadena County Sheriff's Office staff and faculty of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

807.3 POLICY, PROCEDURE, AND PROGRAM DEVELOPMENT

The Sheriff shall:

- (a) Ensure that the Wadena County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
 4. Notify the Wadena County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
 5. Notify the Wadena County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Jeanne Clery Campus Safety Act

crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic abuse, dating violence, sexual assault, and stalking, and what to do if an offense occurs, including but not limited to who should be contacted, the importance of preserving evidence, and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for in 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).
- (g) Appoint a designee to assist in the development of prevention and awareness programs related to hazing as defined by the institution, including but not limited to the procedures for reporting and investigating incidents; information on local, state, and tribal laws on hazing; and hazing prevention strategies (20 USC § 1092(f)(1)(K); 20 USC § 1092(f)(1)(L)).

807.4 RECORDS COLLECTION AND RETENTION

The Administrative Assistant is responsible for maintaining Wadena County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this office or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
 - 1. Murder
 - 2. Sex offenses, forcible or non-forcible
 - 3. Robbery
 - 4. Aggravated assault
 - 5. Burglary
 - 6. Motor vehicle theft
 - 7. Manslaughter

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Jeanne Clery Campus Safety Act

8. Arson
 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession
 10. Dating violence, domestic abuse, and stalking
 11. Hazing
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of their actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity, or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic abuse, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(13); 34 CFR 668.46(c)(5)):
1. On campus.
 2. In or on a non-campus building or property.
 3. On public property.
 4. In dormitories or other on-campus residential or student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the Wadena County Sheriff's Office (34 CFR 668.46(c)(3)).
- (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location in which the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (g) The statistics shall not identify by name victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).
- (h) Hazing incident statistics shall be compiled using the definitions in the Stop Campus Hazing Act (20 USC § 1092 (f)(6)(A)(vi)). The statistics shall be compiled for each single incident and as required by 20 USC § 1092(f)(7).

807.4.1 CRIME LOG

The Administrative Assistant is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4) and 34 CFR 668.46(f)):

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Jeanne Clery Campus Safety Act

- (a) The daily crime log will record all crimes reported to the Wadena County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Office.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the sheriff's office or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 - 1. Disclosure of the information is prohibited by law.
 - 2. Disclosure would jeopardize the confidentiality of the victim.
 - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

807.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Sergeant to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include but is not limited to:
 - 1. Crime statistics and the policies for preparing the crime statistics.
 - 2. Crime and emergency reporting procedures, including the responses to such reports.
 - 3. Policies concerning security of and access to campus facilities.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Jeanne Clery Campus Safety Act

4. Crime, dating violence, domestic abuse, sexual assault, and stalking awareness and prevention programs, including:
 - (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
 5. Policies and incident prevention and awareness programs concerning hazing, including:
 - (a) Procedures for reporting incidents.
 - (b) Procedures for investigating incidents.
 - (c) Information on applicable local, state, and tribal laws on hazing.
 - (d) Primary prevention strategies (e.g., bystander intervention, ethical leadership, building group cohesion without hazing).
 6. Enforcement policies related to alcohol and illegal drugs.
 7. Locations where the campus community can obtain information about registered sex offenders.
 8. Emergency response and evacuation procedures.
 9. Missing student notification procedures.
 10. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.
- (d) Information necessary for the institution to prepare the Campus Hazing Transparency Report (CHTR) (20 USC § 1092(f)(9)).

Radio and Telephone Recording Access/ Retention

808.1 PURPOSE

The Wadena County Sheriff's Office shall maintain written policy and procedures for the retention of radio system voice activity, retention of all calls to the Wadena County PSAP, requests for recordings, and personnel access of 911 calls and radio activity.

808.2 PROCEDURE

1. The Wadena County Sheriff's Office Communication Center uses the HigherGround recording system. this unit is capable of recording multiple telephone and radio channels.

2. Each Dispatch work station and Deputies will have access to instant recall of the radio channels and the incoming 911 and telephone calls.

3. Processing requests for voice activity records (Requests for copies of recordings will be processed upon the source of the request):

a. Law Enforcement Personnel - written or verbal requests to Records Custodian or Dispatch Supervisor.

b. Prosecuting Attorney - written request to Records Custodian or Dispatch Supervisor.

c. Defense Attorney - written request to Records Custodian or Dispatch Supervisor; a process fee will be charged.

d. News Media - written request to Records Custodian; a process fee will be charged.

e. Private Citizen (victim) - written request to Records Custodian.

f. Private Citizen (witness) - written request to Records Custodian.

g. Private Citizen (uninvolved) - written request to Records Custodian; a process fee will be charged.

4. Archived records shall be stored in a secure location at the Wadena County Sheriff's Office. All radio and telephone voice channel recordings shall be retained for a period of 18 months.

CJIS Access, Maintenance, and Security

809.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of office systems that access Criminal Justice Information.

809.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within office systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

809.2 POLICY

It is the policy of the Wadena County Sheriff's Office to maintain the security, confidentiality, and integrity of its information systems that access CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

809.3 CJIS COORDINATOR

The Sheriff shall appoint a CJIS coordinator, who shall be responsible for the Wadena County Sheriff's Office's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the office's use, maintenance, and security of systems that access CJI as described in this policy.

809.3.1 CJIS COORDINATOR RESPONSIBILITIES

The responsibilities of the CJIS coordinator include but are not limited to:

- (a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain office compliance with FBI CJIS Security Policy requirements and the Minnesota Bureau of Criminal Apprehension (BCA).
- (b) Managing member accounts with access to CJI, including:
 1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
 2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts).
 3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

CJIS Access, Maintenance, and Security

- (c) Overseeing the maintenance, repair, and replacement of CJIS systems and system components in accordance with manufacturer or vendor specifications and/or office requirements, including:
 - 1. Maintaining a list of organizations and personnel approved by the Sheriff to perform maintenance on CJIS systems.
 - 2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
 - 3. Verifying that non-escorted personnel performing maintenance on any CJIS system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
 - 4. Maintaining records for all system maintenance and diagnostic activities.
- (d) Monitoring office systems that have access to CJIS to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.
- (e) Providing for the security of hardware that includes provisions for the following:
 - 1. How hardware is to be brought into and taken out of office facilities
 - 2. Physical security of hardware within office facilities
 - 3. Physical security of areas containing network connections and transmission lines, including monitored access
- (f) Implementing and carrying out the office Incident Response Plan, including:
 - 1. Tracking and documenting all suspected or actual security incidents related to CJIS in an appropriate manner.
 - 2. Directing annual testing of the office's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
 - 3. Making the appropriate notifications outside of the Office (see the Records Maintenance and Release Policy for additional guidance).
 - 4. Providing information on security incidents to any third-party software developers or vendors as appropriate.
- (g) Protecting digital and non-digital media that contain CJIS, including physical security, transportation, destruction/sanitization, and documentation requirements.
- (h) Developing and updating office information security and privacy literacy training and incident response training as required by policy.
- (i) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

CJIS Access, Maintenance, and Security

- (j) Managing the development, documentation, and dissemination of procedures for the following:
 - 1. Awareness and training
 - 2. Incident response
 - 3. Audit and accountability
 - 4. Access control
 - 5. Identification and authentication
 - 6. Configuration management
 - 7. Media protection
 - 8. Physical and environmental protection
 - 9. System and communications protection
 - 10. System and information integrity
 - 11. Maintenance
 - 12. Security and privacy planning
 - 13. Contingency planning
 - 14. Risk assessment
- (k) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Sheriff.

809.4 MEMBER RESPONSIBILITIES

All members of the Office shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

809.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

809.6 MEMBER ACCOUNTS

Office accounts used to access CJI shall only be created upon approval of the Sheriff or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

CJIS Access, Maintenance, and Security

- (a) The account has expired.
- (b) The account is no longer associated with a member.
- (c) The account is found to be in violation of this policy.
- (d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

809.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

- (a) Members shall only be granted access authorizations that are necessary to accomplish assigned office tasks.
- (b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.
- (c) Non-privileged members shall not be allowed to execute privileged functions.

809.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the office mission and law enforcement needs.

809.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on office systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall be documented.

809.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from office control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

CJIS Access, Maintenance, and Security

data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

809.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of office CJIS systems shall be protected through the implementation of appropriate controls such as:

- (a) Flaw remediation.
- (b) System monitoring.
- (c) Security alerts, advisories, and directives.
- (d) Software, firmware, and information integrity controls.
- (e) Spam protection.

809.9 INCIDENT RESPONSE PLAN

[Insert your agency's Incident Response Plan consistent with CJIS 5.3 IR-4, IR-7, and IR-8 – see the Guide Sheet for additional guidance.]

809.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJIS or CJIS systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJIS data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJIS systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The office's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJIS system or the FBI CJIS Security Policy.

809.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJIS shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJIS may also result in temporary or permanent restrictions in the use of CJIS. Intentional misuse of CJIS may also be prosecutable under applicable laws.

Chapter 9 - Custody

Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Wadena County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of office members, individuals in custody, contractors, and the public.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any office vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Custodial Searches

900.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Wadena County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another office member. The inventory should include the case number, date, time, member's Wadena County Sheriff's Office identification number and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The office member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.5 STRIP SEARCHES

No individual in temporary custody at any Wadena County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Custodial Searches

- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on office members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Wadena County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Patrol Sergeant shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Patrol Sergeant.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex, and role of any person present during the search.
 - 7. The time and date of the search.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Custodial Searches

8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based their belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or female breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Patrol Sergeant authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Patrol Sergeant authorization does not need to be in writing.

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Patrol Sergeant and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician may conduct a physical body cavity search.
- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary office members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Custodial Searches

- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Patrol Sergeant's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any office members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and shall be provided to the individual who was searched or other authorized representative upon request.

900.7 TRAINING

The Chief Deputy shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

900.8 SECTION TITLE

900.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Office.

The Sheriff or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
 - 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing deputies with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent a deputy from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Custodial Searches

900.10 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

Transporting Persons in Custody

901.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Wadena County Sheriff's Office.

See the Handcuffing and Restraints Policy for additional guidance.

901.2 POLICY

It is the policy of the Wadena County Sheriff's Office to provide safe, secure, and humane transportation for all persons in custody.

901.3 PATROL SERGEANT RESPONSIBILITIES

The Patrol Sergeant should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

901.4 DEPUTY RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Deputies transporting a person in custody should:

- (a) Search all areas of the vehicle accessible to a person in custody before and after each transport.
- (b) Immediately search persons in custody after arrest, when receiving the person from the custody of another deputy, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.
 1. Whenever practicable, a search should be conducted by a deputy of the same gender as the person being searched. If a deputy of the same gender is not reasonably available, a witnessing deputy should be present during the search.
- (c) Provide Dispatch with any required notifications (e.g., start time, mileage, end time).
- (d) Properly secure all property.
- (e) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Video Recorders and Body-Worn Cameras policies for additional guidance).
- (f) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (g) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Transporting Persons in Custody

- (h) Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:
 - 1. Individuals in auxiliary restraints.
 - 2. Individuals in leg restraints.
 - 3. Individuals wearing a spit hood.
 - 4. Individuals who are a suspected suicide risk.
- (i) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.
- (j) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):
 - 1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

901.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, deputies:

- (a) Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.
 - 1. Juveniles and adults shall not be transported together.
 - 2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
 - 3. Persons of different genders should not be transported together.
- (b) If segregating individuals is not possible, transporting deputies should be alert to inappropriate physical or verbal contact and take appropriate action.

901.6 TRANSPORT VANS

A deputy trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

A deputy should assist persons getting into and out of the transport van to avoid falls.

901.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting deputy should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting deputy should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the deputy.

Deputies transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Transporting Persons in Custody

901.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, deputies should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Deputies shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a Patrol Sergeant.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

901.9 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by deputies. EMS personnel should be called to handle transportation.

901.10 CIVIL COMMITMENT TRANSPORTS

When transporting any individual for a civil commitment, the transporting deputy should request that Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of a deputy during the transport, Patrol Sergeant approval is required before transport commences.

See the Civil Commitments Policy for additional guidance.

901.10.1 TYPE OF TRANSPORTATION

When transporting any individual on a Minn. Stat. § 253B.051 admission, and if reasonably practicable, deputies should not be in uniform and should not use a vehicle visibly marked as a law enforcement vehicle (Minn. Stat. § 253B.051, Subd. 1(e)).

901.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, deputies should not interrupt a transport to provide emergency assistance without supervisory approval. Deputies encountering an emergency should notify Dispatch and request an appropriate response.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Transporting Persons in Custody

901.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting deputies may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

901.13 PROHIBITIONS

When transporting a person in custody, deputies should not:

- (a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).
- (b) Handcuff a person to any part of a vehicle.
- (c) Leave the vehicle unattended with the person in custody in the vehicle.
- (d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.
- (e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than office personnel or receiving agency personnel.
- (f) Stop to conduct any personal activities.
- (g) Engage in a pursuit.

901.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting deputy should immediately advise Dispatch and other units of the escape, provide a description of the escapee, notify the Patrol Sergeant, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Patrol Sergeant should notify the Sheriff or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Wadena County Sheriff's Office, the Patrol Sergeant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

901.15 DOCUMENTATION

If a person is injured during transportation, deputies should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

901.16 NOTIFICATIONS

Deputies should notify a supervisor and any receiving facility of information regarding any circumstances the deputy reasonably believes would be potential safety concerns or medical

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Transporting Persons in Custody

risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

901.17 TRAINING

The Chief Deputy should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Wadena County Sheriff's Office and that are promulgated and maintained by the County's Department of Human Resources (HR).

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Wadena County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Sergeant should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administration Sergeant shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Recruitment and Selection

1000.4 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Citizenship eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents (Minn. R. 6700.0700, Subp. 1). This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available, including the National Decertification Index

1000.4.1 VETERAN'S PREFERENCE

Veterans who are candidates for job openings shall receive preference recognizing the training and experience, loyalty and sacrifice not otherwise readily assessed by examination pursuant to Minn. Stat. § 197.455. The following preference, credit and requirements shall be applied as applicable (Minn. Stat. § 197.455):

Nondisabled Veteran's Credit - There shall be added to the competitive open examination rating of a nondisabled veteran, who so elects, a credit of 10 points, provided that veteran obtained a passing rating on the examination without the addition of the credit points.

Disabled Veteran's Credit - There shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of 15 points, provided that the veteran obtained a

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Recruitment and Selection

passing rating on the examination without the addition of the credit points. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points provided that:

- (a) The veteran obtained a passing rating on the examination without the addition of the credit points.
- (b) The veteran is applying for a first promotion after securing public employment.

For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person has a compensable service-connected disability as adjudicated by the U.S. Veterans Administration, or by the retirement board of one of the several branches of the armed forces, that is existing at the time preference is claimed.

For purposes of the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use a promotional preference, is entitled to disability compensation under laws administered by the Veterans Administration for a permanent service-connected disability rated at 50 percent or more.

Preference for Spouses - A preference available pursuant to Minn. Stat. § 197.455 may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.

Ranking of Veterans - An eligible applicant with a rating augmented by veteran's preference shall be entered on an eligible list ahead of a non-veteran with the same rating. When notifying eligible applicants that they have passed examinations this office shall show the final examination ratings and preference credits and shall notify eligible applicants that they may elect to use veteran's preference to augment passing ratings.

When this office rejects a certified eligible applicant who has received veteran's preference, the appointing authority shall notify the eligible applicant in writing of the reasons for the rejection and file the notice with the Wadena Department of Human Resources.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Wadena County Sheriff's Office.

The background investigation must determine whether the candidate meets the standards established by the Minnesota Board of Peace Officer Standards and Training (POST) as well as the security standards established to access state and national computerized record and communication systems (Minn. Stat. § 626.87; Minn. R. 6700.0670; Minn. R. 6700.0700).

A background investigation is valid for six months after completion. If the candidate is not hired during the six months, the background investigation must be updated before a final offer of employment to the candidate is made (Minn. R. 6700.0670, Subp. 2).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Recruitment and Selection

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and Minnesota law (15 USC § 1681d; Minn. Stat. § 13C.02).

1000.5.2 STATE NOTICES

Upon initiation of a candidate's background investigation, the Sheriff or the authorized designee shall provide written notice to POST as soon as practicable, but no later than ten days thereafter that includes the candidate's full name and date of birth and the candidate's peace officer license number, if applicable (Minn. Stat. § 626.87; Minn. R. 6700.0670, Subp. 3).

If the background investigation identifies a disqualification under the minimum selection standards in Minn. R. 6700.0700, the Sheriff or the authorized designee shall provide written notice to POST as soon as practicable, but no later than ten days (Minn. R. 6700.0670, Subp. 3).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Office should not require candidates to provide passwords, account information, or access to password-protected social media accounts (Minn. R. 6700.0670, Subp. 1).

The Office should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Office fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Office should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule (Minn. R. 6700.0670, Subp. 2; Minn. R. 6700.0700, Subp. 2).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Recruitment and Selection

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by Minnesota POST (Minn. R. 6700.0700):

- (a) Citizen of, or eligible to work in, the United States (Minn. R. 6700.0700, Subp. 1)
- (b) Possess a valid driver's license
- (c) Free of any felony conviction
- (d) Not be required to register as a predatory offender under state law
- (e) Free of conviction of any controlled substance law or of any misdemeanor offense listed in Minn. R. 6700.0700
- (f) Have no record of engaging in discriminatory conduct, involvement with a hate or extremist group, or criminal gang
- (g) Fingerprinted for purposes of disclosure of any felony convictions

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Recruitment and Selection

- (h) Submit to a medical examination and psychological evaluation required by Minn. R. 6700.0675 to ensure that the candidate is free from any physical, emotional, or mental condition which might adversely affect the candidate's performance of peace officer duties
- (i) Successfully complete a physical strength and agility examination
- (j) Successfully complete an oral examination

1000.7.2 NOTIFICATION TO POST

The Sheriff shall notify the POST Board of any candidate appointed to the position of peace officer before the first day of employment on a form provided by POST. The appointee may not exercise peace officer powers until the notification form is received and approved by POST Board (Minn. R. 6700.0800).

1000.8 PROBATIONARY PERIODS

The Office should coordinate with the County's Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Wadena County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Evaluation of Employees

1001.4 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

Position	Evaluated Every Month	Evaluated Yearly	Length of Probation
Probationary Licensed Employees	X		1 Year
Non-Probationary Licensed Employees		X	
Probationary Non-sworn Employees	X		1 Year
Non-Probationary, Non-sworn Employees		X	

1001.4.1 PART-TIME DEPUTY EVALUATIONS

Part-time deputy evaluations are covered in the Part-Time Deputy Policy.

1001.4.2 VOLUNTEER AND RESERVE DEPUTY EVALUATIONS

Volunteer and reserve deputy evaluations are covered in the Volunteer Program Policy.

1001.5 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time non-sworn personnel during the probationary period. Probationary licensed personnel are evaluated daily, weekly and monthly during the probationary period.

1001.6 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Evaluation of Employees

1001.6.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected but is not of such rare nature to warrant outstanding.

Meets Standards - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - A level of performance less than that expected of a fully competent employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.7 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.8 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Sergeant. The Sergeant shall review the evaluation for fairness, impartiality, uniformity and consistency. The Sergeant shall evaluate the supervisor on the quality of ratings given.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Evaluation of Employees

1001.9 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to County Department of Human Resources.

Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Wadena County Sheriff's Office.

1002.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Wadena Department of Human Resources.

1002.3 POLICY

The Wadena County Sheriff's Office determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Sheriff.

1002.4 SPECIAL ASSIGNMENT POSITIONS

The following conditions are considered special assignments and not promotions:

- (a) Special Weapons And Tactics Team member
- (b) Investigator
- (c) Canine handler
- (d) Collision investigator
- (e) Field Training Officer
- (f) Community Relations/Training Officer
- (g) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) deputy
- (h) Court Officer

1002.4.1 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Sheriff to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
 - 1. The supervisor recommendations will be submitted to the Sergeant for whom the candidate will work.
- (b) Sergeant interview - The Sergeant will schedule interviews with each candidate.
 - 1. Based on supervisor recommendations and those of the Sergeant after the interview, the Sergeant will submit his/her recommendations to the Sheriff.
- (c) Assignment by the Sheriff.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Sheriff.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Special Assignments and Promotions

1002.4.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.
- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to office goals and objectives in a positive manner

1002.4.3 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by the Minnesota Board of Peace Officer Standards and Training or law
- (d) Exceptional skills, experience, or abilities related to the special assignment

Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this office that all grievances be handled quickly and fairly without discrimination against employees who file a grievance, whether there is a basis for the grievance. The Office's philosophy is to promote free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the interpretation or application of any of the following documents:

- The employee collective bargaining agreement.
- This Policy Manual.
- County rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual employee or by an employee bargaining group representative.

Specifically outside the category of grievances are:

- (a) Complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy.
- (b) Personnel complaints regarding any allegation of misconduct or improper job performance against any office employee that, if true, would constitute a violation of office policy or federal, state, or local law, as set forth in the Personnel Complaints Policy.

1003.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he/she has a grievance as defined above, the employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with his/her immediate supervisor.
- (b) If after a reasonable period of time, generally 21 days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Sergeant of the affected section or bureau.
- (c) If a successful resolution is not found with the Sergeant, the employee may request a meeting with the Sheriff.
- (d) If the employee and the Sheriff are unable to arrive at a mutual solution, the employee shall submit a written statement of the grievance and deliver one copy to the Sheriff and another copy to the immediate supervisor that includes the following information:
 1. The basis for the grievance (e.g., the facts of the case).
 2. Allegation of the specific wrongful act and the harm done.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Grievance Procedure

3. The specific policies, rules or regulations that were violated.
 4. The remedy or goal being sought by the grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Sheriff will receive the grievance in writing. The Sheriff and the County Board will review and analyze the facts or allegations and respond to the employee within five business days. The response will be in writing and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Sheriff and/or County Board is considered final.
- (g) An unresolved grievance may be appealed and submitted to arbitration, subject to the provisions of the Public Employment Labor Relations Act of 1971. Arbitrator selection shall be made in accordance with the Rules of Governing the Arbitration of Grievances as established by the Bureau of Mediation Services.

1003.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1003.4 PUNITIVE ACTION

At no time will punitive action be taken against a peace officer for exercising any rights during the grievance procedure (see generally Minn. Stat. § 626.89, Subd. 14).

1003.5 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the County Board's office to monitor the grievance process.

1003.6 GRIEVANCE AUDITS

The Chief Deputy shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Chief Deputy shall record these findings in a memorandum to the Sheriff without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Chief Deputy should promptly notify the Sheriff.

1003.7 JUDICIAL RELIEF

Any employee or representative may, after exhausting the internal grievance procedure, and, if applicable, arbitration, apply to the proper court for judicial relief as allowed by contract or law.

Reporting of Employee Convictions and Court Orders

1004.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Office of any past and current criminal convictions.

1004.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Minnesota and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Minn. Stat. § 518B.01).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Minnesota. Any license of a peace officer convicted of a felony is automatically revoked (Minn. Stat. § 626.8431).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this office may prohibit him/her from carrying out law enforcement duties.

Minn. Stat. § 624.713 prohibits ineligible persons from possessing a handgun or semi-automatic assault weapon.

1004.3.1 COURT ORDERS

All employees shall promptly notify the office if they are a party to, or have been served with, any court order from any jurisdiction.

1004.4 REPORTING PROCEDURE

All members of this office and all retired deputies with an identification card issued by the Office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Office shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Reporting of Employee Convictions and Court Orders

if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1004.5 CHEMICAL DEPENDENCY TREATMENT

If a deputy is informally admitted to a treatment facility or program pursuant to Minn. Stat. § 253B.04 for chemical dependency he/she is not eligible to possess a pistol, unless the deputy possesses a certificate from the head of the treatment facility discharging or provisionally discharging the deputy from the treatment facility (Minn. Stat. § 624.713 Subd. 1(6)).

Deputies in this situation shall promptly notify the office.

Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1005.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Patrol Sergeant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1005.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1005.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1005.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Drug- and Alcohol-Free Workplace

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1005.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

1005.7 SCREENING TESTS

The Office may request or require drug or alcohol testing in the following circumstances (Minn. Stat. § 181.951; Minn. Stat. § 181.952):

- (a) **Reasonable suspicion** - The Patrol Sergeant may request or require an employee to undergo drug and alcohol testing if there is a reasonable suspicion of any of the following:
 1. The employee is under the influence of drugs or alcohol.
 2. The employee has violated office rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working, is on office property, or is operating a vehicle owned by the office.
 3. The employee has sustained an injury arising out of and in the course of employment, or has caused another employee to sustain an injury (full definition of personal injury in Minn. Stat. § 176.011, Subd. 16).
 4. The employee has caused a work-related accident, or the employee's use of a vehicle, firearm, or safety equipment involved a work-related accident.
- (b) Following a conditional job offer
- (c) As part of an employee's routine physical examination

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Drug- and Alcohol-Free Workplace

- (d) Under a random testing program of employees
- (e) When the employee has been referred for an evaluation or treatment, or is participating in a treatment program under an employee benefit plan
- (f) The employee discharges a firearm issued by the Office while off-duty, resulting in injury, death, or substantial property damage.

