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# Bayport Police Department Policy and Procedure Manual

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Policy # AD-1 Pages: 3 Date: 10-28-99; Revised 2-13-09; 12-8-15

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Subject: Animal Control

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## **I. Introduction**

- A. The Police Department has been designated by the City of Bayport as being responsible for citywide animal control.
- B. Ordinances related to this subject are found in the Chapter 14 – Animals of the Bayport City Code, and each member should be thoroughly familiar with these ordinance regulations. Additionally, there are animal control situations which are not fully addressed by ordinance, and it is the intention of this policy to address those situations. It is our goal and responsibility to provide both reasonable and humane treatment to those animals with which we come in contact.

## **II. General Impoundment (Dogs and Cats)**

- A. Dogs and cats that are found at large can be impounded at an approved veterinary facility. The City of Bayport currently uses the Humane Society for Companion Animals, Woodbury, Minnesota, for impoundment purposes.
- B. Before impoundment, every attempt should be made to find the owner of the dog/cat if it is a first offense; however, a written warning or citation shall be issued upon release of the animal. All dogs and cats, over the age of four months, are to be licensed annual with the City of Bayport. Officers should utilize licensing records as a method of determining ownership.
- C. Impounded animals at veterinary facilities are often destroyed after a specific time frame. Every attempt should be made to locate the owner of the animal prior to destruction.
- D. If an animal is impounded/destroyed, the owner of the animal shall be responsible for payment of all costs associated with impoundment, boarding, and euthanasia, prior to the animal being released. If the owner is unknown, the City will pay for these costs.

## **III. General Impoundment (Undomesticated Animals)**

- A. All undomesticated animals that are not ill shall be released into a rural location near the city, or if this is not appropriate, relocated to an area approved by the Minnesota Department of Natural Resources (DNR). If an undomesticated animal is best destroyed, it shall be done in compliance with department policy and any recommended DNR guidelines.

## **IV. Quarantine**

- A. When a dog or cat has bitten any person, the officer shall quarantine the animal per the requirements listed in Chapter 14 - Animals of the Bayport City Code. If the owner of the animal is known, and is able to comply with the ordinance, the animal may be quarantined at the owner's home. If the owner is unwilling or

unable to comply with the requirements of the ordinance, the City will quarantine the animal at an approved veterinary facility at the owner's expense.

- B. If the owner of the dog or cat is unknown, it shall be quarantined at an approved veterinary facility, at City expense. If the animal remains unclaimed after the quarantine period, the veterinarian shall destroy it, at City expense,
- C. If the animal is undomesticated, it shall be properly and promptly destroyed following a biting incident, and sent to the University of Minnesota for rabies testing.

**V. Destruction of Animals**

- A. A licensed peace officer may destroy any animal that is critically sick or injured, and the situation dictates that veterinary care is impractical or impossible. Police destruction of animals shall, whenever possible, be done with a firearm to prevent further suffering.
- B. Any animal that is dangerous and poses an unreasonable risk to police personnel who are attempting to impound it may also be destroyed.
- C. If the owner of the animal is known and available, the owner's permission to destroy the animal shall be obtained. If the owner refuses to give permission for destruction, the owner shall remove the animal. If an owner requests removal following destruction, all formal disposal costs will be paid by the owner.
- D. If the animal is a child's pet, and the child or other children are present, the animal should not be destroyed in their presence. Either the animal or the child should be removed to another location prior to destruction.
- E. If there are witnesses who are able to testify to the need for destruction, their names and addresses shall be obtained for the police report.
- F. Following destruction, the animal must be removed from the location. The judgment of police personnel shall be exercised and allowed, depending on the type of animal and the existing circumstances. Options available include bagging the animal and placing it in the Public Works garage dumpster, having Public Works personnel remove the animal if it is too large or seriously damaged, or taking it to an approved veterinarian facility for cremation.
- G. The following guidelines are provided to assist officers in destroying an animal:
  - 1. The animal shall be removed from public view prior to destroying the animal whenever possible.
  - 2. The animal should, whenever possible, be placed upon the ground (in lieu of pavement) to decrease the possibility of ricochets.
  - 3. The animal should be shot from close range (1 to 10 feet).
  - 4. Shoot down into the animal at a 90-degree angle so that the projectile, if exiting the animal's body, will enter the ground.
  - 5. The animal should be shot into the brain/head to minimize suffering. Upon destroying the animal, arrangements should be made without delay for removal of the animal's body.

6. If the possibility of rabies exists, or if the animal has bitten someone, the animal cannot be shot in the brain. In these cases, the animal should be shot in the chest cavity, directly behind either front leg, and the animal's body preserved for testing.

**VI. Police Report**

Any ICR relating to animal control activity shall include pertinent information relating to the incident. This information shall include, but not be limited to, ownership, impoundment, destruction method and supporting reasons.

**VII. Live Traps**

Live traps shall be used where appropriate, and it is acceptable to allow community members to borrow those traps owned by the City.

**VIII. Miscellaneous**

- A. The department will vigorously enforce all animal control ordinances, policies, and procedures in an effort to contain animal control problems.
- B. The department will respond promptly and reasonably to all requests for animal control services.
- C. The City will absorb all costs associated with stray animals in which ownership is unknown.
- D. Members of the department will handle calls for animal control services as professionally and as humanely as possible. It is critical to remember that pets are commonly viewed as being significant family members. By the same token, ordinance violations can be very disturbing to residents who do not have pets, thus the reason for our aggressive enforcement of ordinance violations.

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# Bayport Police Department Policy and Procedure Manual

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**Policy #** AD-2      **Pages:** 1      **Date:** 01-01-05; Reviewed 1-29-09

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**Subject: Clarification of Policy and Procedure Manual**

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## **I. Introduction**

Due to the scope and far reaching implications of the various policies, procedures, and orders implemented by the Department, it is understandable, if not predictable, that questions might well develop with respect to the content, meaning, and applicability of the policies, procedures, and/or orders. As such, the following procedure has been developed in order to provide a standardized remedy for misunderstandings or misinterpretations which may arise in consideration of the afore-noted policies, procedures, and/or orders. Compliance with the procedure is calculated to result in a timely and accurate interpretation of the specific rule, policy, procedure, or order, or any part thereof, in question.

## **II. Scope**

The provisions of this policy shall apply to, and be observed by, all sworn and non-sworn members (full-time, part-time, reserves) of the Bayport Police Department.

## **III. Procedure**

The following procedure shall be used by all members requesting clarification of any rule, regulation, provision, section, or subsection of an established departmental policy, procedure, or order.

- A. Prepare for submission to the Chief of Police, a memorandum which minimally includes the following information:
  1. The specific number of the rule, regulation, provision, section or subsection which is deemed to be in need of clarification.
  2. State or cite the specific language or wording to be clarified.
  3. Describe the situation or circumstances surrounding or resulting in the requested clarification.
  4. Only through the precise description or definition of the “problem area” can the requested clarification be handled appropriately.
- B. Submit the original memorandum to the Chief of Police and one (1) copy to requesting member’s