1005.7.1 DRUG- AND ALCOHOL-TESTING PROGRAM

The following applies to the office's drug and alcohol testing procedures (Minn. Stat. § 181.951; Minn. Stat. § 181.952; Minn. Stat. § 181.953):

- (a) An employee or applicant has the right to refuse a test but the consequences of a refusal may result in discipline, up to and including termination, or a decision not to hire the applicant.
- (b) Initial screening tests must be verified by a confirmatory test for the purpose of discipline.
- (c) Employees will have an opportunity to participate in an appropriate alcohol or drug program for their first confirmed positive test. The program may be in lieu of other discipline unless the employee fails the program or refuses to participate (Minn. Stat. § 181.953).
- (d) A confirmed positive test may result in discipline, up to and including termination.
- (e) An employee or job applicant will have the opportunity to explain a positive test result and may request and pay for a second confirmatory retest.
- (f) All disciplinary procedural safeguards in this manual apply, including the post-discipline appeal procedures (see the Personnel Complaints Policy).
- (g) Employees and job applicants shall receive required written notice, including posting, of the drug- and alcohol-testing policies and procedures as set forth in Minn. Stat. § 181.952.
- (h) The safeguards of Minn. Stat. § 181.953 will be followed for any testing and any related discipline process.

Notice of the adopted drug and alcohol testing policy shall be posted in an appropriate and conspicuous location and copies shall be available for inspection to all employees and job applicants (Minn. Stat. 181.952).

1005.7.2 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Drug- and Alcohol-Free Workplace

- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1005.9 CONFIDENTIALITY

The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1006.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) and the Minnesota Pregnancy and Parenting Leave Act (29 USC § 2601 et seq.; Minn. Stat. § 181.941).

1006.2 POLICY

It is the policy of the Wadena County Sheriff's Office to provide eligible employees with a sick leave benefit.

1006.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1006.3.1 NOTIFICATION

All members should notify the Patrol Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1006.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Sick Leave

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1006.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected office operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

Communicable Diseases

1007.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

1007.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Wadena County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1007.2 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; Minn. R. 5206.0700):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

1007.3 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (Minn. Stat. § 144.7411).

1007.4 POLICY

The Wadena County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1007.5 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Communicable Diseases

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 - 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 - 2. Exposure control mandates in 29 CFR 1910.1030 (Minn. R. 5206.0600).
 - 3. Reporting cases and suspected cases of communicable diseases to the Department of Public Health (Minn. R. 4605.7070; Minn. Stat. § 144.4804).
 - 4. Notifying appropriate medical facilities regarding member exposures and providing assistance locating source individuals, as applicable (Minn. Stat. § 144.7414)

The ECO should also act as the liaison with the Minnesota Occupational Safety and Health Administration (MNOSHA) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

1007.6 EXPOSURE PREVENTION AND MITIGATION

1007.6.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; Minn. R. 5206.0600):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.
- (b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Communicable Diseases

- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1007.6.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; Minn. R. 5206.0600).

1007.7 POST EXPOSURE

1007.7.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1007.7.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; Minn. R. 5206.0600):

- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Communicable Diseases

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease, Personal Injury and Death Reporting Policy).

1007.7.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030; Minn. R. 5206.0600):

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1007.7.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; Minn. R. 5206.0600).

1007.7.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Seeking testing through the procedures of Minn. Stat. § 144.7401 to Minn. Stat. § 144.7415 through a licensed hospital or other emergency medical care facility.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

Smoking and Tobacco Use

1008.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Wadena County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1008.2 POLICY

The Wadena County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Office and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all office facilities, buildings and vehicles, and as is further outlined in this policy (Minn. Stat. § 144.414).

1008.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

1008.4 WADENA COUNTY TOBACCO USE POLICY

1008.4.1 PURPOSE

The purpose of this tobacco use policy is to provide a healthier working environment for Wadena County employees and citizens.

1008.4.2 SOURCE OF AUTHORITY

Minnesota Clean Air Act, House file #79, Chapter 221, Laws, 1975, Enacted August 1, 1975, and Minnesota Statutes §144.411 to 144.417 regarding smoking in public places.

1008.4.3 EXPANDED SCOPE

- (a) There will be no smoking within ten feet of entrance doorways to any county owned building.
- (b) There will be appropriate signage placed to indicate the no smoking areas, as well as areas designated for smoking.
- (c) Employees shall not smoke on the same side of the building where the main public entrances are located.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Smoking and Tobacco Use

- (d) Employees shall not smoke in county owned vehicles, except those exempted by statute; or personal vehicles used for work purposes when more than one user present. Users include employees and members of the public.
- (e) Smoking by employees is not permitted except in designated outside areas that insure that second hand smoke does not enter through entrances, windows, ventilation systems or other means, and only during regular break times and meal times as outlined in the Wadena County Personnel Policy and in current Labor Agreements.
- (f) Employees who smoke will use consideration to minimize exposure to second hand smoke for other persons entering the building.
- (g) Employees shall not use chewing tobacco at any public or multi-person meetings or public hearings.
- (h) Items 1018.3.3. a-f, shall also apply to individuals or employees of agencies contracting space in county owned buildings.
- (i) Copies of this policy shall be distributed to all employees and review of this policy shall occur with newly hired employees during orientation.
 - 1. This policy shall be placed in the personnel policy as Article 1.04.
 - 2. Information on smoking cessation programs is available through Public Health.

1008.4.4 ENFORCEMENT

- (a) Enforcement of the policy within county buildings, designated no smoking areas around entrance doorways, and multi-user vehicles is delegated to the individual department heads, both elected and appointed.
- (b) Members of the general public who smoke in an area where smoking is prohibited shall be informed of the policy and asked to refrain; and if they do not comply, they may be asked to leave. If the person refuses to leave, a person in charge shall handle the situation consistent with lawful methods.
- (c) Employee violations of this policy will be addressed through existing discipline procedures.

1008.5 ADDITIONAL PROHIBITIONS

No employee shall smoke, even while out of view of the public or off-duty, in areas properly posted with "No Smoking" notices nor shall any employee use tobacco products on public school property (Minn. Stat. § 609.681; Minn. Stat. § 144.4165). The Sheriff or the authorized designee should ensure that proper signage is in place for notice of areas where tobacco use is restricted (Minn. R. 4620.0500).

Allegations of Misconduct / Personnel Complaints

1009.1 PURPOSE AND SCOPE

The purpose of this policy is to inform all employees and the public of procedures for reporting, receiving, investigating and disposition of complaints regarding the conduct of licensed peace officers of the Wadena County Sheriff's Office (Minn. R. 6700.2200 through 6700.26). The provisions of this policy are applicable only to the investigation and the disposition of allegations of administrative misconduct. This policy does not apply to a criminal investigation.

1009.2 POLICY

The Wadena County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept, fairly and impartially investigate all complaints to determine the validity of allegations and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding. The Office will impose any corrective actions that may be justified in a timely and consistent manner.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1009.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

1009.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Sheriff is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Allegations of Misconduct / Personnel Complaints

the Internal Affairs, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1009.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.
- (f) The Minnesota Board of Peace Officer Standards and Training (POST) may refer complaints alleging a violation of a statute or rule that the board is empowered to enforce (Minn. Stat. § 214.10, Subd. 10).
- (g) Any person making a complaint may be accompanied by an attorney or other representative, including at the time the complaint is made.
- (h) Any person wishing to file a complaint against the Sheriff should be referred to the County Board for investigation by an outside agency.

1009.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1009.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the office website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1009.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred in person, a complaint may also be filed by mail, e-mail or by third party. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take a complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant, if needed.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Allegations of Misconduct / Personnel Complaints

1009.4.3 COMPLAINT COPIES

After a complaint is filed, the accepting member should sign the document, keep a copy for the office and provide a copy to the complainant.

1009.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1009.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows (Minn. R. 6700.2200).

1009.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Patrol Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Sergeant or the Sheriff, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Patrol Sergeant.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Allegations of Misconduct / Personnel Complaints

- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Patrol Sergeant and Sheriff are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Patrol Sergeant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Patrol Sergeant, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1009.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or an assigned member of the Internal Affairs, the following shall apply to members covered by the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty (Minn. Stat. § 626.89, Subd. 7). If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Wadena County Sheriff's Office or at a place agreed upon by the accused member (Minn. Stat. § 626.89, Subd. 4).
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member should be informed of the nature of the investigation.
 - 1. The member shall be given a copy of any written complaint signed by the complainant (Minn. Stat. § 626.89, Subd. 5).
- (e) All interviews should be for a reasonable period and the member's personal needs should be accommodated (Minn. Stat. § 626.89, Subd. 7).
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Allegations of Misconduct / Personnel Complaints

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer shall record all interviews of members and witnesses. The member may also record the interview. A complete copy or transcript of the interview must be made available to the member upon written request without charge or undue delay. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview (Minn. Stat. § 626.89, Subd. 8).
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative or attorney present before or during the interview (Minn. Stat. § 626.89, Subd. 9). When a member requests a representative or attorney, no interview may be taken until a reasonable opportunity is provided for the member to obtain that person's presence. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.
- (l) Before a formal statement is taken, the member shall be advised in writing or on the record that admissions made may be used as evidence of misconduct or a basis for discipline (Minn. Stat. § 626.89, Subd. 10).
- (m) A member may not be required to produce financial records (Minn. Stat. § 626.89, Subd. 11).
- (n) A member's photograph will not be released unless allowed by law (Minn. Stat. § 626.89, Subd. 12).

1009.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Allegations of Misconduct / Personnel Complaints

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1009.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

The Sheriff may authorize that any investigation be re-opened any time substantial new evidence is discovered concerning the complaint.

1009.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within 30 days from the date of discovery by an individual authorized to initiate an investigation. If the investigator or supervisor determine there is good cause to grant an extension, this must be approved by the Sheriff. The complainant and respondent must be informed of any extensions.

1009.6.6 EXTERNAL INVESTIGATIONS

The Sheriff may request that an outside agency conduct an investigation anytime the Sheriff determines an external investigation is appropriate.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Allegations of Misconduct / Personnel Complaints

This office should not conduct an investigation when the Sheriff is the subject of the complaint. An external investigation should be requested through the County Administrator, County Attorney or County Board.

1009.6.7 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation shall provide the complainant with periodic updates on the status of the investigation, as appropriate and consistent with the provisions of the Minnesota Government Data Practices Act (MGDP) (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1009.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1009.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1009.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Wadena County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Allegations of Misconduct / Personnel Complaints

The Sheriff may postpone making a decision on an administrative investigation until any related criminal charges are resolved. The complainant and involved member should be informed of this decision.

1009.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

1009.10.1 SERGEANT RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Sergeant of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Sergeant may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Sergeant may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Sergeant shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1009.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Sergeant for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff or his designee shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
 1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
 2. If the member elects to respond orally, the presentation shall be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Allegations of Misconduct / Personnel Complaints

and reasons for discipline and the effective date of the discipline. Once the Sheriff or his designee has issued a written decision, the discipline shall become effective.

1009.10.3 MINNESOTA POST INVESTIGATIONS

The Minnesota POST Board may require an administrative investigation based upon a complaint alleging a violation of a statute or rule that the board is empowered to enforce.

Any such misconduct allegation or complaint assigned to this office shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10, Subd. 10).

The Office shall cooperate with POST's investigation and provide requested information unless (Minn. Stat. § 626.8457):

- (a) There is an active criminal investigation or active criminal proceeding regarding the same incident or misconduct that is being investigated by POST.
- (b) An active internal investigation exists regarding the same incident or misconduct that is being investigated by POST during 45 days from the time the request was made by POST. The Sheriff or the authorized designee shall comply with the request upon completion of the internal investigation or once 45 days has passed, whichever occurs first.

1009.10.4 DISCIPLINE

Disciplinary action may include, but is not limited to (Minn. R. 6700.2200):

- (a) Oral reprimand.
- (b) Written reprimand.
- (c) Suspension.
- (d) Demotion.
- (e) Discharge.

1009.10.5 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint. Notice must be consistent with the provisions of the MGDP (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1009.10.6 CIVILIAN OVERSIGHT COUNCIL

When applicable, the Sheriff or the authorized designee shall cooperate with the designated civilian oversight council, as appropriate (Minn. Stat. § 626.89, Subd. 17).

1009.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Allegations of Misconduct / Personnel Complaints

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

1009.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1009.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules (Minn. R. 6700.2200).

Employees covered by the Veterans Preference Act are entitled to written notice of the right to request a hearing within 30 days of receipt of the notice of intent to terminate, suspend or demote. Failure to request the hearing in the time specified waives the right to the hearing and all other legal remedies. Any hearing shall be held in compliance with law (Minn. Stat. § 197.46).

1009.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy except for employees covered by the Veterans Preference Act (Minn. Stat. § 197.46). However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee (Minn. R. 6700.2200).

Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Allegations of Misconduct / Personnel Complaints

1009.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1009.15.1 CONFIDENTIALITY OF PERSONNEL FILES

All active investigations of alleged misconduct and personnel complaints shall be considered confidential and maintained separately from peace officer personnel files. The contents of such files shall not be revealed to other than the involved member or authorized personnel, except pursuant to lawful process, such as Minn. R. 6700.2500. Data in closed files shall be treated as private or public data depending on whether discipline was imposed upon the member.

1009.15.2 LETTERS OF DISCIPLINE AND REPRIMANDS

Letters of discipline and reprimands may only be placed in a member's personnel file after they are received by the member (see generally Minn. Stat. § 626.89, Subd. 13).

1009.16 REQUIRED REPORTING TO POST

The Sheriff or the authorized designee shall notify POST of certain deputy personnel events, including but not limited to:

- (a) A termination or resignation of a deputy who is the subject of an internal or criminal investigation due to alleged misconduct regardless of whether the investigation has been initiated or completed, or whether the deputy was criminally charged (Minn. Stat. § 626.8457, Subd. 4).
- (b) The violation of a required POST model policy identified in Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

1009.17 ADDITIONAL POST BOARD REPORTING REQUIREMENTS

1. Under Minn. Rule 6700.1610, a licensed peace officer must self-report to the POST Board any violations of the Standards of Conduct for peace officers listed in Minn. Rule 6700.1600.
2. Any person with knowledge of peace officer misconduct constituting grounds for action under Minn. Stat. chapter 214, or Minn. Rules 6700.1600, may report the violation to the POST Board.
3. Minn. Stat. 626.8457 Subd. 3 requires CLEOs to submit individual peace officer public and private data related to allegations of misconduct to the POST Board in "real time" via the POST Board Misconduct Reporting System.
4. A Chief Law Enforcement Officer must update data within 30 days of final disposition of a complaint or investigation.
5. Law Enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in Minn Stat. 626.8457 Subd. 3 paragraph (b) to the POST Board. Any such confidentiality agreement is void as to the requirements of this section.

Seat Belts

1010.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in office vehicles (Minn. Stat. § 169.686).

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1010.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Minn. Stat. § 169.685).

1010.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Office, are properly restrained (Minn. Stat. § 169.686).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the office member or the public. Members must be prepared to justify any deviation from this requirement.

1010.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any office vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1010.4 INOPERABLE SEAT BELTS

Office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Office vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Seat Belts

1010.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1010.6 POLICY

It is the policy of the Wadena County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1010.7 TRANSPORTING CHILDREN

All children younger than 8 years of age and shorter than 4 feet 9 inches tall shall be restrained in a child passenger safety seat system (Minn. Stat. § 169.685, Subd. 5(b)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1010.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1011.2 POLICY

It is the policy of the Wadena County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1011.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Wadena County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1011.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Deputies shall only wear agency-approved body armor.
- (b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when a deputy is working in uniform or taking part in Office range training.
- (e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1011.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Body Armor

1011.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

1011.4 ARMORER RESPONSIBILITIES

The Firearms Instructor should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Office approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

Personnel Records

1012.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel data. Personnel data includes any file maintained under an individual member's name.

Without regard to where and how stored, all data about a current or former employee or applicant for employment shall be defined and classified as personnel data consistent with Minn. Stat. § 13.43. All data relating to a criminal investigation of a current or former employee or applicant shall be defined and classified as criminal data consistent with Minn. Stat. § 13.82.

1012.2 POLICY

It is the policy of this office to maintain personnel data and preserve the confidentiality of personnel data pursuant to the Constitution and the laws of Minnesota (Minn. Stat. § 13.43).

1012.3 OFFICE FILE

The office file shall be maintained as a record of a person's employment/appointment with this office. The office file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment.
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any member response shall be attached to and retained with the original adverse comment.
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personnel Records

1012.4 SECTION FILE

Section files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Section file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1012.5 TRAINING FILE

An individual training file shall be maintained by the Chief Deputy for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Chief Deputy or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Chief Deputy or supervisor shall ensure that copies of such training records are placed in the member's training file.

1012.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Internal Affairs supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's office file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1012.7 MEDICAL FILE

A private medical file shall be maintained separately from all other personnel data and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personnel Records

- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1012.8 EMPLOYEE ASSISTANCE PROGRAMS

Employee assistance records must be kept separate from personnel records and shall not become part of an employee's personnel file (Minn. Stat. § 181.980, Subd. 3).

1012.9 SECURITY

Personnel data should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel data maintained in an electronic format should have adequate password protection.

Any personnel data not deemed public data is private and shall not be subject to disclosure except as provided in this policy, the Records Maintenance and Release Policy, according to applicable discovery procedures or with the member's written consent (Minn. Stat. § 13.43; Minn. Stat. § 181.967, Subd. 4).

Nothing in this policy is intended to preclude review of personnel data by the County Board, County Attorney or other attorneys or representatives of the County in connection with official business.

1012.9.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for personnel data shall promptly notify the Custodian of Records or other person charged with the maintenance of such data.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel data shall be logged in the corresponding file.

1012.9.2 RELEASE OF PRIVATE DATA

Except as provided by this policy, pursuant to lawful process, pursuant to state law or court order, no private data shall be disclosed without the written consent of the employee or written authorization of the Sheriff designee (Minn. Stat. § 13.43; Minn. Stat. § 181.967, Subd. 4).

1012.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Upon request, any member may request access to his/her own personnel file as set forth in Minn. Stat. § 181.961.

Any member seeking the removal of any item from his/her personnel files shall file a written request to the Sheriff through the chain of command. The Office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personnel Records

not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel file. If the contested item is ultimately removed, the written responses shall also be removed (Minn. Stat. § 181.962, Subd. 1). An employee not satisfied with this resolution may seek such other remedies as are authorized by the MGDPA.

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (d) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (e) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for office planning purposes.
- (f) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (g) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

1012.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel data shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.
- (c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Request for Change of Assignment

1013.1 PURPOSE AND SCOPE

It is the intent of the Office that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1013.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment Form. The form should then be forwarded through the chain of command to the Sergeant.

1013.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment Form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1 of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request Form.

1013.3 SUPERVISOR'S COMMENTARY

The deputy's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Sergeant of the employee involved. In the case of patrol deputies, the Patrol Sergeant must comment on the request with his/her recommendation before forwarding the request to the Sergeant. If the Patrol Sergeant does not receive the Change of Assignment Request Form, the Sergeant will initial the form and return it to the employee without consideration.

Commendations and Awards

1014.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Wadena County Sheriff's Office and individuals from the community.

1014.2 POLICY

It is the policy of the Wadena County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1014.3 COMMENDATIONS

Commendations for members of the Office or for individuals from the community may be initiated by any office member or by any person from the community.

1014.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond the typical duties.

1014.4.1 OFFICE MEMBER DOCUMENTATION

Members of the Office should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 1. For members of the Office - name, section and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

1014.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Office members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 1. For members of the Office - name, section and assignment at the date and time of the meritorious or commendable act

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Commendations and Awards

2. For individuals from the community - name, address, telephone number
 - (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
 - (c) The signature of the person submitting the documentation.

1014.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Office should be forwarded to the appropriate Sergeant for his/her review. The Sergeant should sign and forward the documentation to the Sheriff for his/her review.

The Sheriff or the authorized designee will present the commendation to the office member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Sergeant. The documentation will be signed by the Sergeant and forwarded to the Sheriff for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1014.5 AWARDS

Awards may be bestowed upon members of the Office and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award, the selection, presentation and display of any awards are determined by the Sheriff.

Fitness for Duty

1015.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all deputies of this office remain fit for duty and able to perform their job functions.

1015.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this office to maintain good physical condition sufficient to safely and properly perform essential duties of the position.
- (b) Each member of this office shall perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1015.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Patrol Sergeant or the employee's available Sergeant, a determination should be made whether the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

1015.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Fitness for Duty

1015.5 WORK RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Patrol Sergeant or unit supervisor and concurrence of a Sergeant, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.
- (b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1015.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Office with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.
- (c) To facilitate the examination of any employee, the Office will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's private medical file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Fitness for Duty

- (g) If an employee is deemed unfit for duty by the Office, the employee may submit a report from the employee's personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

1015.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any two day (48 hour) period or
- 84 hours in any seven day (168 hour) period

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime and any other work assignments.

1015.8 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievance Procedure Policy or the applicable collective bargaining agreement.

Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible shall conform to the policy governing all County employees pursuant to Minn. Stat. § 177.253, Minn. Stat. § 177.254 and Minn. R. § 5200.0120.

1016.1.1 MEAL PERIODS

Each employee who works for eight or more consecutive hours is entitled to sufficient time to eat a meal (Minn. Stat. § 177.254). Licensed employees and dispatchers shall remain on duty subject to call during meal periods. All other employees are not on call during meal periods unless directed otherwise by a supervisor.

Uniformed deputies shall request clearance from Dispatch prior to taking a meal period. Uniformed deputies shall take their meal periods within the County limits unless on assignment outside of the County.

The time spent for the meal period shall not exceed the authorized time allowed.

1016.1.2 10 MINUTE BREAKS

Each employee is allowed adequate time from work within each four consecutive hours of work to utilize the nearest convenient restroom (Minn. Stat. § 177.253).

Employees normally assigned to the sheriff's facility shall remain in the sheriff's facility for their breaks. This does not prohibit them from taking a break outside the facility if on official business.

Field deputies will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Dispatch.

Lactation Breaks

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1017.2 POLICY

It is the policy of the Wadena County Sheriff's Office to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Minn. Stat. § 181.939).

1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks may be taken at the same time as the member's regularly scheduled rest or meal periods (Minn. Stat. § 181.939).

Members desiring to take a lactation break shall notify the dispatcher or supervisor prior to taking such a break.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

The Office will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Minn. Stat. § 181.939).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1017.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the member's shift ends.

Payroll Records Procedures

1018.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting to Administration payroll records on a biweekly basis of office members who are eligible for the payment of wages.

1018.2 POLICY

The Wadena County Sheriff's Office maintains timely and accurate payroll records.

1018.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

The Office Administration Assistant is responsible for submitting approved payroll records as established by the County payroll procedures.

1018.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration no later than the end of business day, 4:30 PM, the Thursday before the end of the pay period. Members may be directed, by their Supervisor(s), to complete and submit payroll records on other weekdays for purposes of holidays that fall on the last day(s) of a pay period.

1018.5 RECORDS

The Administration Assistant shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Payment Requests

1019.1 PURPOSE AND SCOPE

It is the policy of the Office to compensate nonexempt employees who work authorized overtime either by payment of wages as agreed and in effect through the collective bargaining agreement, or by the allowance of accrual of compensatory time off. In order to qualify for either the employee's supervisor must approve the overtime.

1019.1.1 OFFICE POLICY

Because of the nature of law enforcement work, and the specific needs of the Office, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Office. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked.

The individual employee may request compensatory time in lieu of receiving overtime payment through documentation on their time sheet. The employee may not exceed the number of hours identified in the collective bargaining agreement.

1019.2 EMPLOYEE'S RESPONSIBILITY

Employees shall document the overtime on their time sheet for supervisor approval in a timely manner.

The employee will comment on their time sheet the reason for the overtime and/or prior supervisor approval.

1019.2.1

1019.2.2 SUPERVISOR RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving.

1019.2.3

1019.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the collective bargaining agreement provides that a minimum number of hours will be paid, (e.g., two hours for court, four hours for outside overtime).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Overtime Payment Requests

1019.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

1019.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial and the amount of time for which payment is documented varies from that reported by the other employee, the approving supervisor may require each employee to give the reason for the variation.

Outside Employment

1020.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Office employees engaging in outside employment, all employees shall initially obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1020.1.1 DEFINITIONS

Outside Employment - The employment of any member of this office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this office for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this office for services, product(s) or benefits rendered.

Outside Overtime - Overtime involving any member of this office who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Office. Such outside overtime shall be requested and scheduled directly through this office so that the Office may be reimbursed for the cost of wages and benefits.

1020.2 OBTAINING APPROVAL

No member of this office may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an Outside Employment Application that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which it is approved. Any employee seeking to continue outside employment shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment whose request has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

1020.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or rescinded by the Office, the employee may file a written notice of appeal to the Sheriff within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current collective bargaining agreement.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Outside Employment

1020.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Revocation will be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

- (a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency and the outside employment may be related to the employee's performance. The Sheriff may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment permit(s). After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been reestablished to the minimum level of acceptable competency.
- (b) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Office policy, or any law.
- (c) The outside employment creates an actual or apparent conflict of interest with the Office or County.

1020.3 PROHIBITED OUTSIDE EMPLOYMENT

The Office expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity that:

- (a) Involves the employee's use of Office time, facilities, equipment or supplies, the use of the Office badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this office for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this office.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this office.
- (d) Involves time demands that would render performance of the employee's duties for this office below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1020.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest no member of this office may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Outside Employment

Any private organization, entity or individual seeking special services for security or traffic control from members of this office must submit a written request to the Sheriff in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

- (a) The applicant will be required to enter into a written indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The deputy(s) shall wear the Office uniform/identification.
 - 2. The deputy(s) shall be subject to all the rules and regulations of this office.
 - 3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services, outside employment or outside overtime shall not be subject to the collective bargaining process.
 - 6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1020.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1020.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Sergeant, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the deputy's law enforcement status.

1020.4 OFFICE RESOURCES

Employees are prohibited from using any Office equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this office or other agencies through the use of the employee's position with this office.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Outside Employment

1020.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1020.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Office members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Sheriff whether such outside employment should continue or be suspended or revoked.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of intent to revoke the employee's permit will be forwarded to the involved employee and a copy attached to the original work permit. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending the outside employment permit while on disability status or administrative leave include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of his/her intentions to their supervisor.
- (d) The outside employment is not compatible with the reason the employee is on administrative leave.

Occupational Disease, Personal Injury and Death Reporting

1021.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, personal injuries and deaths.

1021.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 176.011):

Occupational disease – A mental impairment or physical disease arising out of and in the course of employment peculiar to the occupation in which the member is engaged and due to causes in excess of the hazards ordinary of employment. The term includes diagnosis of post-traumatic stress disorder (PTSD) by a psychiatrist or psychologist; however, mental impairment is not considered a disease if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the Office.

Personal injury – Any mental impairment or physical injury arising out of and in the course of employment, including personal injury caused by occupational disease, while engaged in, on or about the premises where the member's services require the member's presence as part of that service at the time of the injury and during the hours of that service. Personal injury does not include an injury caused by the act of a third person or fellow office member who intended to injure the member because of personal reasons, and not directed against the member as a member of the Wadena County Sheriff's Office, or because of the employment with the Wadena County Sheriff's Office. Mental impairment is not considered a personal injury if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the Office.

1021.2 POLICY

The Wadena County Sheriff's Office will address occupational diseases, personal injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (Minn. Stat. § 176.231).

1021.3 RESPONSIBILITIES

1021.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or personal injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

1021.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or personal injury should ensure the member receives medical care as appropriate.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Occupational Disease, Personal Injury and Death Reporting

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Workplace Accident and Injury Reduction policies apply and take additional action as required.

1021.3.3 SERGEANT RESPONSIBILITIES

The Sergeant who receives a report of an occupational disease, personal injury or death should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity and the Administration Sergeant to ensure any required Minnesota Occupational Safety and Health Administration (MNOSHA) reporting is made as required in the illness and injury prevention plan identified in the Workplace Accident and Injury Reduction Policy.

1021.3.4 SHERIFF RESPONSIBILITIES

The Sheriff shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

1021.4 OTHER DISEASE OR INJURY

Diseases, injuries or deaths caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Sergeant through the chain of command and a copy sent to the Administration Sergeant.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1021.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or personal injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1021.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or personal injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Occupational Disease, Personal Injury and Death Reporting

person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1022.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment.

1022.2 GROOMING

Unless otherwise stated and because deviations from these standards could present officer health safety issues, the following appearance standards shall apply to all members, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

1022.2.1 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male office members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance.

When working a field assignment, hairstyles for female office members must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance. Longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the head above the bottom edge of the shirt collar.

1022.2.2 MUSTACHES

Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip and shall be short and neatly trimmed.

1022.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1022.2.4 FACIAL HAIR

Facial hair, other than sideburns, mustaches, and eyebrows, is prohibited unless authorized by the Sheriff or the authorized designee.

1022.2.5 FINGERNAILS

Fingernails shall be cleaned and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

1022.2.6 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personal Appearance Standards

Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Sheriff.

1022.3 POLICY

Wadena County Sheriff's Office members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this office and for their assignments. Office personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to members of the Office.

1022.4 APPEARANCE

1022.4.1 TATTOOS

While on-duty or representing the Wadena County Sheriff's Office in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Office in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1022.4.2 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the office member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the office member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1022.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body visible while on-duty or while representing the Wadena County Sheriff's Office in any official capacity that is a deviation

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personal Appearance Standards

from normal anatomical features and not medically required is prohibited. Such body alteration includes but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose, or teeth (i.e., enlarged or stretched out holes in the earlobes).
- (d) Branding, scarification, or burning to create a design or pattern.

1022.4.4 DENTAL ORNAMENTATION

Dental ornamentation for decorative purposes that is not medically required is prohibited while on-duty or while representing the Wadena County Sheriff's Office in any official capacity. Such ornamentation includes but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum, or other veneers or caps used for decorative purposes.
- (c) Orthodontic appliances that are colored for decorative purposes.

1022.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Wadena County Sheriff's Office in any official capacity.

1022.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

1022.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

1022.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of office members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Sheriff should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves, simple head coverings, certain hairstyles, or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Personal Appearance Standards

1022.6 EXEMPTIONS

Members who seek an exemption to this policy protected by law (e.g., culturally protective hairstyles) should generally be accommodated (Minn. Stat. § 363A.03). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with an exemption is denied an assignment based on a safety or security risk.

Uniform Regulations

1023.1 PURPOSE AND SCOPE

The uniform policy of the Wadena County Sheriff's Office is established to ensure that uniformed deputies, special assignment personnel and non-licensed employees will be readily identifiable to the public through the proper use and wearing of office uniforms. Employees should also refer to the following associated policies:

- Firearms
- Office Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The uniform and equipment specifications manual is maintained and periodically updated by the Sheriff or the authorized designee. The manual, and associated procedures, should be consulted regarding authorized equipment and uniform specifications.

The Wadena County Sheriff's Office will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement. The uniforms for deputies of this office shall be a consistent color pursuant to Minn. Stat. § 626.88 Subd. 2.

1023.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) All peace officers of this office shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the Office's uniform specifications and procedures which are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Uniform Regulations

- (g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Office functions or events.
- (h) If the uniform is worn while in transit while driving a personal vehicle an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while off-duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Office uniform, including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Office uniform
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or designee.
 - 1. Wrist watch.
 - 2. Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
 - 3. Medical alert bracelet.

1023.2.1 DEPARTMENT OFFICE ISSUED IDENTIFICATION

The Office issues each employee an official Office identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Office-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Office, employees shall display their Office issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Sergeant.

1023.3 UNIFORM CLASSES

1023.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all licensed personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie.
- (b) Collar brass.
- c. Any pins indicating accommodations or citations, or other Law Enforcement related pins that have been approved by the Sheriff or Chief Deputy.
- d. Dark brown, pressed, dress pants/slacks
- e. Polished black shoes.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Uniform Regulations

f. Equipment pouches and belts will be clean and polished.

g. Boots with pointed toes are not permitted.

1023.3.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. Tie is optional with long sleeve shirt.
- (b) When a tie is not worn with the long sleeve shirt, a dark brown or black turtle neck, mock turtle neck or dickey, with W.C.S.O. insignia stitched/embroidered on the collar, in gold color is required.
- (c) Black crew neck t-shirts are required with short sleeve shirts, if the collar of the t-shirt is visible under the uniform.
- (d) All shirt buttons must remain buttoned except for the last button at the neck, when not wearing a tie.
- (e) Polished black shoes.
- (f) Approved black unpolished shoes may be worn.
- (g) Boots with pointed toes are not permitted.

1023.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or for special duty assignments. The Sheriff will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1023.3.4 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SWAT, and other specialized assignments.

1023.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1023.4 INSIGNIA AND PATCHES

- (a) Shoulder patches - The authorized shoulder patch supplied by the Office shall be machine stitched to the right and left sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.
- (b) Service stripes and stars - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Uniform Regulations

the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the crease of the sleeve. The stripes are to be worn on the left sleeve only.

- (c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Sheriff. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket. Full-time employees that have their names attached to the Office badge are exempt from wearing a nameplate, while in Class B uniform.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform. Exception to this is for those employees with their names attached to the Office badge, as mentioned above.
- (e) Assignment Insignias - Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Sheriff.
- (f) Flag pin or patch A flag pin may be worn, centered above the nameplate. An American flag patch of a size not to exceed 3 inches by 5 inches shall be worn above the right front pocket using appropriate flag display etiquette (Minn. Stat. § 15.60).
- (g) Badge - The Office-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Licensed non-uniform personnel will wear or carry their badge in a manner that it is in reasonable proximity to their firearm and able to be displayed whenever appropriate.
- (h) Rank insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

1023.4.1 MOURNING BAND

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) A Deputy/Jailer/Dispatcher of this office - From the time of death until midnight on the 14th day after the death.
- (b) A Deputy/Officer/Jailer/Dispatcher from this state - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of a fallen Deputy/Officer/Jailer/Dispatcher.
- (d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Uniform Regulations

- (e) As directed by the Sheriff or designee.

Proper display of mourning bands:

- (a) Star Badge - the mourning band should be worn from the 11 o'clock position to the 5 o'clock position, as if looking at the face of a clock.
- (b) All other badges - the mourning band should be worn straight across the center of the badge.

1023.4.2 SHERIFF'S OFFICE PATCHES

Employees of the Wadena County Sheriff's Office shall not exchange W.C.S.O. or Wadena/Hubbard Co. SWAT patches with any individual of the general public. An Employee may only exchange/trade with another Law Enforcement Officer which that Employee is familiar with and their current Law Enforcement status. Any public/private individual or organization requesting a patch from this agency will be refused, unless approval has been granted by the Sheriff or Chief Deputy.

1023.5 CIVILIAN ATTIRE

There are assignments within the Office that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar or polo shirts that have authorized Sheriff's Office logos embroidered or screen printed on them. Slacks or suits that are moderate in style.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts and polo style shirts that have authorized Sheriff's Office logos embroidered or screen printed on them, blouses or suits that are moderate in style.
- (d) The following items shall not be worn on-duty:
 - 1. T-shirt alone.
 - 2. Open-toed sandals or thongs.
 - 3. Swimsuit, tube tops or halter tops.
 - 4. Spandex type pants or see-through clothing.
 - 5. Distasteful printed slogans, buttons or pins.
 - 6. Denim pants of any color. (Blue Jeans may only be authorized by the Sheriff or Chief Deputy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Uniform Regulations

7. Shorts.
 8. Sweat shirts, sweat pants or similar exercise clothing.
- (e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to wearing such clothing.
 - (f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Wadena County Sheriff's Office or the morale of the employees.
 - (g) Licensed employees carrying firearms while wearing civilian attire should, if practicable, wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1023.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Sheriff, Wadena County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a badge, patch or other official insignia of the Office, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Wadena County Sheriff's Office to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

1023.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased at the expense of the employee.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).
- (c) Replacement of items listed in this order as optional shall be done as follows:
 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property in the Office-Owned and Personal Property Policy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Uniform Regulations

1023.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Wadena County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

Wadena County Sheriff's Office employees may not use or carry any tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

1023.9 SECTION TITLE

Nepotism and Conflicting Relationships

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this office. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1024.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Office employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Office employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1024.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Office will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following restrictions apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Office reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
 - (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever reasonably possible Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest members of this office shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
 - (e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered predatory offender or who engages in intentional violations of state or federal laws.

1024.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Nepotism and Conflicting Relationships

1024.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

Office Badges

1025.1 PURPOSE AND SCOPE

The Wadena County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Wadena County Sheriff's Office are property of the Office and their use shall be restricted as set forth in this policy.

1025.2 POLICY

The uniform badge shall be issued to Office members as a symbol of authority. The use and display of Office badges shall be in strict compliance with this policy. Only authorized badges issued by this office shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1025.2.1 FLAT BADGE

Licensed deputies, with the written approval of the Sheriff, may purchase at their own expense a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of Office policy as the uniform badge.

- (a) A deputy may sell, exchange or transfer the flat badge he/she purchased to another deputy within the Wadena County Sheriff's Office with the written approval of the Sheriff.
- (b) Should the flat badge become lost, damaged or otherwise removed from the deputy's control he/she shall make the proper notifications as outlined in the Office-Owned and Personal Property Policy.
- (c) An honorably retired deputy may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-licensed personnel.

1025.2.2 NON-LICENSED PERSONNEL

Badges and Office identification cards issued to non- licensed personnel shall be clearly marked to reflect the position of the assigned employee (e.g. parking control, dispatcher).

- (a) Non-licensed personnel shall not display any Office badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.
- (b) Non-licensed personnel shall not display any Office badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a licensed deputy.

1025.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Office Badges

1025.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Office badges are issued to all licensed employees and non-sworn uniformed employees for official use only. The Office badge, shoulder patch or the likeness thereof, or the Office name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Office name for all material (e.g., printed matter, products or other items) developed for Office use shall be subject to approval by the Sheriff.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1025.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Office badge shall not be used without the express authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the Office badge for merchandise and official association business provided it is used in a clear representation of the association and not the Wadena County Sheriff's Office. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the Office badge for endorsement of political candidates shall not be used without the express approval of the Sheriff.

Temporary Modified-Duty Assignments

1026.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, or current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1026.2 POLICY

Subject to operational considerations, the Wadena County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Office with a productive employee during the temporary period.

1026.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Minnesota Human Rights Act (Minn. Stat. § 363A.01 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Wadena County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Office. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1026.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Temporary Modified-Duty Assignments

Employees seeking a temporary modified-duty assignment should submit a written request to their Sergeants or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Sergeant will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Office and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the County Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Patrol Sergeant or Sergeant, with notice to the Sheriff.

1026.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified-duty may be adjusted to suit medical appointments or Office needs at the discretion of the Sergeant.

The employee and his/her supervisors should be informed in writing of the schedule, assignment, limitations and restrictions as determined by the employee's health care provider.

1026.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to his/her supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Sergeant apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Temporary Modified-Duty Assignments

60 days will require a written status report and a request for an extension to the Sergeant, with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff.

- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Sergeant and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1026.4.3 MEDICAL EXAMINATIONS

The Office reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Office.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1026.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate office operations and the employee's medical appointments, as mutually agreed upon with the Sergeant.

1026.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Sergeant that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1026.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Temporary Modified-Duty Assignments

- (a) Periodically apprising the Sergeant of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Sergeant and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1026.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Office may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1026.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Office should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Minn. Stat. § 181.939; Minn. Stat. § 363A.08).

1026.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

1026.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1026.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Speech, Expression, and Social Networking

1027.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Wadena County Sheriff's Office.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1027.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Wadena County Sheriff's Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Office will carefully balance the individual member's rights against the needs and interests of the Office when exercising a reasonable degree of control over its members' speech and expression.

1027.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Wadena County Sheriff's Office members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow office member.
- Otherwise disclosing where another deputy can be located off-duty.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Speech, Expression, and Social Networking

1027.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Wadena County Sheriff's Office, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Office or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Office and tends to compromise or damage the mission, function, reputation, or professionalism of the Office or its members. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Office (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing members by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, digital media or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Wadena County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Speech, Expression, and Social Networking

1027.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Wadena County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Office in order to do any of the following, unless specifically authorized by the Sheriff:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication; or any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this office, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Wadena County Sheriff's Office.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1027.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

1027.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Speech, Expression, and Social Networking

- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

1027.7 TRAINING

Subject to available resources, the Office should provide training regarding the limitations on speech, expression and use of social networking to all members of the Office.

POST Licensing

1028.1 PURPOSE AND SCOPE

Maintaining a valid POST license is a critical element of a deputy's ability to continue their employment and is their sole professional responsibility. Every deputy and every part-time deputy is required to complete the continuing education requirements to maintain a valid license every three years (Minn. R. § 6700.0900; Minn. R. 6700.1000).

1028.2 RENEWAL SCHEDULE

Any deputy whose license expires is not authorized to work as a peace officer until the license status is valid. Deputies renew their POST licenses according to a schedule established by Administrative Rule (Minn. R. 6700.1000).

1028.2.1 LICENSE RENEWAL CREDITS

A peace officer license may be renewed only upon the licensee or the licensee's appointing authority providing the POST board proof the licensee has successfully completed board-approved continuing education and posting of fees on or before June 30 of the year a license is due for renewal. Licensee required hours of continuing credit are (Minn. R. 6700.1000, Subd. 3):

- 16 hours for a peace officer or a part-time peace officer who has been licensed for at least six months but less than 18 months.
- 32 hours for a peace officer or a part-time peace officer who has been licensed for at least 18 months but less than 30 months.
- 48 hours for a peace officer or a part-time peace officer who has been licensed for at least 30 months.

1028.3 LICENSE PROCESS

A general schedule for the license renewal process is:

- February - The Office or deputy will receive employment verification.
- March - The Office or deputies are sent a license renewal application.
- June - A final notice will be sent from POST for those who have not renewed.
- June 30 - The deadline date for license renewal after which deputies whose license expires will no longer be authorized to practice law enforcement or carry a firearm.

1028.4 INACTIVE LICENSE

Deputies who fail to complete the requirements will have their license placed in the "Inactive" status. The employee may then be placed in a temporary administrative assignment until their license is "Valid". Those employees may also face administrative discipline up to and including termination.

Anti-Retaliation

1029.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1029.2 POLICY

The Wadena County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1029.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Anti-Retaliation

1029.3.1 RETALIATION PROHIBITED FOR INTERVENING OR REPORTING

A deputy shall not be retaliated against for intervening or reporting that another law enforcement officer or a member used excessive force (Minn. Stat. § 626.8452).

1029.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Human Resource Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1029.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Anti-Retaliation

- (i) Taking reasonable steps to accommodate requests for assignment or schedule change made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1029.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1029.7 WHISTLE-BLOWING

The Minnesota Whistleblower Act protects an employee who, in good faith (Minn. Stat. § 181.932):

- (a) Communicates a violation of any law or rule to the Office or to any government body or law enforcement official.
- (b) Participates in an investigation, hearing, or inquiry at the request of a public body or office.
- (c) Refuses an order to perform an act that the employee objectively believes violates a law, rule, or regulation, and informs the employer of the reason.
- (d) Reports a situation where the quality of health care services provided by a health care facility or provider violates a state or federal standard and potentially places the public at risk of harm.
- (e) Communicates the findings of a technical or scientific study that the employee believes, in good faith, to be truthful and accurate.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs for investigation pursuant to the Personnel Complaints Policy.

1029.8 RECORDS RETENTION AND RELEASE

The Administrative Assistant shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1029.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Line-of-Duty Deaths

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Wadena County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Office in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1030.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a deputy during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing assigned duties.

For a deputy, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1030.2 POLICY

It is the policy of the Wadena County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this office to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1030.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Chief Deputy and the Sheriff.
 - (a) Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the PIO section of this policy).
- (b) The Chief Deputy should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Line-of-Duty Deaths

- (c) If the member has been transported to the hospital, the Patrol Sergeant or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Office Liaison as soon as practicable (see the Notifying Survivors section and the Office Liaison and Hospital Liaison subsections in this policy).

1030.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, Chief Deputy or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Office Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in office vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Line-of-Duty Deaths

- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Office Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Office Liaison.
- (m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Wadena County Sheriff's Office members may be apprised that survivor notifications are complete.

1030.4.1 OUT-OF-AREA NOTIFICATIONS

The Office Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Office Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the office member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Office Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Office to pay travel expenses without the authorization of the Sheriff.

1030.5 NOTIFYING OFFICE MEMBERS

Supervisors or members designated by the Sheriff are responsible for notifying office members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Line-of-Duty Deaths

Supervisors should direct members not to disclose any information outside the Office regarding the deceased member or the incident.

1030.6 LIAISONS AND COORDINATORS

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Office Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Office Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available office resources. The Office Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Office should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1030.6.1 OFFICE LIAISON

The Office Liaison should be a Sergeant or of sufficient rank to effectively coordinate office resources, and should serve as a facilitator between the deceased member's survivors and the Office. The Office Liaison reports directly to the Sheriff. The Office Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Line-of-Duty Deaths

- (g) Reminding office members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1030.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Office members and friends of the deceased member.
 - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Wadena County Sheriff's Office members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Office, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Line-of-Duty Deaths

1030.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Office Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term office contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Sergeant. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Office Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Office and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of office-issued equipment that may be at the deceased member's residence.
 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Line-of-Duty Deaths

- (h) Coordinating with the office's ([PIO]) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the PIO section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to office activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Office recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Office to facilitate communications necessary to the assignment. The office-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1030.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the office wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of office responsibilities until they can receive wellness support.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Line-of-Duty Deaths

- (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1030.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Office Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Office, including but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler
 - 3. Uniform for burial
 - 4. Flag presentation
 - 5. Last radio call
- (d) Briefing the Sheriff and command staff concerning funeral arrangements.
- (e) Assigning a deputy to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using office vehicles and drivers.
- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1030.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Office Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Line-of-Duty Deaths

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Wadena County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Sheriff should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1030.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease, Personal Injury and Death Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 - 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 - 2. Social Security Administration.
 - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Survivor benefits (Minn. Stat. § 353.657).
 - 2. Disability survivor benefits (Minn. Stat. § 353.656).
 - 3. Continued health insurance coverage benefit (Minn. Stat. § 299A.465).
 - 4. Death benefit (Minn. Stat. § 299A.44).
 - 5. Education benefit (Minn. Stat. § 299A.45).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by sheriff's associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Line-of-Duty Deaths

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1030.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Office Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 1. Paying survivors' travel costs if authorized.
 2. Transportation costs for the deceased.
 3. Funeral and memorial costs.
 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1030.7 PUBLIC INFORMATION OFFICER [PIO]

In the event of a line-of-duty death, the office's [PIO] should be the office's contact point for the media. As such, the [PIO] should coordinate with the Office Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct office members to direct any media inquiries to the [PIO].
- (c) Prepare necessary press releases.
 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 2. Disseminate important public information, such as information on how the public can show support for the office and deceased member's survivors.
- (d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Line-of-Duty Deaths

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
 - (g) Release information regarding memorial services and funeral arrangements to office members, other agencies, and the media as appropriate.
 - (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the [PIO] should request that the media withhold the information from release until proper notification can be made to survivors. The [PIO] should notify media when survivor notifications have been made.

1030.8 CHAPLAIN

The Office chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting office members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1030.9 INVESTIGATION OF THE INCIDENT

The Sheriff should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved office members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1030.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Line-of-Duty Deaths

1030.11 NON-LINE-OF-DUTY DEATH

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

Wellness Program

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for office members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1031.2 POLICY

It is the policy of the Wadena County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for office members. The Office will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1031.3 WELLNESS COORDINATOR

The Sheriff should appoint a trained wellness coordinator. The coordinator should report directly to the Sheriff or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Wellness Program

2. When practicable, the Office should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for office peer support members, such as:
1. Peer support member selection and retention.
 2. Training and applicable certification requirements.
 3. Deployment.
 4. Managing potential conflicts between peer support members and those seeking service.
 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 6. Using qualified peer support personnel from other public safety agencies or outside organizations for office peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
1. Defining the types of incidents that may initiate debriefings.
 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
1. Obtaining a written description of the program services.
 2. Providing for the methods to obtain program services.
 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
1. The coordinator should work with appropriate Office liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Wellness Program

1031.4 OFFICE PEER SUPPORT

1031.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a office peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1031.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of office peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting office members with periodic training on wellness topics, including but not limited to:
 1. Stress management.
 2. Suicide prevention.
 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 1. Referrals should be made to office-designated resources in situations that are beyond the scope of the peer support member's training.

1031.4.3 PEER SUPPORT MEMBER TRAINING

A office peer support member should complete office-approved training prior to being assigned.

1031.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members, peer support counselors, and/or critical incident stress management team members, and those directly involved in the incident.

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Wellness Program

Members who witness a critical incident are prohibited from providing critical incident stress management services at a debriefing about an incident that they witnessed (Minn. Stat. § 181.9732).

1031.5.1 PEER SUPPORT COUNSELOR COMMUNICATIONS

Communications with peer support counselors are confidential and shall not be disclosed except as provided in Minn. Stat. § 181.9731. A peer support counselor is an individual who is designated by the Office and trained to provide peer counseling services (Minn. Stat. § 181.9731).

1031.5.2 CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER COMMUNICATIONS

Communications with critical incident stress management team members are confidential and shall not be disclosed except as provided in Minn. Stat. § 181.9732. A critical incident stress management team member is an individual who is designated by the Office and trained to provide critical incident stress management services (Minn. Stat. § 181.9732).

1031.6 PEER SUPPORT COMMUNICATIONS

Although the Office will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications.

1031.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of office-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1031.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the office's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Wellness Program

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Sheriff for review and consideration of updates to improve program effectiveness.

1031.9 TRAINING

The coordinator or the authorized designee should collaborate with the Chief Deputy to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- The availability and range of office wellness support systems.
- Suicide Prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Chief Deputy as appropriate for inclusion in training records.

1031.9.1 ADDITIONAL WELLNESS TRAINING FOR DEPUTIES

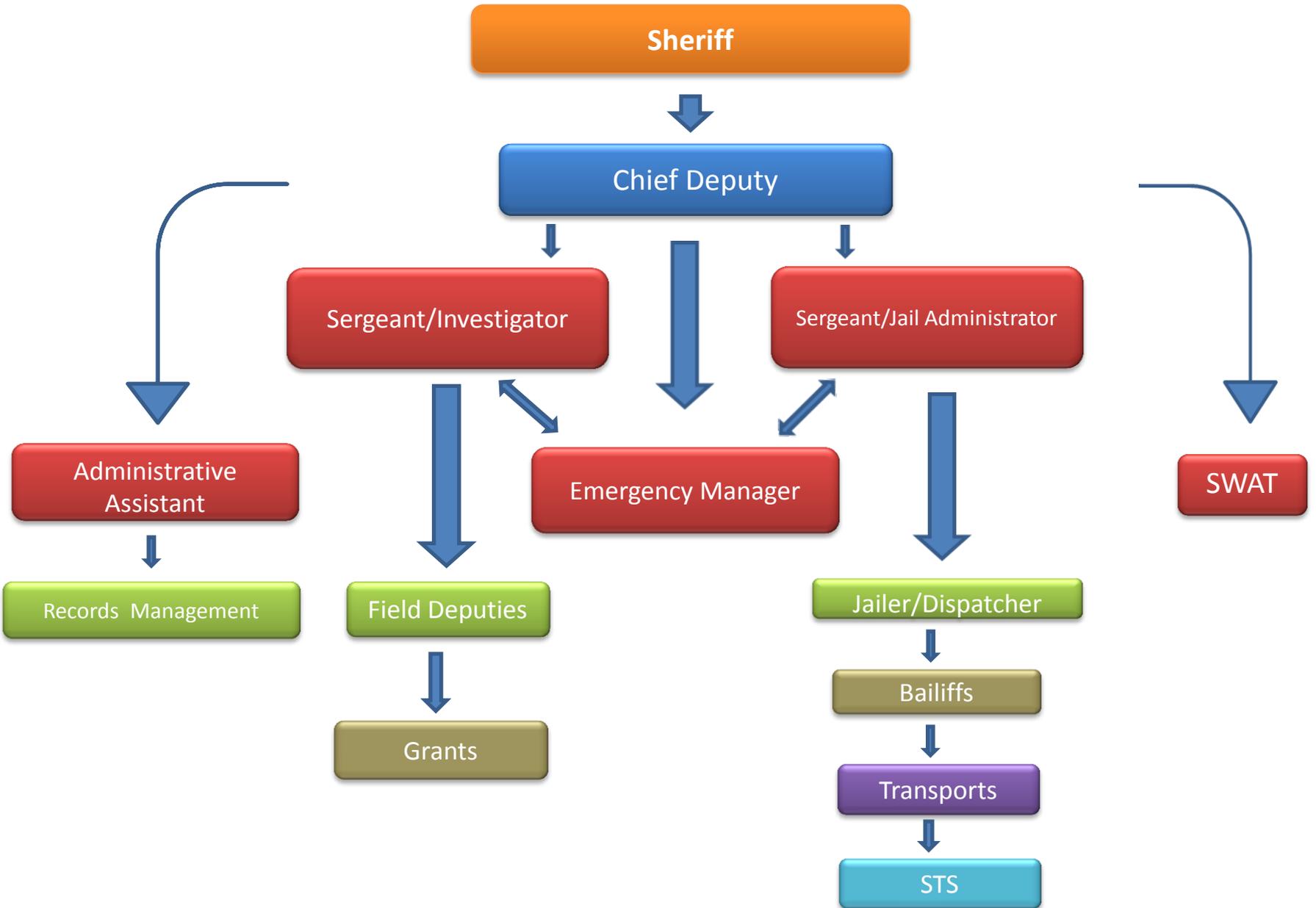
Deputies shall complete in-service wellness training approved by POST as provided in Minn. Stat. § 626.8478.

The Sheriff shall ensure that wellness training records are maintained in compliance with Minn. Stat. § 626.8478 and are made available as requested by POST (Minn. Stat. § 626.8478).

Attachments

Sheriffs Office Chain of Command 2016.pdf

Wadena County Sheriff's Office Chain of Command



Vehicle Lighting Exemption Policy.pdf

LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES MODEL POLICY
MN STAT 169.541

I. POLICY

It is the policy of the Wadena County Sheriff's Office to provide a uniform guideline for all department personnel to use when operating a department vehicle without headlights, taillights or marine navigational lighting while functioning as a peace officer.

II. DEFINITIONS

For the purpose of this policy the following definitions apply:

- A. Vehicle:** means a motor vehicle or watercraft owned, leased or otherwise the property of the State of Minnesota or a political subdivision.
- B. Lights:** refers to headlights, taillights and marine navigational lighting as referenced in MN STAT 84.87, 84.928, 169.48 to 169.65 and 86B.511.

III. PROCEDURE

A Deputy may **not** operate a vehicle without lights contrary to MN STAT 169.541. **LIGHTING EXEMPTION FOR LAW ENFORCEMENT; STANDARDS.** under conditions of limited or reduced visibility as defined in MN STAT 84.87, 84.928, 169.48 to 169.65 and 86B.511:

- on an interstate highway.
- at speeds greater than what is reasonable and prudent under existing weather, road and traffic conditions.
- faster than the posted speed limit.
- in situations where the Deputy is an active participant in the pursuit of a motor vehicle in violation of MN STAT 609.487.

Sexual Assault Investigation model policy.pdf

I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

- a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;
- b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;
- c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the Wadena County Sheriff's Office to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

For purpose of this policy, the words and phrases in this section have the following meaning given to them, unless another intention clearly appears.

- A. **Consent:** As defined by Minn. Stat. 609.341, which states:
 - (1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
 - (2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

- (3) Corroboration of the victim's testimony is not required to show lack of consent.
- B. **Child or Minor:** a person under the age of 18.
- C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.
- D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:
- (1) spouses or former spouses;
 - (2) parents and children;
 - (3) persons related by blood;
 - (4) persons who are presently residing together or who have resided together in the past;
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
 - (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 - (7) persons involved in a significant romantic or sexual relationship
- F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.
- I. **Vulnerable Adult:** any person 18 years of age or older who:
- (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

- (2) receives services at or from a facility required to be licensed to serve adults under sections [245A.01](#) to [245A.15](#), except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- (3) receives services from a home care provider required to be licensed under sections [144A.43](#) to [144A.482](#); or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections [256B.0625, subdivision 19a](#), [256B.0651](#) to [256B.0654](#), and [256B.0659](#); or
- (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

- 1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
- 2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
- 3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
- 4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- 4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 - 1) Whether the suspect was known to the victim
 - 2) How long the victim knew the suspect
 - 3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 - 4) The extent of their previous or current relationship
 - 5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 - 6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 - 7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - (1) Ensuring the safety of the victim;
 - (2) Ensuring the scene is safe;
 - (3) Safeguarding evidence where appropriate;
 - (4) Collecting any information necessary to identify the suspect; and
 - (5) Addressing the immediate medical needs of individuals at the scene

- b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
- c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian pursuant to 260E.22 can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.06 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

- d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.
 - e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.
2. Victims of Domestic Abuse
- Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
- 2) Crime Victim Rights: Officers must provide the following information to the victim:
 - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
 - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
 - d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.
- 4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

- 1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:
 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

- c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

- 1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
 - a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
 - b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
 - c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
 - d. Ask the victim for a signed release for access to medical records from the exam.
- 2) Officers should not be present during any part of the exam, including during the medical history.
- 3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
- 2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong

consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

- 3) When possible, an attempt would be made to interview the suspect in person.
- 4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
 - b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
- 5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

- 1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
- 2) Determine whether a sexual assault medical forensic examination should be conducted.
- 3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
- 4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
 - a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
 - b. Collect biological and trace evidence from the suspect's body;
 - c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
 - d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
 - e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

- 1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
- 2) Provide guidance and direction as needed.
- 3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

- 1) Case dispositions
- 2) Decisions to collect evidence
- 3) Submissions of evidence for lab testing
- 4) Interviewing decisions

**Public Assembly and First
Amendment Rights model policy.pdf**

Public Assembly and First Amendment Activity

References:

Minn. Rules 6700.1615

[First Amendment US Constitution](#)

[Minnesota Constitution](#)

[609.705. Unlawful Assembly](#)

[609.71 Riot](#)

[609.066 Authorized Use of Force by Peace Officers](#)

[609.06 Authorized Use of Force](#)

1) PURPOSE

The First Amendment to the Constitution of the United States of America states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

The Bill of Rights in Article 1 of the [Minnesota Constitution](#) addresses the rights of free speech and the liberty of the press. However, neither the state nor federal constitutions protect criminal activity or threats against citizens, businesses, or critical infrastructure.

The [Wadena County Sheriff's Office](#) supports all people's fundamental right to peaceably assemble and their right to freedom of speech and expression.

The purpose of this policy is to provide guidelines to the [Wadena County Sheriff's Office](#) personnel regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment Activity.

2) POLICY

The [Wadena County Sheriff's Office](#) will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority required to address a crowd management or crowd control issue.

The policy of the [Wadena County Sheriff's Office](#) regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect property, and vital facilities while maintaining public peace and order during a public assembly or First Amendment activity. Department personnel must not harass, intimidate, or discriminate against or unreasonably interfere with persons engaged in the lawful exercise of their rights.

This policy concerning crowd management, crowd control, crowd dispersal, and police responses to violence and disorder applies to spontaneous demonstrations, crowd event situations, and planned demonstration or crowd events regardless of the permit status of

the event.

This policy is to be reviewed annually.

3) DEFINITIONS

- A. Chemical Agent Munitions: Munitions designed to deliver chemical agents from a launcher or hand thrown.
- B. Control Holds: Control holds are soft empty hand control techniques as they do not involve striking.
- C. Crowd Management: Techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.
- D. Crowd Control: Techniques used to address unlawful public assemblies.
- E. Deadly Force: Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. Use of Force Policy #300 and MN Statutes [609.06 and 609.066](#).
- F. Direct Fired Munitions: Less-lethal impact munitions that are designed to be direct fired at a specific target.
- G. First Amendment Activities: First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the [Minnesota State Constitution](#).

The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.
- H. Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm. Use of Force Policy #300 and MN Statutes [609.06 and 609.066](#).
- I. Legal Observers – Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities. The following may be indicia of a legal observer: Wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.
- J. Less-lethal Impact Munitions. Impact munitions which can be fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming

resistance or preventing serious injury without posing significant potential of causing death.

- K. **Media:** Media means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the press.

4) Law Enforcement Procedures

- A. **Uniform:** All officers responding to public assemblies must at all times, including when wearing protective gear, display their agency name and a unique personal identifier in compliance with this department's uniform policy. The chief law enforcement officer must maintain a record of any officer(s) at the scene who is not in compliance with this requirement due to exigent circumstances.

B. Officer conduct:

1. Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against officers does not constitute a reason for an arrest or for any use of force against such individuals.
2. Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
3. Officers must not take action or fail to take action based on the opinions being expressed.
4. Officers must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity.
5. Officers must not use a weapon or munition unless the officer has been trained in the use and qualified in deployment of the weapon/munition.
6. This policy does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

5. Responses to Crowd Situations

- A. **Lawful assembly.** Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering.

B. Unlawful assembly

1. The definition of an unlawful assembly has been set forth in Minnesota Statute [§609.705](#).
2. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly
3. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
4. Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or officers are threatened with dangerous circumstances.
5. Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

C. Declaration of Unlawful Assembly

1. If the on-scene supervisor/incident commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) must be recorded. The declaration and dispersal order must be announced to the assembly. The name(s) of the officers announcing the declaration should be recorded, with the time(s) and date(s) documented.
2. The dispersal order must include:
 - a) Name, rank of person, and agency giving the order
 - b) Declaration of Unlawful Assembly and reason(s) for declaration
 - c) Egress or escape routes that may be used
 - d) Specific consequences of failure to comply with dispersal order
 - e) How long the group has to comply
3. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officers must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.
4. Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements must be made from different locations when the demonstration is large and noisy. The dispersal announcements should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements must also specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced.

D. Crowd Dispersal

1. Crowd dispersal techniques should not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements have been made, asking members of the crowd to voluntarily disperse, and

- informing them that, if they do not disperse, they will be subject to arrest.
2. Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with officer commands before action is taken.
 3. If negotiations and verbal announcements to disperse do not result in voluntary movement of the crowd, officers may employ additional crowd dispersal tactics, but only after orders from the on-scene supervisor/incident commander. The use of these crowd dispersal tactics shall be consistent with the department policy of using the minimal officer intervention needed to address a crowd management or control issue.
 4. If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly and a new declaration of unlawful assembly has been made.

6. Tactics and Weapons to Disperse or Control a Non-Compliant Crowd

Nothing in this policy prohibits officers' abilities to use appropriate force options to defend themselves or others as defined in the Use of Force policy.

A. Use of Batons

1. Batons must not be used for crowd control, crowd containment, or crowd dispersal except as specified below.
2. Batons may be visibly displayed and held in a ready position during squad or platoon formations.
3. When reasonably necessary for protection of the officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
4. Officers must not strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or jab with force to the armpit unless the person has created an imminent threat of great bodily harm to another.
5. Batons shall not be used against a person who is handcuffed except when permissible under this department's Use of Force policy and state law.

B. Restrictions on Crowd Control and Crowd Dispersal

1. Canines. Canines must not be used for crowd control, crowd containment, or crowd dispersal.
2. Fire Hoses. Fire hoses must not be used for crowd control, crowd containment, or crowd dispersal.
3. Electronic Control Weapons (ECWs) must not be used for crowd control, crowd containment, or crowd dispersal.

4. Motorcycles and police vehicles must not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.
5. Skip Fired Specialty Impact Less-Lethal Munitions may be used as a last resort if other crowd dispersal techniques have failed or have been deemed ineffective.
6. Direct Fired munitions may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.
 - a) Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of Direct Fired munitions. Direct Fired munitions must be used only against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to them self, officers, or the general public; or is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.
 - b) Officers shall not discharge a Direct Fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.
 - c) When circumstances permit, the on-scene supervisor/incident commander must make an attempt to accomplish the policing goal without the use of Direct Fired munitions as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.
7. Aerosol Hand-held Chemical Agents must not be used in a demonstration or crowd situation or other civil disorders without the approval of the on-scene supervisor/incident commander.
 - a) Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
 - b) Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
 - c) When possible, persons should be removed quickly from any area where hand held chemical agents have been used. Officers must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent.
 - d) A subject who has been sprayed with a hand-held chemical agent shall not be left lying on their stomach once handcuffed or restrained with any device.
9. Chemical munitions use in a crowd situation is subject to the following:
 - a) Chemical munitions must be used only when:
 - 1) a threat of imminent harm or serious property damage is present, or other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,

- 2) sufficient egress to safely allow the crowd to disperse exists, and
 - 3) The use of chemical munitions is approved by the on-scene supervisor/incident commander, and
- b) When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions.
 - c) Deployment of chemical munitions into a crowd must be avoided to prevent unnecessary injuries.
 - d) CN chemical munitions are prohibited.
 - e) The use of each chemical munition must be recorded (time, location), and the following information must be made available by the agency on request:
 - 1) the name of each chemical munition used in an incident,
 - 2) the location and time of use for each munition deployment,
 - 3) access to the safety data sheet (SDS) for chemical munition
 - f) Where extensive use of chemical munitions would reasonably be anticipated to impact nearby residents or businesses, agencies should consider proactively notifying impacted individuals of safety information related to the munitions use as soon as possible, even if after the event.
 - g) When chemical munitions are used, an emergency responder will be on standby at a safe distance near the target area when feasible.
 - h) Chemical munitions are subject to the same procedural requirements as outlined in the UOF policy.

C. Arrests

1. If the crowd has failed to disperse after the required announcements and sufficient time to disperse, officers may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests.
2. Persons who make it clear that they seek to be arrested may be arrested and must not be subjected to other dispersal techniques, such as the use of batons or chemical agents. Persons refusing to comply with arrest procedures may be subject to the reasonable use of force.
3. Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of soft empty hand control holds.
4. Officers must document any injuries reported by an arrestee, and as soon as practical, officers must obtain professional medical treatment for the arrestee.
5. Juveniles arrested in demonstrations shall be handled consistent with department policy on arrest, transportation, and detention of juveniles.
6. Officers arresting a person with a disability affecting mobility or communication must follow the department policy on arrest, transportation, and detention of persons with disabilities.

6. Handcuffs

- A. All persons subject to arrest during a demonstration or crowd event shall be

- handcuffed in accordance with department policy, orders, and training bulletins.
- B. Officers should be cognizant that flex-cuffs may tighten when arrestee's hands swell or move, sometimes simply in response to pain from the cuffs themselves. When arrestees complain of pain from overly tight flex cuffs, officers must examine the cuffs and ensure proper fit.
 - C. Arrestees in flex-cuffs must be monitored to prevent injury.
 - D. Each unit involved in detention and/or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available.

7. Media.

- A. The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums.
- B. The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble.
- C. Officers will not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity.
- D. The media must not be targeted for dispersal or enforcement action because of their media status.
- E. Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

8. Legal Observers

- A. Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen.
- B. Legal observers and monitors must comply with all dispersal orders unless the on-site supervisor/incident commander chooses to allow such an individual legal observer(s) and monitor(s) to remain in an area after a dispersal order.
- C. Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

9. Documentation of Public Assembly and First Amendment Activity

- A. The purpose of any visual documentation by a Law Enforcement agency of a public assembly or first amendment activity must be related only to:
 - 1) Documentation of the event for the purposes of debriefing,
 - 2) Documentation to establish a visual record for the purposes of responding to citizen complaints or legal challenges, or
 - 3) Creating visual records for training purposes.
- B. If it is the policy of this Law Enforcement agency to videotape and photograph, it must be done in a manner that minimizes interference with people lawfully participating in First

- Amendment activities. Videotaping and photographing of First Amendment activities must take place only when authorized by the on-site supervisor/incident commander.
- C. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers, or speakers.
 - D. Unless evidence of criminal activity is provided, videos or photographs of demonstrations shall not be disseminated to other government agencies, including federal, state, and local law enforcement agencies. If videos or photographs are disseminated or shared with another law enforcement agency, a record should be created and maintained noting the date and recipient of the information.
 - E. If there are no pending criminal prosecutions arising from the demonstration or if the video recording or photographing is not relevant to an Internal Affairs or citizen complaint investigation or proceedings or to civil litigation arising from police conduct at the demonstration, the video recording and/or photographs shall be destroyed in accordance with department policies.
 - F. This directive shall not prohibit agency members from using these videos or footage from such videos as part of training materials for officers in crowd control and crowd dispersal techniques and procedures.
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Records Retention Schedule.pdf

2023 WCSO-Chain of Command.pdf



**Wadena County Sheriff's Office
Chain of Command
Effective 7/24/2023**

Sheriff

Chief Deputy

Administrative Assistant

Sergeant
Supervises Licensed Deputies, Emergency Manager, Task Force Investigator, Boat & Water, ATV, Snowmobile, Child & Adult Protection, Death Scene & General Investigations, Radio Systems Administrator, Drone Program Supervisor, K9 Units, Grant Shifts, CourtRoom Security

SWAT

Jail Administrator / PSAP Supervisor
Supervises Correctional Officers, 911 Dispatchers, Sentence to Serve, PSAP County Jail Operations

Records Management

Emergency Manager Director/Deputy

Investigator / VOTF

Field Deputies

Bailiff / Transport Deputy

Jail Programmer / Suspense Files

Correctional Officer/911 Dispatcher

Records Retention Schedule.pdf

Model Sexual Assault Investigation Policy.pdf

I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

- a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;
- b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;
- c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the _____ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

For purpose of this policy, the words and phrases in this section have the following meaning given to them, unless another intention clearly appears.

A. **Consent:** As defined by Minn. Stat. 609.341, which states:

- (1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
- (2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

- (3) Corroboration of the victim's testimony is not required to show lack of consent.
- B. **Child or Minor:** a person under the age of 18.
- C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.
- D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:
- (1) spouses or former spouses;
 - (2) parents and children;
 - (3) persons related by blood;
 - (4) persons who are presently residing together or who have resided together in the past;
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
 - (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 - (7) persons involved in a significant romantic or sexual relationship
- F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.
- I. **Vulnerable Adult:** any person 18 years of age or older who:
- (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

- (2) receives services at or from a facility required to be licensed to serve adults under sections [245A.01](#) to [245A.15](#), except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- (3) receives services from a home care provider required to be licensed under sections [144A.43](#) to [144A.482](#); or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections [256B.0625, subdivision 19a, 256B.0651](#) to [256B.0654](#), and [256B.0659](#); or
- (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

- 1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
- 2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
- 3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
- 4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- 4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 - 1) Whether the suspect was known to the victim
 - 2) How long the victim knew the suspect
 - 3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 - 4) The extent of their previous or current relationship
 - 5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 - 6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 - 7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - (1) Ensuring the safety of the victim;
 - (2) Ensuring the scene is safe;
 - (3) Safeguarding evidence where appropriate;
 - (4) Collecting any information necessary to identify the suspect; and
 - (5) Addressing the immediate medical needs of individuals at the scene

- b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
- c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute 626.556 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minn. Stat. 626.556 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

- d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.
 - e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.
2. Victims of Domestic Abuse
- Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
- 2) Crime Victim Rights: Officers must provide the following information to the victim:
 - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
 - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
 - d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.
- 4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

- 1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:
 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

- c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

- 1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
 - a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
 - b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
 - c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
 - d. Ask the victim for a signed release for access to medical records from the exam.
- 2) Officers should not be present during any part of the exam, including during the medical history.
- 3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
- 2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong

consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

- 3) When possible, an attempt would be made to interview the suspect in person.
- 4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
 - b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
- 5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

- 1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
- 2) Determine whether a sexual assault medical forensic examination should be conducted.
- 3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
- 4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
 - a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
 - b. Collect biological and trace evidence from the suspect's body;
 - c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
 - d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
 - e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

- 1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
- 2) Provide guidance and direction as needed.
- 3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

- 1) Case dispositions
- 2) Decisions to collect evidence
- 3) Submissions of evidence for lab testing
- 4) Interviewing decisions

**MN Public Assembly-First
Amendment Rights Model Policy .pdf**

Public Assembly and First Amendment Activity

References:

Minn. Rules 6700.1615

[First Amendment US Constitution](#)

[Minnesota Constitution](#)

[609.705. Unlawful Assembly](#)

[609.71 Riot](#)

[609.066 Authorized Use of Force by Peace Officers](#)

[609.06 Authorized Use of Force](#)

1) PURPOSE

The First Amendment to the Constitution of the United States of America states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

The Bill of Rights in Article 1 of the [Minnesota Constitution](#) addresses the rights of free speech and the liberty of the press. However, neither the state nor federal constitutions protect criminal activity or threats against citizens, businesses, or critical infrastructure.

The [\(law enforcement agency\)](#) supports all people's fundamental right to peaceably assemble and their right to freedom of speech and expression.

The purpose of this policy is to provide guidelines to the [\(law enforcement agency\)](#) personnel regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment Activity.

2) POLICY

The [\(law enforcement agency\)](#) will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority required to address a crowd management or crowd control issue.

The policy of the [\(law enforcement agency\)](#) ("department") regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a public assembly or First Amendment activity. Department personnel must not harass, intimidate, or discriminate against or unreasonably interfere with persons engaged in the lawful exercise of their rights.

This policy concerning crowd management, crowd control, crowd dispersal, and police responses to violence and disorder applies to spontaneous demonstrations, crowd event situations, and planned demonstration or crowd events regardless of the permit status of

the event.

This policy is to be reviewed annually.

3) DEFINITIONS

- A. Chemical Agent Munitions: Munitions designed to deliver chemical agents from a launcher or hand thrown.
- B. Control Holds: Control holds are soft empty hand control techniques as they do not involve striking.
- C. Crowd Management: Techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.
- D. Crowd Control: Techniques used to address unlawful public assemblies.
- E. Deadly Force: Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. (Reference: (law enforcement agency's) Use of Force Policy, MN Statutes [609.06 and 609. 066](#))
- F. Direct Fired Munitions: Less-lethal impact munitions that are designed to be direct fired at a specific target.
- G. First Amendment Activities: First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the [Minnesota State Constitution](#).

The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

- H. Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm. (Reference: (law enforcement agency's) Use of Force Policy, MN Statutes [609.06 and 609. 066](#))
- I. Legal Observers – Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities. The following may be indicia of a legal observer: Wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.
- J. Less-lethal Impact Munitions. Impact munitions which can be fired, launched, or

otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing significant potential of causing death.

- K. **Media:** Media means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the press.

4) Law Enforcement Procedures

- A. **Uniform:** All officers responding to public assemblies must at all times, including when wearing protective gear, display their agency name and a unique personal identifier in compliance with this department's uniform policy. The chief law enforcement officer must maintain a record of any officer(s) at the scene who is not in compliance with this requirement due to exigent circumstances.
- B. **Officer conduct:**
1. Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against officers does not constitute a reason for an arrest or for any use of force against such individuals.
 2. Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
 3. Officers must not take action or fail to take action based on the opinions being expressed.
 4. Officers must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity.
 5. Officers must not use a weapon or munition unless the officer has been trained in the use and qualified in deployment of the weapon/munition.
 6. This policy does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

5. Responses to Crowd Situations

- A. **Lawful assembly.** Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and

loitering.

B. Unlawful assembly

1. The definition of an unlawful assembly has been set forth in Minnesota Statute [§609.705](#).
2. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly
3. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
4. Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or officers are threatened with dangerous circumstances.
5. Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

C. Declaration of Unlawful Assembly

1. If the on-scene supervisor/incident commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) must be recorded. The declaration and dispersal order must be announced to the assembly. The name(s) of the officers announcing the declaration should be recorded, with the time(s) and date(s) documented.
2. The dispersal order must include:
 - a) Name, rank of person, and agency giving the order
 - b) Declaration of Unlawful Assembly and reason(s) for declaration
 - c) Egress or escape routes that may be used
 - d) Specific consequences of failure to comply with dispersal order
 - e) How long the group has to comply
3. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officers must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.
4. Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements-must be made from different locations when the demonstration is large and noisy. The dispersal announcements should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements must also specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced.

D. Crowd Dispersal

1. Crowd dispersal techniques should not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements

- have been made, asking members of the crowd to voluntarily disperse, and informing them that, if they do not disperse, they will be subject to arrest.
2. Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with officer commands before action is taken.
 3. If negotiations and verbal announcements to disperse do not result in voluntary movement of the crowd, officers may employ additional crowd dispersal tactics, but only after orders from the on-scene supervisor/incident commander. The use of these crowd dispersal tactics shall be consistent with the department policy of using the minimal officer intervention needed to address a crowd management or control issue.
 4. If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly, and a new declaration of unlawful assembly has been made.

6. Tactics and Weapons to Disperse or Control a Non-Compliant Crowd

Nothing in this policy prohibits officers' abilities to use appropriate force options to defend themselves or others as defined in the (law enforcement agency's) Use of Force policy.

A. Use of Batons

1. Batons must not be used for crowd control, crowd containment, or crowd dispersal except as specified below.
2. Batons may be visibly displayed and held in a ready position during squad or platoon formations.
3. When reasonably necessary for protection of the officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
4. Officers must not strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or jab with force to the armpit unless the person has created an imminent threat of great bodily harm to another.
5. Batons shall not be used against a person who is handcuffed except when permissible under this department's Use of Force policy and state law.

B. Restrictions on Crowd Control and Crowd Dispersal

1. Canines. Canines must not be used for crowd control, crowd containment, or crowd dispersal.
2. Fire Hoses. Fire hoses must not be used for crowd control, crowd containment, or crowd dispersal.
3. Electronic Control Weapons (ECWs) must not be used for crowd control, crowd

containment, or crowd dispersal.

4. Motorcycles and police vehicles must not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.
5. Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) may be used as a last resort if other crowd dispersal techniques have failed or have been deemed ineffective.
6. Direct Fired munitions may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.
 - a) Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of Direct Fired munitions. Direct Fired munitions must be used only against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to them self, officers, or the general public; or is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.
 - b) Officers shall not discharge a Direct Fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.
 - c) When circumstances permit, the on-scene supervisor/incident commander must make an attempt to accomplish the policing goal without the use of Direct Fired munitions as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.
7. Aerosol Hand-held Chemical Agents must not be used in a demonstration or crowd situation or other civil disorders without the approval of the on-scene supervisor/incident commander.
 - a) Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
 - b) Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
 - c) When possible, persons should be removed quickly from any area where hand held chemical agents have been used. Officers must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent.
 - d) A subject who has been sprayed with a hand-held chemical agent shall not be left lying on their stomach once handcuffed or restrained with any device.
9. Chemical munitions use in a crowd situation is subject to the following:
 - a) Chemical munitions must be used only when:
 - 1) a threat of imminent harm or serious property damage is present, or

other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,

- 2) sufficient egress to safely allow the crowd to disperse exists, and
 - 3) The use of chemical munitions is approved by the on-scene supervisor/incident commander, and
- b) When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions.
 - c) Deployment of chemical munitions into a crowd must be avoided to prevent unnecessary injuries.
 - d) CN chemical munitions are prohibited.
 - e) The use of each chemical munition must be recorded (time, location), and the following information must be made available by the department on request :
 - 1) the name of each chemical munition used in an incident,
 - 2) the location and time of use for each munition deployment,
 - 3) access to the safety data sheet (SDS) for chemical munition
 - f) Where extensive use of chemical munitions would reasonably be anticipated to impact nearby residents or businesses, agencies should consider proactively notifying impacted individuals of safety information related to the munitions use as soon as possible, even if after the event.
 - g) When chemical munitions are used, an emergency responder will be on standby at a safe distance near the target area when feasible.
 - h) Chemical munitions are subject to the same procedural requirements as outlined in the (law enforcement department)'s UOF policy.

C. Arrests

1. If the crowd has failed to disperse after the required announcements and sufficient time to disperse, officers may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests.
2. Persons who make it clear (e.g., by non-violent civil disobedience) that they seek to be arrested may be arrested and must not be subjected to other dispersal techniques, such as the use of batons or chemical agents. Persons refusing to comply with arrest procedures may be subject to the reasonable use of force.
3. Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of soft empty hand control holds.
4. Officers must document any injuries reported by an arrestee, and as soon as practical, officers must obtain professional medical treatment for the arrestee.
5. Juveniles arrested in demonstrations shall be handled consistent with department policy on arrest, transportation, and detention of juveniles.
6. Officers arresting a person with a disability affecting mobility or communication must follow the department policy on arrest, transportation, and detention of persons with disabilities.

6. Handcuffs

- A. All persons subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with department policy, orders, and training bulletins.
- B. Officers should be cognizant that flex-cuffs may tighten when arrestees hands swell or move, sometimes simply in response to pain from the cuffs themselves. When arrestees complain of pain from overly tight flex cuffs, officers must examine the cuffs and ensure proper fit.
- C. Arrestees in flex-cuffs must be monitored to prevent injury.
- D. Each unit involved in detention and/or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available.

7. Media.

- A. The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums.
- B. The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble.
- C. Officers will not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity.
- D. The media must not be targeted for dispersal or enforcement action because of their media status.
- E. Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

8. Legal Observers

- A. Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen.
- B. Legal observers and monitors must comply with all dispersal orders unless the on-site supervisor/incident commander chooses to allow such an individual legal observers and monitors to remain in an area after a dispersal order.
- C. Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

9. Documentation of Public Assembly and First Amendment Activity

- A. The purpose of any visual documentation by (law enforcement agency) of a public assembly or first amendment activity must be related only to:
 - 1) Documentation of the event for the purposes of debriefing,
 - 2) Documentation to establish a visual record for the purposes of responding to citizen complaints or legal challenges, or
 - 3) Creating visual records for training purposes.

- B. If it is the policy of (law enforcement agency) to videotape and photograph, it must be done in a manner that minimizes interference with people lawfully participating in First Amendment activities. Videotaping and photographing of First Amendment activities must take place only when authorized by the on-site supervisor/incident commander.
 - C. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers, or speakers.
 - D. Unless evidence of criminal activity is provided, videos or photographs of demonstrations shall not be disseminated to other government agencies, including federal, state, and local law enforcement agencies. If videos or photographs are disseminated or shared with another law enforcement agency, a record should be created and maintained noting the date and recipient of the information.
 - E. If there are no pending criminal prosecutions arising from the demonstration or if the video recording or photographing is not relevant to an Internal Affairs or citizen complaint investigation or proceedings or to civil litigation arising from police conduct at the demonstration, the video recording and/or photographs shall be destroyed in accordance with department policies.
 - F. This directive shall not prohibit department members from using these videos or footage from such videos as part of training materials for officers in crowd control and crowd dispersal techniques and procedures.
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Model Sexual Assault Investigation Policy 02.16.21.pdf

I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

- a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;
- b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;
- c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the _____ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

For purpose of this policy, the words and phrases in this section have the following meaning given to them, unless another intention clearly appears.

- A. **Consent:** As defined by Minn. Stat. 609.341, which states:
- (1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
 - (2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

- (3) Corroboration of the victim's testimony is not required to show lack of consent.
- B. **Child or Minor:** a person under the age of 18.
- C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.
- D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:
- (1) spouses or former spouses;
 - (2) parents and children;
 - (3) persons related by blood;
 - (4) persons who are presently residing together or who have resided together in the past;
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
 - (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 - (7) persons involved in a significant romantic or sexual relationship
- F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.
- I. **Vulnerable Adult:** any person 18 years of age or older who:
- (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

- (2) receives services at or from a facility required to be licensed to serve adults under sections [245A.01](#) to [245A.15](#), except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- (3) receives services from a home care provider required to be licensed under sections [144A.43](#) to [144A.482](#); or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections [256B.0625, subdivision 19a, 256B.0651](#) to [256B.0654](#), and [256B.0659](#); or
- (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

- 1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
- 2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
- 3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
- 4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- 4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 - 1) Whether the suspect was known to the victim
 - 2) How long the victim knew the suspect
 - 3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 - 4) The extent of their previous or current relationship
 - 5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 - 6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 - 7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - (1) Ensuring the safety of the victim;
 - (2) Ensuring the scene is safe;
 - (3) Safeguarding evidence where appropriate;
 - (4) Collecting any information necessary to identify the suspect; and
 - (5) Addressing the immediate medical needs of individuals at the scene

- b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
- c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.22 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

- d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.
 - e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.
2. Victims of Domestic Abuse
Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
- 2) Crime Victim Rights: Officers must provide the following information to the victim:
 - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
 - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
 - d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.
- 4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

- 1) Considerations for Evidence Collection

Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

- c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

- 1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
 - a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
 - b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
 - c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
 - d. Ask the victim for a signed release for access to medical records from the exam.
- 2) Officers should not be present during any part of the exam, including during the medical history.
- 3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.

- 2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.
- 3) When possible, an attempt would be made to interview the suspect in person.
- 4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
 - b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
- 5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

- 1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
- 2) Determine whether a sexual assault medical forensic examination should be conducted.
- 3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
- 4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
 - a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
 - b. Collect biological and trace evidence from the suspect's body;
 - c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
 - d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
 - e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

- 1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
- 2) Provide guidance and direction as needed.
- 3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

- 1) Case dispositions
- 2) Decisions to collect evidence
- 3) Submissions of evidence for lab testing
- 4) Interviewing decisions

**Model Sexual Assault
Investigation Policy 03-03-21.pdf**

I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

- a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;
- b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;
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It is the policy of the _____ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

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Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

For purpose of this policy, the words and phrases in this section have the following meaning given to them, unless another intention clearly appears.

A. **Consent:** As defined by Minn. Stat. 609.341, which states:

- (1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
- (2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

- (3) Corroboration of the victim's testimony is not required to show lack of consent.
- B. **Child or Minor:** a person under the age of 18.
- C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.
- D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:
- (1) spouses or former spouses;
 - (2) parents and children;
 - (3) persons related by blood;
 - (4) persons who are presently residing together or who have resided together in the past;
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
 - (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 - (7) persons involved in a significant romantic or sexual relationship
- F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.
- I. **Vulnerable Adult:** any person 18 years of age or older who:
- (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

- (2) receives services at or from a facility required to be licensed to serve adults under sections [245A.01](#) to [245A.15](#), except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- (3) receives services from a home care provider required to be licensed under sections [144A.43](#) to [144A.482](#); or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections [256B.0625, subdivision 19a, 256B.0651](#) to [256B.0654](#), and [256B.0659](#); or
- (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

- 1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
- 2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
- 3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
- 4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- 4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 - 1) Whether the suspect was known to the victim
 - 2) How long the victim knew the suspect
 - 3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 - 4) The extent of their previous or current relationship
 - 5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 - 6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 - 7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - (1) Ensuring the safety of the victim;
 - (2) Ensuring the scene is safe;
 - (3) Safeguarding evidence where appropriate;
 - (4) Collecting any information necessary to identify the suspect; and
 - (5) Addressing the immediate medical needs of individuals at the scene

- b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
- c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian pursuant to 260E.22 can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.06 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

- d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.
 - e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.
2. Victims of Domestic Abuse
Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
- 2) Crime Victim Rights: Officers must provide the following information to the victim:
 - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
 - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
 - d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.
- 4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

- 1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:
 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

- c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

- 1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
 - a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
 - b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
 - c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
 - d. Ask the victim for a signed release for access to medical records from the exam.
- 2) Officers should not be present during any part of the exam, including during the medical history.
- 3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
- 2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong

consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

- 3) When possible, an attempt would be made to interview the suspect in person.
- 4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
 - b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
- 5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

- 1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
- 2) Determine whether a sexual assault medical forensic examination should be conducted.
- 3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
- 4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
 - a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
 - b. Collect biological and trace evidence from the suspect's body;
 - c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
 - d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
 - e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

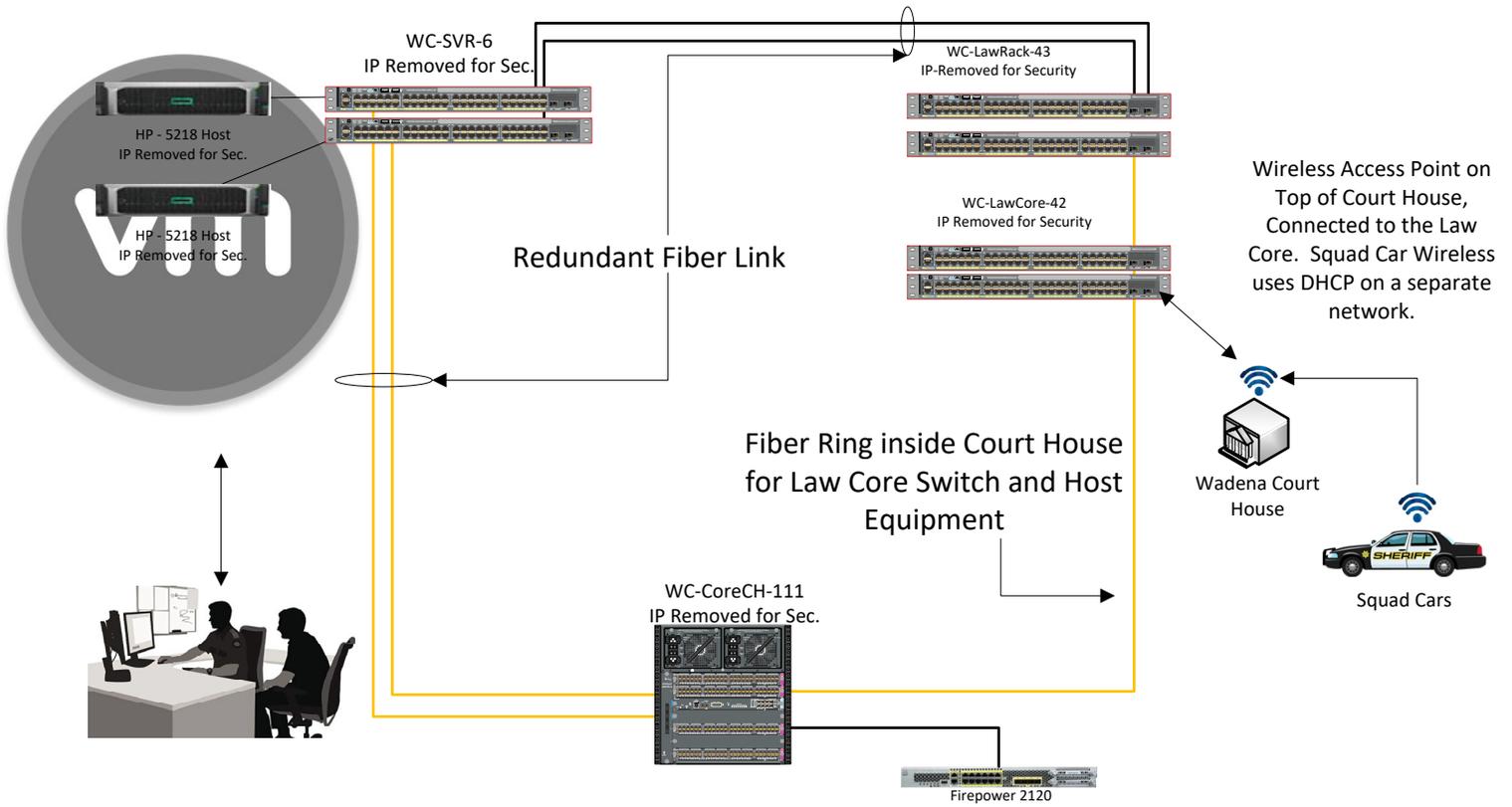
- 1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
- 2) Provide guidance and direction as needed.
- 3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

- 1) Case dispositions
- 2) Decisions to collect evidence
- 3) Submissions of evidence for lab testing
- 4) Interviewing decisions

Visio-Wadena WG.pdf



Wadena County Sheriffs Office Deputies access the Watch Guard server through a webpage to upload and access video. The server is part of a High Availability Virtual Cluster System. Wadena County IT is the only department with Admin Access to the server and network.

BWC Test Procedure.pdf



Wadena County Sheriff's Office Body-Worn/In Squad Pre Shift Testing

Each member assigned a patrol car with a Watchguard system installed shall ensure it is operational at the beginning of each shift by the following procedure:

- Ensure you are logged into the camera system
- Ensure your Vista camera is/was docked and synced to the squad system
- Initiate a recording and ensure *both* camera systems activate upon initiation.
 - If successful, stop the recording and label as Test/Delete
 - If unsuccessful, first try to dock the Vista for approximately one minute before trying again.
 - If still unsuccessful, notify Sergeant as soon as possible.
- *Prior* to the end of your shift, ensure all videos have the proper label on them. This can be accomplished in the Evidence Library system.

Records Retention Schedule.pdf

Money Handling Procedure.pdf

***Updated: 2/19/2019 by: Chief Deputy Joe Schoon

New procedure for collecting and depositing money that comes into the Sheriff's Office from the public.

Any money that is collected at the Sheriff's Office front window by any one of the Clerical Staff will be counted, at the end of each working day, by no less than two people. Receipts should also accompany these moneys. The money that would be collected would be; civil process, gun permits, finger prints, etc.

Any money taken in by the Jail kiosk machines will be collected by either the Sheriff's Office Administrative Assistant or the Chief Deputy or their Designee. These will be collected on Mondays and Thursdays of the week. For holidays that fall on these days or the office is closed on these days, the money from the kiosks will be collected the following work days mentioned or the day before. Direction will be given by either the Chief Deputy or Sheriff.

All moneys collected on Mondays and Thursdays will be counted by no less than two people. All moneys will be deposited with the Treasurer's Office on these days. A new verification/deposit form has been generated to assist with documentation and will accompany these moneys when deposited.

All moneys collected at the Office front window will be deposited on Mondays and Thursdays. Moneys collected on Tuesdays, Wednesdays and Fridays will be placed in the Office safe and added into the deposits made on Mondays and Thursdays.

Enacted on 5/15/2017 by Chief Deputy Joe Schoon

General Order 18-01.pdf



WADENA COUNTY
SHERIFF
Michael D. Carr

415 Jefferson St. South
Wadena, MN 56482
Telephone 218.631.7600
Fax 218.631.7699

Working For You, Working With You.

General Order 18-01

Tire Repair on Patrol Vehicles

Any Sheriff's Office vehicle experiencing a tire losing air pressure will have the tire removed and inspected to determine the cause of the lost pressure. If it is found that the lost pressure is caused from an object puncturing the tire, the tire will be replaced with a new tire. No Sheriff's Office vehicles, used for patrol or pursuit purposes, will have tires plugged or patched.

An employee of the Sheriff's Office that observes a damaged tire will immediately change the tire with a spare. Take the damaged tire to a vehicle/tire repair shop and have the tire inspected for the cause of the lost pressure. The employee will notify the Chief Deputy upon determination of the cause for the damage. New tire(s) must be authorized by the Chief Deputy before installed.

General Order 16-01.docx.pdf

**MN POST Professional Conduct of
Peace Officers Model Policy.pdf**

PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY
MN STAT 626.8457

I. POLICY

It is the policy of the _____ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

A. PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

1. Rationale: Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. Rules

- a) Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- b) Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
- c) Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
- d) Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.
- e) Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

1. Rationale: Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. Rules

- a) Peace officers shall carry out their duties with integrity, fairness and impartiality.

- b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.
- f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

1. **Rationale:** Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.
2. **Rules**
 - a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
 - b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

D. PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.
2. **Rules**

- a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in **c**).
- b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
- c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.
- d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
- f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.
- g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.
- h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

E. PRINCIPLE FIVE

Peace officers shall treat all members of the public courteously and with respect.

1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.
2. **Rules**
 - a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

- b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial or political gain.

1. Rationale: For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

2. Rules

- a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.
- b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
- c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- e) Peace officers shall:
 - not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
 - maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
 - not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

G. PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. Rationale: For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions

where those actions would or could conflict with the officer's appropriate responsibilities.

2. Rules

- a) Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
- b) Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- c) A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
- d) A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

H. PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

1. **Rationale:** Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

2. Rules

- a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- b) Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
- c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by *MN RULES* 6700.2000 to 6700.2600.

WCSO Procedure Manual.pdf



WADENA COUNTY
SHERIFF
Michael D. Carr

415 Jefferson St. South
Wadena, MN 56482
PH: 218.631.7600
FAX: 218.632.6057

Wadena County Sheriff's Office

Unmanned Aircraft Systems (UAS)

Procedure Manual

UNMANNED AIRCRAFT SYSTEMS OPERATIONS MANUAL

TABLE OF CONTENTS

PREFACE.....3
MISSION STATEMENT.....4
ADMINISTRATIVE.....5
SAFETY.....7
TRAINING.....9
STANDARD OPERATING PROCEDURES.....9
 Approved UAS Missions
 Minimum Flight Crew Requirements
 Pilot
 Visual Observer
 Crew Coordination
 Preflight Actions
 Inspections
 Weather
 Documentation
 Preflight Planning
 Ground Handling
 Post Flight Responsivities
 Data Collection Minimization
 Data Storage
 Activity Reporting Procedures
CONSTITUTIONAL ASPECTS OF AERIAL SEARCHES.....14
EMERGENCY RESPONSE PLAN.....15
 Emergency Situations
 Ground Emergencies
ADDITIONAL OPERATIONAL Guidelines.....16
 Arming of UAS
MAINTENANCE.....16
DEFINITIONS.....17
APPROVAL.....18

PREFACE

The following procedures are intended to promote the safe and efficient operation of the Office's unmanned aircraft. Safety, above all else, is the primary concern in each and every operation, regardless of the nature of the mission.

MISSION STATEMENT

We, the men and women of the Wadena County Sheriff's Office, are dedicated to providing excellent service through partnerships that build trust, reduce crime, create a safe environment, and enhance the quality of life in our County. We are committed to these principles:

Integrity: We understand that it is our responsibility to adhere to the highest moral and ethical standards. We must be honest and sincere in dealing with each other, and the communities and citizens we serve.

Respect: We recognize the rights, liberties, and freedoms of all as granted by the constitution and laws of the United States and the State of Minnesota and strive to protect those rights of our citizens.

Fairness: Objective and impartial, decisions and policies are the foundation of our office. We understand the importance of being consistent in the treatment of all persons, and base our actions with reason and equality.

Excellence: We understand the importance in both personal and professional excellence, dedication to duty, and service to the public. We recognize the importance of each employee as an individual and team member.

ADMINISTRATIVE

The procedures contained in this manual are issued by the authority of the Sheriff. As such it is an official document of the Wadena County Sheriff's Office.

The manual is not intended to be all-inclusive, but as a supplement to other Office guidelines and policies.

The manual has been written to address unmanned aircraft operations as they existed when the manual was drafted. Equipment, personnel, environment (internal and external), etc., change over time. The management of change involves a systematic approach to monitoring organizational change and is a critical part of the risk management process. Given this fact, it is essential that this manual be periodically updated as necessary. The entire manual will be reviewed annually to assure it is up to date. Any changes to the manual will be communicated expeditiously to all affected personnel.

A copy of this manual (electronic or paper) will be issued to every member having unmanned aircraft responsibilities. In addition, a copy of the manual will be present during all UAS operations.

Organization

The Unmanned Aircraft Operations Unit shall be comprised of those personnel assigned by the Sheriff or his/her designee and may include, pilots, visual observers and others deemed necessary.

Unmanned aircraft operations are under the command of the Sheriff or his/her designee. Control and supervision of flight operations are hereby delegated to the UAS Program Coordinator.

UAS Program Coordinator- Sheriff's Office Emergency Manager - is responsible for overall management and supervision of the operation, which includes budget preparation and control.

UAS Program Coordinator will follow Chain of Command.

Pilots

To be considered for selection as a pilot, applicants must be in good standing with the Office, meet all FAA requirements and meet requirements imposed by the Sheriff.

A pilot's primary duty is the safe and effective operation of the agency's UAS in accordance with the manufacturer's approved flight manual, policies and procedures.

Visual Observers (VO)

The visual observer is responsible for assisting the pilot in scanning the airspace surrounding UAS operations. A visual observer is required for every UAS mission.

SAFETY

It is the duty of every agency member to contribute to the goal of continued safe operations. Members will always operate in the safest manner practicable and never take unnecessary risks. Any safety hazard, whether procedural, operational, or maintenance related should be reported as soon as identified and possible. Any suggestions in the interest of safety should be made to the UAS Program Coordinator without reservation.

If any member observes, or has knowledge of, an unsafe or dangerous act committed by another member, the Program Coordinator shall be notified immediately so that corrective action may be taken.

Safety Training

All new UAS members shall receive training in the following prior to serving in an operational capacity:

1. Agency commitment to safety.
2. Agency policy/SOP.
3. The member's role in safety.
4. Process for reporting hazards and occurrences.
5. Applicable emergency procedures.

All safety training shall be documented and stored electronically in a UAS training file.

Safety Stand Down

A safety "stand down" will be conducted annually. During a stand down, all members with unmanned aviation responsibilities assemble to review the agency safety program. It is also an opportunity to solicit changes to this manual, identify potential hazards, conduct safety training, etc.

Ground Safety

1. The pilot and VO must be constantly aware of dangers to ground personnel and moving propeller or rotor blades.
2. The pilot will not under any circumstances leave any unauthorized person in charge of the unmanned aircraft controls while the engine is running. If it is necessary for the pilot to leave the unmanned aircraft the engine will be shut down and the controls deactivated.
3. When operating over populated areas, the pilot will ensure that a “defined incident perimeter” exists which limits the potential of persons being present beneath the UAS flight path.

TRAINING

1. UAS pilots will have ongoing training days annually. A formal training plan will be completed and approved by the UAS Supervisor prior to the training session.
2. New Member Training-The focus of this training will be familiarization with the equipment and operational procedures along with an emphasis on safe operations.
3. Existing Member Training-Objectives should challenge the member to increase their competency in the knowledge and skills necessary to perform safe UAS operations.
4. Annual Proficiency Standards will be required for each individual operator. Proficiency is defined as being able to consistently demonstrate a level of skill in operating unmanned systems.

STANDARD OPERATING PROCEDURES

Approved UAS Missions

UAS missions may be limited to incidents involving public and officer safety concerns. Approved public safety flights will also be approved on a case by case basis. The following are examples of approved missions but are not limited to:

1. Search and Rescue (Innocent victims and suspects)
2. Tactical calls for scene over watch.
3. Disaster assessment
4. Situational Awareness
5. Professional/Investigative (i.e. crime scene, other approved county purpose.

Minimum Flight Crew Requirements

The minimum crew on all flights will be a pilot and visual observer. Under no circumstances will a pilot attempt to complete a flight without the assistance of a visual observer. (VO)

Flight Crew Responsibilities

Pilot

- Directly responsible for the operation of the unmanned aircraft.
- Have direct authority to reject a flight based on weather, aircraft limitations, physical condition, etc. No member of any law enforcement agency, regardless of rank, can order a pilot to make a flight when, in the opinion of the pilot, it cannot be done safely.
- Pilots are responsible for compliance with this manual, Office policies and FAA Guidelines.
- Pilots shall be knowledgeable about their surroundings to include obstructions and airspace activity.
- Pilots shall be responsive to the request of the visual observer in order to accomplish the mission.

Visual Observer (VO)

- The VO will assist the pilot in maintaining visual awareness of the airspace and advise the pilot of any imminent hazards including but not limited to other aircraft, terrain and adverse weather conditions.
- The VO shall work with the pilot to ensure communications are made in a timely manner.

Crew Coordination

- The pilot and VO will work together to form the crew which will ultimately accomplish mission objectives.
- In the interest of safety, both the pilot and VO must be comfortable with any decision made while working as a crew. This begins when deciding whether to accept the mission and continues throughout the mission. If there is a genuine concern on the part of either the pilot or VO, the mission should not be accepted or should be terminated.
- Concern on the part of either crew member should be immediately expressed to the other member. Effective

communication is the key. Many times, reservations about something can be addressed with a different explanation.

Preflight Actions

Thorough preflight planning and inspections are critical to safe operations.

Inspections

1. At the beginning of each mission, the pilot shall conduct a thorough preflight inspection of the UAS in accordance with the instructions contained in the unmanned aircraft flight checklist.
2. All mission equipment will be tested prior to the flight by the pilot.

Weather

1. Prior to initiating a flight, the pilot shall check current and forecast weather conditions in the mission area.
2. The frequency of additional weather checks will be determined by the severity of existing or forecasted weather.

Airspace/Obstructions

1. Identify and verbalize obstructions and potential obstructions to include:
 - a. Water towers, power lines, buildings, Cell Towers etc.
2. Ensure of operation in approved airspace.

Documentation

1. Notification will be made to the appropriate dispatch centers of Missions to include location, time and team members. All flights will be noted in the aircraft log and saved monthly to the electronic UAS file.
2. UAS Use Report will be created for each mission and included with the case file.

Requests for Unmanned Aircraft Services

1. Requests received during duty hours will be handled by the on duty supervisor. If the request is appropriate, contact will be attempted with the UAS Program Coordinator. Staffing will be adjusted to allow flights if needed.
2. Requests during non-duty hours that are not of an immediate nature will be referred to the UAS Program Coordinator, who in turn will contact a supervisor.

Flights leaving the County

1. Planned or emergent UAS operations leaving the jurisdictional boundaries of Wadena County need the specific approval of the on duty supervisor. Notifications by phone will be attempted with the UAS Program Coordinator. Specific FAA authorization based upon airspace requirements shall be verified.

Pre-Flight Planning

1. The pilot and VO shall familiarize themselves with all available information concerning the flight. This includes obstructions, airspace, perimeter and suspect direction of travel.

Ground Handling

1. The pilot is responsible for operation of the UAS in the air and on the ground. Pilots will ensure that no unauthorized items are attached to the aircraft prior to movement. During movement, adequate clearance will be maintained.

2. Upon “repack” of the unmanned aircraft the Pilot will ensure that all the items are returned to their proper place. Verification of the inventory checklist should be completed.

Post Flight Responsibilities

1. A thorough inspection will be conducted of the UAS immediately after the completion of the mission to ascertain if any damage was sustained during operation.
2. If necessary, the aircraft will be serviced so that it is immediately available for the next flight.
3. Necessary entries will be made into the aircraft flight log and appropriate reports will be completed. Times will be logged to include, dispatch, arrival, launch, land and clear times. Nature of the call and location of the call. Location of launch.
4. If applicable notify airport tower that we are clear of airspace.

DATA Collection Minimization

In order to safeguard the privacy of citizens we serve, collection of data to include, but not limited to, digital photographs, digital video, infrared images and sound recordings will be limited to the extent absolutely necessary to accomplish the current mission.

DATA Storage

All data collected during UAS missions will be destroyed through electronic deletion after the mission. Only data which has evidentiary value of a specific crime or flight data which documents flight concerns with the aircraft or specific training value will be safeguarded and retained. All evidentiary data will be handed over and signed off by the primary agency. Sheriff’s Office retention periods apply to this exception.

Activity Reporting Procedures

Flight activities will be documented in the aircraft logbook and within the UAS electronic file.

CONSTITUTIONAL ASPECTS OF AERIAL SEARCHES

1. Aerial searches to inspect, or gather evidence on activity on the ground, may, under some circumstances, intrude upon a person's reasonable expectation of privacy and therefore come under the protection of the Fourth Amendment to the U.S. Constitution.
2. The courts will determine whether the law enforcement aircraft is in the public airways at an altitude at which members of the public regularly travel. Other conditions include; the type of property (open fields versus curtilage); frequency of other aircraft flights over the area; steps taken to conceal property and activity from aerial observation and location of the observer (altitude).
3. As a result of pertinent U.S. Supreme Court decisions, aerial searches of areas that can be reasonably interpreted to give rise to the reasonable expectation of privacy will be conducted no lower than 400' AGL. This section is not intended to prohibit area searches of areas that do not give rise to reasonable expectation of privacy or searches pursuant to a search warrant to operate at altitude below 400' AGL. Additionally, in some circumstances, exigent circumstances would also justify searches of "reasonable expectation of privacy" areas at an altitude below 400' AGL.
4. Use of thermal imagers is passive and non-intrusive. In most circumstances, use of this device is not considered a search and does not require a search warrant. However, a 2001 U.S. Supreme Court decision (U.S. v. Kyllo), held that using sense-enhancing technology to obtain any information regarding the interior of a home that could not otherwise have been obtained without physical intrusion into a Constitutionally protected area, constitutes a search. Thus, police may not use thermal images to scan a private residence for heat characteristics (a tactic used to identify indoor marijuana grow operations) without first obtaining a search warrant. It does not prohibit their use on structures, or other areas that would not give rise to a "reasonable expectation of privacy."
5. It is essential to note that case law in the area of UAS searches has not yet matured to the point that clear guidelines have evolved. In all cases of UAS deployment, reasonableness and respect for the privacy of individuals should guide the actions of the Pilot and VO.

EMERGENCY RESPONSE PLAN

During UAS operations, emergency situations may develop at any time. The primary concern in such incidents is the prevention of injury to persons on the ground and/or other users of the National Airspace System. Secondary concerns include protection of property, flora and fauna on the ground.

Following a UAS accident involving personal injury and/or significant property damage, the unit crew members shall do the following:

1. Immediately notify dispatch and request assistance. Provide as much information as possible about the extent of injuries, or damage.
2. Render first aid to the injured.
3. Request notification to the UAS Program Coordinator, Program Coordinator's direct supervisor and the Sheriff, who if available will respond to the scene and coordinate accident investigation efforts.
4. UAS Coordinator or designee will request the FAA and NTSB be notified.
5. Survey the damage to the aircraft and or other property.
6. Prior to the arrival of the FAA and NTSB, ensure the aircraft and its contents are moved only to the extent necessary to remove persons injured, protect the public from injury and/or protect wreckage from further damage.
7. Provide any additional assistance or information requested by the FAA and NTSB.
8. Submit a detailed written report.

Ground Emergencies

For ground emergencies, personnel shall:

1. Evaluate the need for response by fire or EMS.
2. Provide first aid, contain the incident.
3. Notify a supervisor.

ADDITIONAL OPERATIONAL GUIDELINES

1. Personal use of Sheriff's Office UAS is prohibited.
2. Unmanned aircraft will be operated in accordance with this manual, Sheriff's Office Policies, and in accordance with UAS manufacturers manual and recommendations.
3. Flights into severe weather is prohibited.
4. The minimum altitude of the aircraft is one at which operations can be conducted without undue risk to persons or property on the surface.
5. Any occurrences where the UAS aircraft comes into contact with an object, building, or person (other than take offs or landings) will be immediately reported to a supervisor.

Arming of UAS

1. Deployment of any type of projectile, chemical agent, or electronic current weapon from Wadena County Sheriff's Office UAS is **PROHIBITED**.

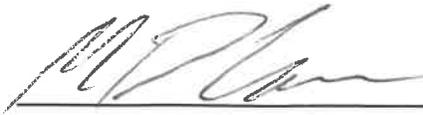
MAINTENANCE

1. Properly maintained UAS are essential to safe operations. Compliance with the manufacturer's scheduled maintenance, preflight inspections and immediate repair of mechanical problems ensure the availability and safety of the Wadena County Sheriff's Office unmanned aircraft.

DEFINITIONS

1. **Aircraft Flight Log**-Flight record book kept in the UAS storage case and scanned monthly to the electronic UAS file.
2. **Preventive Maintenance**-Periodic maintenance on aircraft at known intervals.
3. **Unscheduled Maintenance**-Repairs to aircraft in response to mechanical deficiencies.

Approved:



Sheriff Michael D. Carr

01-27-20

Date



Chief Deputy Joe Schoon

1/27/20

Date



Deputy/Emergency Manager Tyler Wheeler
UAS Program Coordinator

1/27/2020

Date

**Sheriff-Law Enforcement - County
General Records Retention Schedule.pdf**

Wadena County Sheriff's Office Records Retention Schedule

This section of the Wadena County Sheriff's Office Data/Records Retention Schedule, outlines the data collection that is also titled "Audio/Video" and stored on the Agency's computer servers. All Audio/Video that is collected and added to any case file will be retained, in the case file, for the duration of the retention schedule mentioned in document titled; "Sheriff/Law Enforcement – County General Records Retention Schedule". All Audio/Video data will be deleted electronically upon the Agency's computer server deletion programming process.

Policy: 423 Portable Audio / Video Recorders

Agency hand-held digital recording device: Deputies will transfer recordings to case files. Immediately after the transfer, the recording will be deleted from the hand-held recording device memory.

Policy: 421 Mobile Video Recorders

Policy: 423 Portable Audio / Video Recorders

Squad car and Body Camera recording devices: Data from these devices will immediately be uploaded onto the Agency's computer server(s). Data collected and related to cases will be transferred to case files. All data collected and uploaded to the Agency's server(s) will follow the retention schedule listed below and automatically deleted from the server(s) at the end of the retention schedule time line.

<u>Category</u>	<u>Retention</u>
Test/Delete.....	3 Days
Motorist Assist.....	90 Days
Civil Process.....	90 Days
Traffic Warning.....	90 Days
Emergency Operation.....	90 Days
Other/Non Traffic.....	90 Days
Assist Other Agency.....	90 Days
Suspicious Vehicle/Behavior.....	180 Days
Mental Health Assist.....	180 Days
Traffic Citation.....	365 Days
Arrest.....	365 Days
DWI.....	365 Days
Pursuit.....	365 Days
Interview.....	365 Days

****Videos due are purged every Sunday****

****Current as of 02/27/2023****

Policy: 606 Unmanned Aerial System (UAS) Operations

Agency UAS (Drone) attached recording device: Agency will follow guidelines set forth in the UAS Procedure Manual. Data collected during UAS missions will be destroyed through electric deletion after each mission, from the recording device memory.

Policy: 339 Public Safety Video Surveillance System

Public Safety Video Surveillance System: (This includes the Jail Facility Audio/Video security system) The Agency's computer server will retain data into memory for up to 30 days. Any data that is needed for investigative purposes and transferred into an investigation case file will follow the records retention schedule. The Agency will follow procedure set forth in Agency's policy number 339 Public Safety Video Surveillance System.

Policy: 808 Radio and Telephone Recording Access/Retention

Agency Radio and Telephone Recording system: The Agency's Recording system will retain this data for up to 18 months. Any data transferred from the system for Law Enforcement purposes or data requests will follow the appropriate records retention schedule.

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Test/Delete.....	90 Days
Motorist Assist.....	90 Days
Civil Process.....	90 Days
Traffic Warning.....	90 Days
Emergency Operation.....	90 Days
Other/Non Traffic.....	90 Days
Assist Other Agency.....	90 Days
Suspicious Vehicle/Behavior.....	180 Days
Mental Health Assist.....	180 Days
Traffic Citation.....	365 Days
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Pursuit	365 Days
Interview	365 Days

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Corrections to the Introduction section of the Minnesota County General Records Retention Schedule

NOTE:

This electronic copy of the Minnesota General Records Retention Schedule for Counties was produced by Redwood County staff who digitized a paper version. Any handwritten notations or changes that appear on the pages of the schedule are not official.

The 2006 Legislature amended Minnesota Statutes, section 138.17, removing the Commissioner of Administration's duty to perform functions related to records management. The changes became effective August 1, 2006. As a result of the legislative change, the Department of Administration / Information Policy Analysis Division (IPAD), will no longer respond to inquiries regarding records management.

Destruction Reporting:

- Effective August 1, 2001, records destruction reports do not need to be sent to the Minnesota Department of Administration and the Minnesota Historical Society (State Archives). Keep destruction reports for your own records.

Records Not on the General Schedule:

- An electronic copy of the PR-1 form (Application for Authority to Dispose of Records) is available online at the Minnesota State Archives' web site (www.mnhs.org/statearchives).
- Records retention schedule forms are no longer available from the Minnesota Department of Administration. A blank form is available online at the Minnesota State Archives' web site (www.mnhs.org/statearchives).

Resources:

- The Department of Administration no longer offers assistance with records management issues or records retention schedules. The Department's Information Policy Analysis Division (www.ipad.state.mn.us) will assist with questions relating to privacy and other information policy laws.
- The Minnesota State Archives and the state's Records Disposition Panel can be contacted as follows: State Archives, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN, 55102. 651.259.3260.
- The Association of Minnesota Counties can be contacted through its web site (www.mncounties.org/).

Schedule Updates:

- The Human Services / Public Welfare section of the schedule was updated by the Minnesota Department of Human Services in March 2002.
- A supplement to the schedule for Community Corrections was issued in January 1990.

SHERIFF/LAW ENFORCEMENT

July, 1988

CATEGORY DEFINITIONS

Records Series Description: A records series is a group of records filed together because they relate to a particular subject.

Enabling Authority: The statute or authorized power that states the record may be collected.

Data Class: This identifies records classified by the Government Data Practices Act or other state or federal law. The classification system includes: public, private, confidential, non-public or protected non-public. More than one classification may apply.

Citation for Classification: The statute or law which cites the data practices classification of the records series.

Pre/Post/Curr: Data collected prior to August, 1975 is PRE. Data collected after August, 1975 is POST. Data being currently collected is CURR.

Purpose and Use for Collection: The function of the records series.

Authorized Recipients: Those people authorized to use the records series according to its Data Practices classification.

Retention/Statute: The retention cited is the minimum amount of time a record must be kept. The stated retention does not include the year the record originates. For example, if Record A is filed by calendar year and it has a retention of 3 years, the disposal date for 1985 records is January, 1989. Statutes listed here cite specific retention periods for the records series.

Archival: If a Y, meaning yes, appears in this column these records are eligible for transfer to the State Archives in the Minnesota Historical Society after the retention period has expired or when the agency no longer has need for them. Contact the Division of Library and Archives of the Minnesota Historical Society for information on how to transfer archival records (612-296-6980 or toll free 1-800-652-9747).

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
1. ACCIDENT REPORTS Officers report of an accident investigation conducted by him/her and required by State Law, indicating drivers names, DOB, address, passengers, cause of accident, amt. of damage, injuries, and drawing of accident with description.	MS 169.09, Subd. 9	Priv Conf	MS 169.09, Subd. 13		Required by MN Dept. of Public Safety, and original must be sent to State Dept. of Transportation. Required in the possible event of civil action or criminal action as a result thereof.	Officers, Party involved or his designee, Public Safety	3 yrs.	N
2. ACCOUNTS PAYABLE RECORDS Copies of monthly abstracts for bills.		Publ	MS 13.03				2 yrs.	N
3. ADMISSION RELEASE RECORDS	Dept. of Corr. Rules 2910.2100	Publ Priv	MS 13.03 MS 13.82				2 yrs. after inmate discharge.	N
4. ADULT CASE FILES Written reports of investigation or action taken by deputy. Reports regarding criminal investigations and non-criminal action taken or investigated including miscellaneous reports, criminal offense reports, and supporting documents.		Publ Priv Conf	MS 13.03 MS 13.82				10 yrs. unless homicide, then retain permanently.	N
5. APPREHENSION AND DETENTION ORDERS Orders from Court/Probation Officers with reference to the rules sent forth regarding an inmate during his incarceration and often for behavior and rules afterward.	MS 241 - 244 MS 401 MS 629.13 MS 629.22	Publ	MS 13.03 MS 13.82 MS 243.05	Post Curr	Legal documents justifying purpose of detaining an individual.	Records Personnel, Jailers	Until inmate off probation.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
6. ARSON Arson reporting immunity law, disclosure of information insurance company to release to authorized person.	MS 299F.054						6 yrs.	N
7. BOARD OF PRISONERS BILLING Bills sent to other jurisdictions for boarding their prisoners.		Publ	MS 13.03				2 yrs.	N
8. BOOKKEEPING RECORDS FOR JAIL AND CIVIL PROCESS TRANSACTIONS Records of deposit slips, transaction records within the system, prisoner and Hueber transactions, billing and receipting of fees to/from other agencies and attorneys.		Publ	MS 13.03		Enables proper receipting to Auditor/Treas. records of monthly transactions within Sheriff's Dept.	State and County Auditor, County Board	6 yrs.	N
9. CHILD ABUSE/MALTREATMENT OF MINORS a. Substantiated Reports: Records maintained by police/welfare with availability to prosecuting authority for disclosure of name of substantiated report.	MS 626.556	Priv Conf	MS 626.556, Subd. 7,11,13		To compile an investigation of ongoing case for possible use in criminal process.	Law Enforcement, Co. Attny., and Social Service Agency	7 yrs. after date of final entry in case record. MS 626.556, Subd. 11 (b)	N
b. Unsubstantiated Reports							1 yr. See statute for procedure. MS 626.556, Subd. 11 (a, c)	N
10. CIVIL ACTION BOOKS Lists date, type of action, attorney, plaintiff, defendant, fees charged for all actions served.		Publ	MS 13.03				20 yrs.	

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
11. CIVIL PROCESSES (SHERIFF'S DAY BOOK) The means by which court obtains jurisdiction over a cause of action to determine personal or property rights and the authority to enforce its orders against all parties to the action.	MS 387.03 MS 387.05 MS 387.20, Subd. 5	Publ Priv	MS 13.03				5 yrs.	N
12. COMMITMENTS: ADULT Order of the court showing the name of the person to be committed and the location of the commitment.	MS 641.04	Publ	MS 13.03 MS 13.82 MS 243.49	Pre Post Curr	Required by Soc. Serv. to legally hold incarcerated persons.		5 yrs.	N
13. COMMITMENTS: JUVENILE Order of the court showing the name of the person to be committed and the location of the commitment. Legal doc. from sentencing court which authorizes confinement at the jail facility.	MS 260.161	Priv	MS 260.161				Seek permission from Juvenile Court to destroy when ju- venile reaches 18.	N
14. CONTINGENT FUND RECORDS Documents relating to funds received from and paid back to Sheriff's Contingent Fund; County claims, travel requests and documentation of claim.		Publ	MS 13.03				6 yrs.	N
15. COURT ORDERS FROM COURT SERVICES AND PROBATE COURT Documents relating to orders to sheriff to find and take into custody certain individuals for the court.		Publ	MS 13.03 MS 13.84, Subd. 5				5 yrs.	N
16. COURT ORDERS SERVED WORKSHEET Worksheet showing date received, issuing court, plaintiff, defendant, person served, attorney of record, letter of instruction, if sent.		Publ	MS 13.03				5 yrs.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
17. CRIMINAL RECORDS Availability for public employment or licensing purposes. Convenience copy from BCA, NCIC-FBI, or NLETS.	MS 299C.10	Priv	MS 364.04		BCA & FBI requirements.	Law Enforcement Officers, BCA and FBI Agents; Data subject or his designee	Destroy immediately after usefulness.	N
18. CRIMINAL WARRANTS - CANCELLED Documents relating to warrants of arrest issued by courts that have been cancelled.		Publ	MS 13.03				5 yrs. or return to court when no longer in effect or valid.	N
19. DELINQUENT MOBILE HOME TAX BOOKS Books showing delinquent mobile home taxes for warrants and citations, correspondence, receipt books showing money collected and dispersed.		Publ	MS 13.03				6 yrs.	N
20. DELINQUENT TAX RECEIPTS Receipts issued to person/company for delinquent personal property taxes. List also given to Clerk of District Court.	MS 277.03 MS 277.05	Publ	MS 13.03				6 yrs.	N
21. NOTIFICATION OF PERSONS RELEASED FROM STATE CORRECTIONAL FACILITIES To advise sheriff that person released is in his jurisdiction. Copy from the statewide criminal justice telecommunications network.	MS 241.06	Publ	MS 241.06			Law Enforcement Personnel	Destroy at the discretion of the receiving agency.	N
22. EXECUTIONS SERVED WORKSHEETS Time card showing employee's activities. Daily log of staff.		Publ	MS 13.03				6 yrs.	N
23. EXPLOSIVE USE PERMITS Applicants name, address and personal information to be checked with the BCA for clearance to obtain an explosive use permit.	MS 299F.75	Priv				BCA and Law Enforcement Staff	3 yrs.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
24. FIREARM APPLICATIONS/PERMITS Applicant names, addresses, and personal information. Permits are to obtain and or carry a handgun. Includes application to purchase and a copy of the firearm permit to carry.		Priv	MS 13.36			Law Enforcement Staff	Permanent	N
25. FOOD SERVICE RECORDS		Publ	MS 13.03				1 yr.	N
26. GUNSHOT WOUND REPORT Physicians, surgeons, hospital mgrs. and other health professionals shall report gunshot wounds they treat to the Sheriff.	MS 626.52 MS 626.53, Subd. 1	Conf				Law Enforcement Staff, Law agency offices	7 yrs.	N
27. HUEBER RELEASE RECORDS Permission from the courts to allow for inmate work outside the jail, sign in/out sheets for control of hours worked, record of payment for this privilege, and monies paid to the court by their order.		Publ	MS 13.03	Pre Post Curr	For control of prisoner in/out activity while working away from the jail, aid in billing process.	Jail Staff, Auditor, Courts	6 yrs.	N
28. INITIAL COMPLAINT REPORT First record of all calls for service or reports of offenses received. Date and time call was received; name of victim, witness or reporting party; times showing when deputy was assigned, arrived and cleared; who took call, short narrative.		Publ Priv Conf	MS 13.03 MS 13.80 MS 13.82				3 yrs.	N
29. INITIAL COMPLAINT REPORTS OF TRANSPORTS OF PRISONERS Documents relating to all transportations of individuals showing date, time, name of person, by whom, and to where transported.		Publ	MS 13.03 MS 13.82				3 yrs.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
30. INCIDENT COMPLAINT LOGS (DOCKETS) Including:								
a. Chronological record of events.	MS 387.04 11 MCAR, Sec. 2.006	Publ	MS 13.03 MS 13.82				5 yrs., then trans- fer to State Archives for selection and disposition.	
b. I.D. of undercover agents, informants, victims of sexual assault or intra-familial sex abuse.	MS 299C.065 MS 387.04	Priv Conf	MS 13.82 MS 299C.065, Subd. 4				5 yrs.	N
c. Arrest warrant indices until taken into custody, served or appear before court.	MS 299C.065 MS 387.04	Publ Conf	MS 13.03 MS 13.82, Subd. 12				5 yrs.	N
d. Description of stolen, lost or recovered property.	MS 299.065 MS 387.04	Priv Non- Publ	MS 13.82, Subd. 13				5 yrs.	N
e. Program data.	MS 299C.06 MS 387.04 11 MCAR, Sec. 2.006	Conf Prot Non- Publ	MS 13.82, Subd. 14				5 yrs.	N
f. Deliberative processes or investigative techniques, final opinion or justification.	MS 299C.06 MS 387.04	Publ Conf Prot Non- publ	MS 13.03 MS 13.82, Subd. 16				5 yrs.	N
g. Inmate count report.		Publ	MS. 13.03		Lists name of inmate, offense, date of sentence, court, term of sent- ence, days served, work release status.		5 yrs.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
31. INMATE FINANCIAL RECORDS Records of inmates financial in/out status during incarceration.	MS 241.08 MS 241.09	Priv	MS 13.85	Pre Post Curr	All in/out money transactions taking place on each inmate account during incarceration.	Jail Staff	2 yrs.	N
32. INMATE HISTORY CARD Summary card showing all transactions involving individual inmates, filed after discharge, and kept in booking room during the incarceration.	Laws of 1975, Chap. 201, Sec 1 Laws 1977, Chap. 453, Sec. 4, Subd. 3	Priv	MS 13.69 MS 13.82 MS 243	Pre Post Curr	History card is record of name date of birth, address, next of kin, date in/out, offense, length of sentence, length of stay, type of discharge.	Jail Staff, Data subject and any other party the data subject has given informed consent	Retain permanently or transfer to the State Archives.	Y
33. INMATE INCIDENT REPORTS Jailer/Officers report giving particulars in case of accident/incident to inmate while incarcerated in the Jail. Such incident will also be located in the daily log.	MS 176.231	Publ Priv	MS 13.03 MS 13.85 MS 176.231		For use in maintaining records in the instance of pending civil suits; and the collection of data for Corrections in the proper control of Jail.	Dept. of Corr., Jail Staff	2 yrs.	N
34. INMATE MEDICAL RECORD Any and all medical activity involving each inmate during incarceration; all doctors visits, doctors directions, medicine administered and directed, medical complaints and doctor's name seen or consulted.	MS 13.42 MS 241.69	Priv	MS 13.42 MS 13.85 MCA 2	Pre Post Curr	Record maintenance of inmate as directed by Dept. of Corr Rules.	Jail Staff, Dept. of Corrections	2 yrs. after inmate discharged.	N
35. INMATE VISITOR REGISTRATION LOG/JAIL VISITOR REGISTER Sign in log stating name of visitor, relation to inmate being seen, date, time, and name of inmate seen.	Dept. of Corr. Rules	Publ Priv	MS 13.03 MS 13.85 MS 241.251		Maintain records per Dept. of Corr. Rules.	Court, Jail Staff, Dept. of Corrections, Attorney	5 yrs.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
36. INVESTIGATIONS							Until statute of limitations expires.	N
a. Active: Cases involved in an ongoing investigation.		Publ Conf	MS 13.03, MS 13.82 Subd. 5 & 8		For use in continued investigation of open cases.	Law Enforcement Staff, County Attorney		
b. Inactive: Closed cases concluded by prosecution, investigative conclusions or being outdated by a certain period.	MS 299C.065 MS 387.04	Publ	MS 13.03 MS 13.82, Subd. 5		Case conclusion and result information maintained for future reference.	Historical reference		
37. JAIL INVENTORY Physical inventory of furnishings and equipment at Jail.		Publ	MS 13.03	Pre Post Curr	In the maintenance of the Jail Complex and in the purpose of budget preparation.	Jail Management Staff	Until superseded.	N
38. JAIL REGISTER BOOKS: ADULT Booking ledger that lists inmate's name, commitment number, admit/discharge date, offense, length of sentence, type of discharge; i.e. parole, furlough, completion of sentence.	MS 641.05	Publ	MS 13.03 MS 13.82	Pre Post Curr	Collect data necessary to Dept. of Corr. and Courts.		Retain permanently or transfer to the State Archives.	Y
39. JAILER'S DAILY ACTIVITY LOG Documents relating to specific activities of jailers and prisoners during each jailer's shift each day. Chronological record maintained by jailers in regard to daily events including security checks and routine occurrences.	Dept. of Corr. MS 641.05	Publ Priv Conf	MS 13.03 MS 13.82 MS 13.85	Pre Post Curr	Maintained for security purposes.	Jail Staff	Permanent	N
40. JUVENILE CASE FILES All information dealing with the involvement of juveniles in incidents outside the law prior to their emancipation at age 18. Also includes non-criminal activity involvement in any matter pending investigation by law enforcement.		Priv Conf	MS 13.82 MS 260.161		For juvenile prosecution and record accumulation for the Courts System.	Probation Officer, Judge, Courts and Law Officers	Seek permission from Juvenile Court to destroy when juvenile reaches 18.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
				POST CURR				
41. JUVENILE DETENTION BOOK Lists name, address, date of birth, offense, date of release, and date booked for all juveniles jailed.		Priv	MS 260.161				Permanent	N
42. LOCAL IDENTIFICATION FILE Local level only. Contains prisoner information including name, address, offense, date of birth, length of incarceration, arresting agency, nearest relative and historical information about a person's activities while in jail, mug shot, fingerprints in the local jurisdiction.		Publ	MS 13.03		To determine if persons under investigations have a current or previous criminal history in that jurisdiction.		5 yrs. after last contact. The BCA does not recommend retention of this data at all.	N
43. MALTREATMENT OF VULNERABLE ADULTS	MS 626.557,	Publ	MS 13.03		Case investigation for possible prosecution; future reference towards compiling history of re-occurrence.	Law Enforcement Staff, Courts, Social Services	7 yrs. MS 626.557, Subd. 12	N
a. Substantiated Reports: Records maintained by police/welfare with availability to prosecuting authority for disclosure of name of substantiated report.	Subd. 10,12	Priv	MS 13.05, Subd. 7					
		Conf	MS 13.46, Subd. 2					
		Conf	MS 626.557, Subd. 12					
b. Unsubstantiated Reports							4 yrs. MS 626.557, Subd. 12	N
c. False Reports							2 yrs. MS 626.557, Subd. 12	N
44. MASTER INDEX: ADULTS Any and all instances of reporting any subject for action necessary by an officer, court dispositions regarding violations, and all criminal activity - any dealings with any subject needing police attention.	BCA CJIS	Publ Priv Conf	MS 13.03	Pre Post Curr	The method of control of the entire filing system within record system.	Law Enforcement Staff, Courts, Probation Dept., Corrections Dept.	10 yrs. after last contact.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
45. MASTER INDEX: JUVENILE Any and all instances of reporting any subject for action necessary by an officer, court dispositions regarding violations, and all criminal activity - any dealings with any subject needing police attention.	B.C.A. CJIS	Publ Priv Conf	MS 13.03	Pre Post Curr	The method of control of the entire filing system within records system.	Law Enforcement Staff, Courts, Probation Dept., Corrections Dept.	10 yrs. after last contact.	N
46. MORTGAGE FORECLOSURE BOOKS AND WORKSHEETS Books showing mortgagor, mortgagee, date of sale, attorney of record, and purchase price.		Publ	MS 13.03				Retain books permanently or transfer to the State Archives; retain worksheets 10 yrs.	Y
47. OFFICER INVESTIGATIVE PROGRESS REPORTS Deliberative processes or investigative techniques, final opinion or justification. Officers views.		Publ Conf	MS 13.03 MS 13.82, Subd. 16		To maintain a record of the chronological order of the investigative process of the case for future possible court testimony.	Law Enforcement Personnel, Attorneys and Co. Attorney	As long as case file maintained.	N
48. OPERATION IDENTIFICATION ITEMIZATION A list of items marked with a selected number, location of such number, and article name, kept for any participating person.		Priv	MS 13.37, Subd. 1 (a)		Aid to citizens in event of theft or destruction as well as law enforcement.	Law Enforcement Personnel	Permanent	N
49. PRISONER PROPERTY ENVELOPES SHOWING SIGNED RELEASE Lists prisoner's name, date of arrest, and personal property taken from him before being put in a cell, and date and signature when items returned.		Publ Priv	MS 13.03 MS 13.82 MS 13.85				2 yrs. after release.	N
50. PROPERTY LISTS Description of stolen, lost, or recovered property.	MS 299C.065 MS 387.04	Priv Non- publ	MS 13.82, Subd. 13		For proper identification in case investigation process and recovery process.	Law Enforcement Personnel	2 yrs. after sheriff's sale.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
51. RADIO/DISPATCH LOGS Documents relating to calls taken by dispatcher and referred to a County Police Dept.		Publ Priv Conf	MS 13.03 MS 13.82		Maintain accurate records of activity by date and time of occurrence, Court use.	Dept. of Corr., Attorneys, Courts, and Staff	5 yrs.	N
52. RECEIPT BOOKS Receipts made out for cash or property received.		Publ	MS 13.03				6 yrs.	N
53. SHERIFF'S TRUST FUND/CHECKING ACCOUNT RECORDS Bank statements, deposit slips, and cancelled checks of Sheriff's trust fund. All refund checks and deposits for civil process fees and trust account.		Publ	MS 13.03				6 yrs.	N
54. SHIFT ACTIVITY REPORT: SUPERVISORS Summary of department activity occurring during a supervisor/watch commander's shift.		Publ Priv Conf	MS 13.03 MS 13.43 MS 13.82 MS 13.85				2 yrs.	N
55. STAFF TRAINING RECORDS Records of hours of training for sheriff's personnel.							Until termination.	N
56. STATISTICAL REPORTS OF INMATES Monthly reports generated which show how many commitments have been received, number of inmates, when released, and time spent.	MS 241.06 MS 299C.05 MS 299C.06	Publ	MS 13.03 MS 13.82	Pre Post Curr			2 yrs.	N
57. SUMMONS, SUBPOENAS, AND COMPLAINTS SERVED, WORKSHEETS, AND OFFICERS LOGS Summary of department activity occurring during a supervisor/watch commander's shift.		Publ	MS 13.03 MS 13.82				5 yrs.	N

RECORDS SERIES DESCRIPTION	ENABLING AUTHORITY	DATA CLASS	CITATION FOR CLASSIFICATION	PRE POST CURR	PURPOSE AND USE FOR COLLECTION	AUTHORIZED RECIPIENTS	RETENTION/STATUTE	ARCH
58. TOW SLIPS/REPORTS Record of all vehicles towed by dept.		Publ	MS 13.03				5 yrs.	N
59. WARRANT FILES Arrest warrant exists until taken into custody, served, or appear before court.	MS 299C.065 MS 387.04	Publ Conf	MS 13.03 MS 13.82, Subd. 12		Assist the Court System in bringing criminals before the Courts in cases of the law being broken or violated.	Law Enforcement Personnel, State, Fed., County	Until warrant cancelled.	N
60. WARRANTS FOR INTERCEPTING COMMUNICATIONS Court warrant approving interception of wire or oral communication.	MS 626A.06	Conf	MS 13.39				3 yrs.	N

**SEE OTHER SECTIONS OF THIS GENERAL SCHEDULE FOR RECORDS SERIES NOT LISTED HERE.

WCSSO-Chain of Command.pdf



**Wadena County Sheriff's Office
Chain of Command
Effective 10/28/2021**

Sheriff

Chief Deputy

**Administrative
Assistant**

Sergeant

Supervises Field Deputies, Emergency Manager,
Drug Task Force Investigator, Boat & Water,
ATV, Snowmobile, Child & Adult Protection, Death Scene
& General Investigations

SWAT

Sergeant

Supervises Correctional Officers, 911 Dispatchers,
Court Room Bailiffs, Transport Deputies,
Emergency Manager, Sentence to Serve, TZD Grant,
Drone Program Supervisor, Radio Systems Administrator,
PSAP, K9 Unit

Emergency Manager Director / Deputy

Drug Task Force Investigator/Violent Crimes

Jail Programmer/ Suspense Files

**Records
Management**

Field Deputies

Correctional Officer/911 Dispatcher

Baliff

Confidential Informants Model Policy .pdf

CONFIDENTIAL INFORMANTS MODEL POLICY

MN STAT 626.8476

I. POLICY

It is the policy of the (**law enforcement agency**) to establish procedures and protocols that take necessary precautions concerning the recruitment, control and use of confidential informants.

II. DEFINITIONS

- A. Confidential Informant (CI):** A person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and;
1. seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and
 2. is able, by reason of the person's familiarity or close association with suspected criminals, to:
 - i. make a controlled buy or controlled sale of contraband, controlled substance, or other items that are material to a criminal investigation;
 - ii. supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or
 - iii. otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.
- B. Controlled Buy:** means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.
- C. Controlled Sale:** means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.
- D. Mental Harm:** means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person's judgment or behavior.
- E. Target Offender:** means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.
- F. Confidential Informant File:** means a file maintained to document all information that pertains to a confidential informant.
- G. Unreliable Informant File:** means a file containing information pertaining to an individual who has failed at following an established written confidential informant agreement and has been determined to be generally unfit to serve as a confidential informant.
- H. Compelling Public Interest:** means, for purposes of this policy, situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.
- I. Overseeing agent:** means the officer primarily responsible for supervision and management of a confidential informant.

III. PROCEDURES

A. Initial Suitability Determination

An initial suitability determination must be conducted on any individual being considered for a role as a CI. The initial suitability determination includes the following:

1. An officer requesting use of an individual as a CI must complete an Initial Suitability Report. The report must be submitted to the appropriate individual or entity, as determined by the agency chief executive, to review for potential selection as a CI. The report must include sufficient detail regarding the risks and benefits of using the individual so that a sound determination can be made. The following information must be addressed in the report, where applicable:
 - a. Age, sex, and residence
 - b. Employment status or occupation
 - c. Affiliation with legitimate businesses and illegal or suspicious enterprises
 - d. Extent to which potential information, associations, or other assistance could benefit a present or future investigation
 - e. Relationship with the target of an investigation
 - f. Motivation in providing information or assistance
 - g. Risk of adversely affecting an existing or future investigation
 - h. Extent to which provided information can be corroborated
 - i. Prior record as a witness
 - j. Criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged with a crime
 - k. Risk to the public or as a flight risk
 - l. Consultation with the individual's probation, parole, or supervised release agent, if any
 - m. Consideration and documentation of the individual's diagnosis of mental illness, substance use disorder, traumatic brain injury, or disability; and consideration and documentation of the individual's history of mental illness, substance use disorder, traumatic brain injury or disability
 - n. Relationship to anyone in law enforcement
 - o. Risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement
 - p. Prior or current service as a CI with this or another law enforcement organization
2. Prior to an individual's use as a CI, a supervisor or other designated authority must review the Initial Suitability Report and determine if the individual is authorized to serve as a CI.
3. Any prospective or current CI must be excluded from engaging in a controlled buy or sale of a controlled substance if the prospective or current CI:
 - a. is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness; or
 - b. is participating in a treatment-based drug court program or treatment court; except that
 - c. the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.

4. Documentation and special consideration must be made of the risks involved in engaging a prospective or current CI in the controlled buy or sale of a controlled substance if the individual is known, or has reported, to have experienced a drug overdose in the previous 12 months.
5. Any prospective or current CI who is known to abuse substances, or is at risk for abusing substances, should be provided referral to prevention or treatment services.
6. Any prospective or current CI that has a physical or mental illness that impairs the ability of the individual to understand instructions and make informed decisions should be referred to a mental health professional or other appropriate medical professional, or a case manager/social worker from the county social services agency, or other substance abuse and mental health services.
7. Each CI's suitability must be reviewed every 6 months, at a minimum, during which time the CI's overseeing agent must submit a Continuing Suitability Report addressing the foregoing issues in III.A.1.a-p, and III.A.3-6, where applicable. An initial suitability determination must be conducted on a reactivated CI regardless of the length of inactivity.
8. Any information that may negatively affect a CI's suitability during the course of their use must be documented in the CI's file and forwarded to the appropriate authorized personnel as soon as possible.
9. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of CIs periodically as part of the informant management process. If a CI is active for more than 12 months, a supervisory meeting with the CI must be conducted without the overseeing agent.
10. CI contracts must be terminated, and the CI file placed in inactive status when the CI has not been utilized for 6 months or more.

B. Exigent Confidential Informants

1. Certain circumstance arise when an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent. In these circumstances, the initial suitability determination can be deferred and an individual may be utilized as a CI for a period not to exceed 12 hours from the time of arrest if:
 - a. The individual is not excluded from utilization as a CI under III.A(3)(a-c) of this policy; and
 - b. There is compelling public interest or exigent circumstances exist that demand immediate utilization of the individual as a CI and any delay would significantly and negatively affect any investigation; and
 - c. A supervisor has reviewed and approved the individual for utilization as a CI under these circumstances.
2. Upon the conclusion of the 12-hour window, or at any time before, an initial suitability determination must be conducted before the individual engages in any further CI activities.

C. Special CI Approval Requirements

Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the agency's chief executive or their designee and the office of the prosecutor or county attorney should be consulted prior to the use of these individuals as CIs. These individuals include the following:

1. Juveniles
 - a. Use of a juvenile under the age of 18 for participating in a controlled buy or sale of a controlled substance or contraband may be undertaken only with the written authorization of the individual's parent(s) or guardian(s), except that the juvenile informant may provide confidential information.

- b. Authorization for such use should be granted only when a compelling public interest can be demonstrated, *except that*
 - c. Juveniles under the guardianship of the State may not be used as a CI.
2. Individuals obligated by legal privilege of confidentiality.
3. Government officials.

D. General Guidelines for Overseeing CIs

General guidelines for overseeing CIs are as follows:

1. CIs must be treated as assets of the agency, not the individual overseeing agent.
2. No promises or guarantees of preferential treatment within the criminal justice system will be made to any informant without prior approval from the prosecuting authority.
3. CIs must not be used without authorization of the agency through procedures identified in this policy.
4. CIs must not be used to gather information purely of a political nature or for other information-gathering efforts that are not connected with a criminal investigation.
5. Under no circumstances must an informant be allowed access to restricted areas or investigators' work areas within a law enforcement agency.
6. All CIs must sign and abide by the provisions of the agency's CI agreement.
7. Any physical or mental illness that impairs the CI's ability to knowingly contract or otherwise protect the informant's self-interest must be taken into consideration before the CI signs the agreement.
8. The CI's overseeing agent must discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
 - a. CIs may voluntarily initiate deactivation, whereupon the protocols outlined in section E of this policy must be followed.
 - b. CIs are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon while performing activities as a CI.
 - c. CIs found engaging in any illegal activity beyond what is authorized by the agency and conducted while under the supervision of an overseeing agent, will be subject to prosecution.
 - d. CIs are prohibited from engaging in actions or activities that could be deemed entrapment. The meaning of the term and implications of such actions must be explained to each CI.
 - e. CIs are prohibited from engaging in self-initiated information or intelligence gathering without agency direction and approval. The CI must not take any actions in furtherance of an investigation without receiving specific instruction(s) from the overseeing agent or agency.
 - f. Every reasonable effort will be taken to ensure the confidentiality of the CI but, upon judicial order, he or she may be required to testify in open court.
 - g. CIs may be directed to wear a listening and recording device.
 - h. CIs must be required to submit to a search before and after a controlled purchase.

- i. CIs who participate in unplanned or unanticipated activities or meet with a subject(s) under investigation in a location outside of the jurisdictional boundary of the handling agency must promptly report that activity or meeting to their overseeing agents.
9. CI activity outside jurisdictional boundaries:
 - a. Investigators handling CIs who engage in operational activity in locations outside the jurisdictional boundaries of the agency must coordinate with counterparts in law enforcement agencies that have jurisdiction in that location where the CI will operate before any activity occurs, or in a timely manner after unanticipated activity occurs and is brought to the attention of the overseeing agent.
 - b. Any decision to defer or delay notice to or coordinate with an outside agency having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the agency's chief executive or their designee.
10. Officers must take the utmost care to avoid conveying any confidential investigative information to a CI, such as the identity of other CIs, surveillance activities, or search warrants, other than what is necessary and appropriate for operational purposes.
11. No member of this agency must knowingly maintain a social relationship with a CI, or otherwise become personally involved with a CI beyond actions required in the performance of duty.
12. Members of this agency must not solicit, accept gratuities from, or engage in any private business transaction with a CI.
13. Meetings with a CI must be conducted in private with another officer or agent present and with at least one officer or agent of the same sex, except when not practical. The meeting location should minimize the potential for discovery of the informant's cooperation and provide sufficient space to complete necessary administrative duties. The meetings must be documented and subsequently entered into the individual's CI file.
14. Overseeing agents must develop and follow a communications strategy and plan with the CI that minimizes, to the greatest extent possible, the risk of discovery or compromise of the relationship between the agency and the CI. This plan should also aim to prevent the detection, compromise, or interception of communications between the overseeing agent and the CI.
15. Procedures must be instituted to assist CIs with concealing their identity and maintaining their safety. Care should be given not to expose CIs to unnecessary safety risks.
16. Preceding or following every buy or sale of controlled substances, overseeing agents must screen the CI for any personal safety or mental health concerns, risk of substance abuse, and/or potential relapse in any substance abuse recovery.
 - a. At the request of the CI, or if the overseeing agent deems it necessary, reasonable efforts should be taken to provide the CI with referral to substance abuse and/or mental health services.
 - b. Overseeing agents must document:
 - i. the screening,
 - ii. any referral to services provided to, or requested by, the CI, and
 - iii. any refusal by the CI to participate in the screening and/or any refusal by the CI to accept referral to services. Reasons for the CI's refusal must be documented, where applicable.
 - c. No part of this subsection supersedes MN Stat. 253B.05, sub.2.

17. Reasonable protective measures must be provided for a CI when any member of this agency knows or should have known of a risk or threat of harm to a person serving as a CI and the risk or threat of harm is a result of the informant's service to this agency.
18. Overseeing agents must:
 - a. evaluate and document the criminal history and propensity for violence of target offenders; and
 - b. to the extent allowed, provide this information to the CI if there is a reasonable risk or threat of harm to the CI as a result of the CI's interaction with the target offender.
19. Reasonable efforts and precautions must be made to help protect the identity of a CI during the time the person is acting as an informant.
20. Whenever possible, officers must corroborate information provided by a CI and document efforts to do so.
21. The name of a CI must not be included in an affidavit for a warrant unless judicial authority is obtained to seal the document from the public record or the CI is a subject of the investigation upon which the affidavit is based.
22. Overseeing agents are responsible for ensuring that information of potential value to other elements of the agency is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.
23. Individuals leaving employment with the agency have a continuing obligation to maintain as confidential the identity of any CI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

E. Establishment of an Informant File System

An informant file system must be established as follows:

1. The agency chief executive must designate a file supervisor who must be responsible for developing and maintaining master CI files and an indexing system.
2. A file must be maintained on each CI deemed suitable by the agency.
3. An additional Unreliable Informant File must be established for CIs deemed unsuitable during initial suitability determinations or at a later time.
4. Each file must be coded with an assigned informant control number for identification within the indexing system and must include the following information, where applicable:
 - a. Name, aliases, and date of birth
 - b. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features
 - c. Emergency contact information
 - d. Name of the officer initiating use of the informant and any subsequent overseeing agents
 - e. Photograph and criminal history record
 - f. Current home address and telephone number(s)
 - g. Residential addresses in the last five years
 - h. Current employer, position, address, and telephone number
 - i. Social media accounts
 - j. Marital status and number of children

- k. Vehicles owned and their registration numbers
 - l. Places frequented
 - m. Gang affiliations or other organizational affiliations
 - n. Briefs of information provided by the CI and the CI's subsequent reliability
 - o. Special skills and hobbies
 - p. Special areas of criminal expertise or knowledge
 - q. A copy of the signed informant agreement
5. CI files must be maintained in a separate and secured area.
 6. The file supervisor must ensure that information concerning CIs is strictly controlled and distributed only to officers and other authorities who have a need and a right to such information.
 7. CI File Review
 - a. Sworn personnel may review an individual's CI file only upon the approval of the agency's chief executive or their designee.
 - b. The requesting officer must submit a written request explaining the need for review. A copy of this request, with the officer's name, must be maintained in the individual's CI file.
 - c. Officers must not remove, copy, or disseminate information from the CI file.
 - d. CI files must be reviewed only in designated areas of the law enforcement facility and returned as soon as possible to their secure file location.
 - e. All disclosures or access to CI files must be recorded by the file supervisor, to include information such as the requesting officer or agency, the purpose of access or disclosure, the information conveyed, and the date and time of access or dissemination.
 - f. No portion of an individual's CI file must be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.

F. Deactivation of Confidential Informants

A CI deactivation procedure must be established as follows:

1. The overseeing agent must complete a deactivation form that includes, at minimum, the following:
 - a. The name of the agency.
 - b. The name of the CI.
 - c. The control number of the CI, where applicable.
 - d. The date of deactivation.
 - e. The reason for deactivation.
 - f. A notification that contractual agreements regarding monetary re-numeration, criminal justice assistance, or other considerations, specified or not, are terminated.
 - g. A notification that the agency will provide and assist the CI with referral to health services for assistance with any substance abuse disorder and/or physical, mental, or emotional health concerns, as requested or accepted by the CI.
 - h. A signature by the CI or documentation indicating the reason(s) why the CI was unable or unwilling to sign the form.

- i. A signature by the overseeing agent.
2. All reasonable efforts must be taken to maintain the safety and anonymity of the CI after deactivation.

G. Monetary Payments

Monetary payments must be managed as follows:

1. All monetary compensation paid to CIs must be commensurate with the value of the information or assistance provided to the agency.
2. All CI payments must be approved in advance by the officer in charge of confidential funds.
3. Officers must provide accounting of monies received and documentation for confidential funds expended. Any documentation of monies paid or received should not contain the true identity of the informant but should use the CI's control number.
4. Two officers must be present when making payments or providing funds to CIs.
5. The appropriate individual, as designated by the agency's chief executive, must ensure that the process for authorization, disbursement, and documentation of CI payments, as well as the accounting and reconciliation of confidential funds, is consistent with agency policy.
6. If a CI is authorized to work with another law enforcement or prosecutorial agency, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each agency and consistent with provision III.F.1. of this policy.
7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.

Eyewitness Identification Procedures Model Policy.pdf

EYEWITNESS IDENTIFICATION PROCEDURES MODEL POLICY

Minn. Stat. 626.8433

POLICY:

Officers shall adhere to the procedures for conducting eyewitness identifications set forth in this policy, in order to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eyewitness identification protocols. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration.

Purpose:

It is the purpose of this policy to establish guidelines for eyewitness identification procedures involving show-ups, photo arrays, and line-ups. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

Definitions:

Show-up: The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

Line-up: The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

Photo Array: A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

Administrator: The law enforcement official conducting the identification procedure.

Blinded Presentation: The administrator may know the identity of the suspect, but does not know which photo array member is being viewed by the eyewitness at any given time.

Confidence Statement: A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

Filler: A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

Sequential: Presentation of a series of photographs or individuals to a witness one at a time.

Simultaneous: Presentation of a series of photographs or individuals to a witness all at once.

Procedure:

1. Show-ups

The use of show-ups should be avoided whenever possible in preference to the use of a lineup or photo array procedure. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.

- a. Document the witness's description of the perpetrator prior to conducting the show up.
- b. Conduct a show-up only when the suspect is detained within a reasonably time frame after the commission of the offense and within a close physical proximity to the location of the crime.
- c. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.
- d. If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by officers, unless safety concerns make this impractical.
- e. Caution the witness that the person he or she is about to see may or may not be the perpetrator—and it is equally important to clear an innocent person. The witness should also be advised that the investigation will continue regardless of the outcome of the show-up.
- f. Do not conduct the show-up with more than one witness present at a time.
- g. Separate witnesses and do not allow communication between them before or after conducting a show-up.
- h. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.
- i. Do not present the same suspect to the same witness more than once.

- j. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.
- k. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.
- l. Ask the witness to provide a confidence statement.
- m. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.
- n. Videotape the identification process using an in-car camera or other recording device when feasible.
- o. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

Line-up and Photo Array Procedures

2. Basic Procedures for Conducting a Line-up or Photo Array

- a. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.
- b. Whenever possible, a blind presentation shall be utilized. In cases where a blind presentation is not feasible for a photo array, a blinded presentation should be used. Live line-ups must be conducted using a blind presentation.
- c. The line-up or photo array should consist of a minimum of six individuals or photographs. Use a minimum of five fillers and only one suspect.
- d. Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.
- e. Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- f. Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.
- g. If there is more than one suspect, include only one in each line-up or photo array.

- h. During a blind presentation, no one who is aware of the suspect's identity should be present during the administration of the photo array. However, during a line-up, the suspect's attorney should be present.
- i. Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.
- j. Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.
- k. The witness shall be given a copy of the following instructions prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.

You will be asked to look at a series of individuals.

The perpetrator may or may not be present in the identification procedure.

It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

I don't know whether the person being investigated is included in this series.

Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat or other changes in appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.

You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.

The individuals are not configured in any particular order.

If you make an identification, I will continue to show you the remaining individuals or photos in the series.

Regardless of whether you make an identification, we will continue to investigate the incident.

Since this is an ongoing investigation, you should not discuss the identification procedures or results

- l. The line-up or photo array should be shown to only one witness at a time; officers should separate witnesses so they will not be aware of the responses of other witnesses.
- m. Multiple identification procedures should not be conducted in which the same witness views the same suspect more than once.
- n. Officers should scrupulously avoid the use of statements, cues, casual comments, or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.
- o. Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.
- p. The administrator shall ask the witness to complete and sign an Eyewitness Identification Procedure Form.
- q. Line-up and photo array procedures should be video or audio recorded whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording shall be documented. In the case of line-ups that are not recorded, agents shall take and preserve a still photograph of each individual in the line-up.

3. Photographic Arrays

a. Creating a Photo Array

1. Use contemporary photos.
2. Do not mix color and black and white photos.
3. Use photos of the same size and basic composition.
4. Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.
5. Do not include more than one photo of the same suspect.
6. Cover any portions of mug shots or other photos that provide identifying information on the subject – and similarly cover other photos used in the array.
7. Where the suspect has a unique feature, such as a scar, tattoo, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.
8. Fillers should not be reused in arrays for different suspects shown to the same witness.

b. Conducting the Photo Array

1. The photo array should be preserved, together with full information about the identification process as part of the case file and documented in a report.

2. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures.
 - a. Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used).
 - b. The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that he or she cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.
 - c. The administrator should position himself or herself so that he or she cannot see inside the folders as they are viewed by the witness.
3. The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
4. If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.

4. Line-ups

- a. Conducting the Line-up
 1. Live line-ups shall be conducted using a blind administrator.
 2. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
- b. The primary investigating officer is responsible for the following:
 1. Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.
 2. Ensuring compliance with any legal requirements for transfer of the subject to the line-up location if he or she is incarcerated at a detention center.
 3. Making arrangements to have persons act as fillers.
 4. Ensuring that the suspect's right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspect's right to counsel.
 5. Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line-up and to observe the manner in which the line-up is conducted.

References:

Eyewitness Identification Procedure Form
Sequential Photo Display Form

Release and Indemnity Agreement.pdf

RELEASE AND INDEMNITY AGREEMENT

(Ride – Along Program)

WHEREAS, the undersigned has voluntarily elected to ride as a passenger in the Sheriff's Office vehicles of the county of Wadena, Minnesota, and to accompany peace officers of said county while engaged in the performance of their duties, to study and observe for their own benefit, the functions and operations of the Wadena County Sheriff's Office and its personnel; and

WHEREAS, the undersigned desires to do so at their own risk and recognizing the possible and inherent danger to their person and property resulting therefrom; and

WHEREAS, the County of Wadena does not wish to be liable for any damages arising from personal injury and/or property damage sustained;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the undersigned does hereby, for themselves, their wife/husband, heirs, executor or administrator and personal representatives;

(a) Assume full responsibility for any personal injury or damage to their person or property which may occur, directly or indirectly, while in, on, or about any such Sheriff's Office vehicle, the Sheriff's Office premises or any part thereof at the Wadena County Courthouse, or at any other place or location, while accompanying any peace officers of the Wadena County Sheriff's Office while in the performance of their duties.

(b) Fully and forever release and discharge the County of Wadena, its agents and employees, from any and all claims, demands, damages, rights of action, or causes of action, present or future, whether the same be known, anticipated or unanticipated, resulting from or arising out of the undersigned being in, on, or about any such Sheriff's Office vehicle, or at any or all of the premises and places aforesaid, or while accompanying any peace officers of the Wadena County Sheriff's Office as aforesaid;

(c) Indemnify and hold harmless the County of Wadena, its agents and employees, for any acts or conduct of the undersigned of whatever kind or nature whatsoever, while in, on, or about any such Sheriff's Office vehicle, or at any or all of the premises and places aforesaid, or while accompanying any such peace officer as aforesaid;

(d) Agree to defend and to pay any costs or attorney's fees as a result of any action brought by or against the County of Wadena, its agents and employees, for any acts or conduct of the undersigned of whatever kind or nature whatsoever, while in, on, or about any such Sheriff's Office vehicle, or any of the premises and places aforesaid, or while accompanying any such peace officer as aforesaid:

(e) As of the date of the execution they are eighteen (18) years of age or older; and

(f) Agree that it is the intent of the undersigned that this Release and Indemnity Agreement be in force and effect at any time after the execution hereof.

(Print Applicant full name)

Signature of Applicant

Applicant's street address _____

City _____

State _____

Telephone number _____

Occupation _____

Date of birth _____

Applicant's Driver's License _____

email address _____

Dated at Wadena, Wadena County, Minnesota, this _____ day of

_____, 20____, at _____ o'clock _____ a.m./p.m.

Witness:

Name

Title

Permission is hereby granted to the person named herein, and whose signature is affixed above, to be a passenger in a Wadena County Sheriff's Office vehicle from:

_____ day of _____, 20____, to the _____ day of _____, 20_____.

Deputy Assigned: _____

MICHAEL D. CARR, Sheriff of Wadena County
Or Designee,

By: _____

Date: _____

Wadena Cnty SO Policy Manual

Wadena Cnty SO Policy Manual

INDEX / TOPICS

A

ABBREVIATIONS.	14
ABUSE OF AUTHORITY.	10
ACCOUNTABILITY TO SUPERVISOR.	19
ADMINISTRATIVE HEARINGS.	445
ADMINISTRATIVE INVESTIGATIONS	
Criminal parallel.	606
OIS.	79
Vehicle damage.	498
ADMINISTRATIVE LEAVE.	606
AIRCRAFT	
Accidents.	326
Temporary flight restrictions.	190
ALCOHOL	
Firearms.	88
Intoxicants.	179
Vehicle use.	494
ALCOHOL AND DRUGS.	85
AMMUNITION.	85
AMMUNITION	
Kinetic energy projectiles.	64
ANIMALS	
Euthanize.	89
Injured.	89, 430
Line-of-duty deaths.	675
ANTI-RETALIATION.	662
APPOINTMENT	
Chaplain coordinator.	243
APPOINTMENTS	
Canine coordinator.	107
Communications supervisor.	516
Exposure control officer.	594
Part-time officer/deputy coordinator.	200
Press information officer (PIO).	189
ARRESTS	
Control devices.	61
First amendment assemblies.	403
Log.	190
Seat belts.	611
Towed vehicles.	436
ASSET FORFEITURE.	460
AUDIO/VIDEO RECORDING	
Custodial interrogation.	456
AUDITS	
Informant files.	469

Informant funds.	472
Personnel complaints.	602
Petty Cash.	504
Public safety video surveillance.	250
AUTHORITY	
Canine handler.	108
Law enforcement.	9
Part-time officers/deputies.	199

B

BADGE	
Mourning Badge.	644
BADGES, PATCHES AND IDENTIFICATION	
Administrative leave.	606
Part-time officers/deputies.	198
BARRICADED SUSPECT.	296
BARRICADED SUSPECTS.	295
BIOLOGICAL SAMPLES	
Hazards.	327
BODY ARMOR.	613
BOMBS	
Aircraft accidents.	327
Chaplains.	245
Explosive training aids.	113
MDT/MDC.	370

C

CANINES	
Foot pursuits.	380
CASH	
Audit.	472
CERTIFICATE MAINTENANCE.	656
CHANGE OF ASSIGNMENT.	619
CHAPLAINS.	242
CHIEF EXECUTIVE.	11
CHILD ABUSE.	144
Mandatory notifications.	144
Protective custody.	146
CHILD AND DEPENDENT ADULT SAFETY	253
CHILDREN	
Firearms.	88
CITATION RELEASES.	310
CIVIL	
Liability response.	80
Subpoenas.	193
CIVIL DISPUTES.	406
CIVILIAN/NON-SWORN	
Crisis intervention incidents.	398
Investigation and prosecution.	456

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Wadena Cnty SO Policy Manual

COMMAND PROTOCOL.	19	DATA PRACTICES COMPLIANCE OFFICIAL	
COMMAND STAFF		data compliance.	540
Line-of-duty deaths.	665	DEADLY FORCE REVIEW.	54
Petty cash audit.	504	DEATH	
Work-related injuries.	635	Traffic related.	429
COMMENDATIONS AND AWARDS.	620	DEATH NOTIFICATION.	216
COMMUNICABLE DISEASES.	594	DEFECTIVE VEHICLES.	491
COMMUNICATION CENTER		DEPARTMENT/OFFICE-OWNED	
Mandatory sharing.	203	PROPERTY.	488
COMMUNICATIONS CENTER.	516	Loss or damage.	489
COMPUTERS		DEPARTMENTAL DIRECTIVES.	20
Digital evidence.	456	DISCIPLINE	
CONDUCT		Appeals.	609
Meritorious.	621	Personnel complaints.	608, 608
OIS.	73	DISCLAIMERS	
Personnel complaints.	600	Policy Manual.	13
Standards of conduct.	178	DISCRIMINATION	
CONFIDENTIALITY		Personnel complaints.	602
Chaplains.	246	DISPUTED CLAIMS.	528
Communicable disease information.	594	DNA SAMPLES.	240
Communications center.	521	DRIVING	
Informants.	467	MDT/MDC.	369
Personnel complaints.	610	Safety.	178
CONTROL DEVICES.	61	E	
Decontamination.	595	ELECTRICAL LINES.	323
Training.	318	ELECTRONIC CIGARETTES.	598
CORRESPONDENCE.	29	ELECTRONIC MAIL.	26
COURT APPEARANCES.	192	Personnel complaints.	601
COURT ORDERED FIREARMS SURRENDER		EMERGENCY UTILITY.	323
Domestic Violence.	122	EMPLOYEE ASSISTANCE.	589
COURT ORDERED FIREARM SURRENDERS		EMPLOYEE CONVICTIONS.	586
Child Abuse.	151	EVALUATION.	578
COURT ORDERS		EVIDENCE	
Civil disputes.	406	Bombs.	304
Source testing.	597	Digital.	456
Subpoenas.	192	Public Safety Video Surveillance.	250
CRIME AND DISASTER SCENE		Seizing recordings.	390
INTEGRITY.	286	EXAMINATIONS	
CRIMINAL ACTIVITY REPORTING.	184	Mental, Physical.	623
CRIMINAL GANG INVESTIGATIVE DATA		EXPLOSIONS.	303
SYSTEM.	358	EXPOSURE(S).	294
CRIMINAL INTELLIGENCE.	357	EXPOSURE CONTROL.	594
CRIMINAL ORGANIZATIONS.	357	Officer.	594
CRISIS INTERVENTION INCIDENTS.	394	F	
CRISIS NEGOTIATION TEAM.	288	FIELD CITATIONS.	311
CRISIS RESPONSE UNIT.	288	FIELD SOBRIETY TESTS.	440
CUSTODIAL INTERROGATIONS.	456	FIELD TRAINING OFFICER.	330
CUSTODIAL SEARCHES		FIREARMS	
Training.	564	Conduct.	178
D			
DAMAGE BY PERSONNEL.	186		

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Wadena Cnty SO Policy Manual

Part-time officers/deputies.	199
Retiree carry.	35
Vehicle Use.	495
FIRST AMENDMENT ASSEMBLIES.	399
FITNESS FOR DUTY.	622
FOREIGN DIPLOMATIC AND CONSULAR REPRESENTIVES.	313
FORMS	
Complaint.	601
Firearms training.	90
Unauthorized possession of medical cannabis.	410

G

GANGS.	360
GRIEVANCE PROCEDURE.	584

H

HANDCUFFS.	58
HATE OR PREJUDICE CRIMES.	170
HAZARDOUS MATERIAL.	293
HAZARDOUS MATERIAL (HAZMAT) RESPONSE	
Aircraft accidents.	327
Precautions.	595
Traffic.	428
HELICOPTER ASSISTANCE.	351
HIGH-VISIBILITY VESTS.	427
HOSTAGE AND BARRICADE INCIDENTS	
Rapid response and deployment.	318
HOSTAGES.	295
HOSTAGE SITUATION.	297

I

IDENTITY THEFT.	218
IMMUNITY.	313
IMMUNIZATIONS.	596
IMPAIRED DRIVING.	440
INFORMANTS.	467
INFORMATION TECHNOLOGY USE.	180
INSPECTIONS	
Control devices.	61
Exposure control.	594
Firearms.	82, 87, 90
Firearms.	87, 90
INTERNAL AFFAIRS	
Personnel records.	616
INVESTIGATION AND PROSECUTION.	454

J

JAIL RELEASE.	311
-----------------------	-----

JURISDICTION	
Aircraft accidents.	327
OIS.	73, 73

JURISDICTION	
Traffic collisions.	428

K

KINETIC ENERGY PROJECTILE.	63
------------------------------------	----

L

LAW ENFORCEMENT AUTHORITY.	9
LEG RESTRAINTS.	59
LIMITED ENGLISH PROFICIENCY.	222
LIMITED ENGLISH PROFICIENCY	
Communications center.	518
Eyewitness identification.	474

M

MEAL PERIODS AND BREAKS.	625
----------------------------------	-----

MEDIA

Aircraft accidents.	328
First amendment assemblies.	404
OIS.	81
MEDIA RELATIONS.	189
Restricted information.	191
MEDIA REQUEST.	189

MEDICAL

Aircraft accidents.	326
Canine bites.	110
For canines.	115
Leave Act (FMLA).	592
Personnel records.	616
Treatment for OC spray.	63
Treatment for tear gas.	62
Treatment for work-related injury and illness.	634

MENTAL ILLNESS

Restraints.	306
MINIMUM STAFFING.	30
MUTUAL AID.	202
First amendment assemblies.	402

N

NONSWORN	
Vehicles.	495

NOTIFICATIONS	
Pregnancy.	656

NOTIFICATIONS	
Aircraft accidents.	327
Exposure control.	594
OIS.	75

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Wadena Cnty SO Policy Manual

Sick leave.	592	POLICY MANUAL.	13
Statutory DWI.	442	POLICY REVISIONS.	16
Traffic death.	429	PRESS INFORMATION OFFICER (PIO).	189
Vehicle towing.	435	PRIVACY EXPECTATION	
		MDT/MDC.	368
O		PRIVACY EXPECTATIONS	
OATH OF OFFICE.	12	Administrative searches.	606
OCCUPATIONAL DISEASE, PERSONAL		PRIVATE PERSONS ARRESTS.	220
INJURY AND DEATH REPORTING.	634	PROBATIONARY EMPLOYEES	
OC SPRAY.	62	Personnel complaints.	609
OC SPRAY.	62	PROPERTY PROCEDURES.	522
OFFICER/DEPUTY RESPONSE TO CALLS	103	Controlled Substances.	523
OFFICER SAFETY		Disputed Claims.	528
Communications center.	518, 520	Packaging Of Property.	525
Crime and disaster scene integrity.	286	Property Booking.	523
Firearm confiscation.	74	PROTECTED INFORMATION.	539
Foot pursuits.	380	PROTECTED INFORMATION.	539
Informants.	469	PROTECTED INFORMATION	
LEOSA.	35	Communications center.	521
Seat belts.	611	PUBLIC RECORDING OF LAW	
Vehicle towing.	437	ENFORCEMENT ACTIVITY.	389
OLEORESIN CAPSICUM.	62	PUBLIC SAFETY VIDEO SURVEILLANCE	
ORGANIZATIONAL STRUCTURE.	18	VIDEO RECORDING	
OUTSIDE AGENCY ASSISTANCE.	202	Audio/Video.	248
OUTSIDE EMPLOYMENT.	630	PURSUIITS	
Change in Status.	633	Foot.	380
Obtaining Approval.	630		
Prohibited Outside Employment.	631	R	
Security Employment.	631	RANGEMASTER	
OVERTIME		Control devices.	61
Court.	195	Firearms.	82
OVERTIME PAYMENT.	628	Qualifications.	88
		RAPID RESPONSE AND DEPLOYMENT.	317
P		RECORDS BUREAU	
PARKING.	494	Impaired driving.	445
PART-TIME OFFICERS/DEPUTIES.	196	Suspicious activity reporting.	393
PATROL FUNCTION.	281	RECORDS RELEASE	
PEPPER SPRAY.	62	Media.	190
PERFORMANCE EVALUATIONS		Public safety video surveillance.	249
Sick leave.	593	RECORDS REQUESTS	
PERSONAL APPEARANCE.	637	Personnel records.	617
PERSONAL PROPERTY.	488	RECORDS RETENTION	
Loss or damage.	489	Personnel complaints.	610
PERSONNEL COMPLAINTS		RECRUITMENT AND SELECTION.	572
Part-time officer/deputies.	201	REFLECTORIZED VESTS.	427
PERSONNEL RECORDS.	615	RELIEVE FROM.	54
PETTY CASH.	504	REPORT CORRECTIONS.	187
PHOTOGRAPHS		REPORTING CONVICTIONS.	586
Aircraft accidents.	328	Family Violence.	586
First amendment assemblies.	400	REPORT PREPARATION.	184
PLASTIC CUFFS.	58	RESTRAINTS.	57
		REVIEW BOARD.	54

Wadena County Sheriff's Office

Wadena Cnty SO Policy Manual

Wadena Cnty SO Policy Manual

REVIEWS		
Chaplain program - annual.	243	
Crisis intervention incidents.	398	
Exposure control plan.	594	
Public records on social media.	273	
RIDE-ALONG.	290	
Eligibility.	290	
S		
S.	29	
SAFE HAVEN.	148	
SAFETY		
Communications center.	516	
Conduct.	178	
Control devices.	64	
Explosive training aids.	113	
Firearms.	87	
First responder.	286	
Media.	189	
Temporary flight restrictions.	190	
SAFETY EQUIPMENT		
Chaplains.	243	
Seat belts.	611	
SCRAP METAL THEFT INVESTIGATION.	485	
SEARCH AND SEIZURE.	123	
SEARCHES		
Vehicles.	437	
SEARCHES		
Administrative.	606	
Crime scene.	286	
SEARCHING		
Dead Bodies.	215	
SECURITY		
Personnel records.	617	
SECURITY EMPLOYMENT.	631	
SICK LEAVE.	592	
SMOKING AND TOBACCO USE.	598	
SOCIAL MEDIA.	271	
SPECIAL WEAPONS AND TACTICS TEAM	298	
SPECIAL WEAPONS AND TACTICS TEAM	288	
SPIT HOODS.	58	
STAFF.	13	
STANDARDS OF CONDUCT.	173	
SUBPOENAS.	192	
SUCCESSION OF COMMAND.	19	
SUPERVISION DEPLOYMENTS.	30	
SUPERVISION STAFFING LEVELS.	30	
SUSPICIOUS ACTIVITY REPORTING.	392	
T		
TAKE HOME VEHICLES.	495	
TEAR GAS.	62	
TECHNOLOGY USE.	180	
TRAFFIC		
Collisions.	428	
Enforcement.	426	
TRAFFIC CITATIONS.	426	
TRAFFIC DEPUTY.	425	
TRAFFIC FUNCTION.	425	
TRAFFIC SIGNAL.	323	
TRAINING		
Anti-Retaliation.	664	
Criminal Organizations.	360	
TRAINING		
Canine.	113	
Chaplains.	246	
Communicable disease.	594	
Control devices.	65	
DWI enforcement.	446	
Firearms.	88	
First amendment assemblies.	405	
Hate and prejudice crimes.	172	
Part-time officers/deputies.	201	
Personnel records.	616	
Public safety video surveillance.	252	
Rapid response and deployment.	318	
Social media.	273	
U		
UNIFORM REGULATIONS.	641	
UNIFORMS		
Chaplains.	243	
Part-time officers/deputies.	198, 199	
UNITY OF COMMAND.	19	
URINE SAMPLE.	441	
USE OF FORCE		
Forced samples.	443	
USE OF SOCIAL MEDIA.	271	
UTILITY SERVICE.	323	
V		
VEHICLE MAINTENANCE.	491	
VEHICLES		
Inventory.	436	
Towing.	432	
VEHICLE SEARCHES.	437	
VIDEO RECORDINGS		
First amendment assemblies.	400	
W		
WASHING OF VEHICLES.	493	
WATER LINES.	323	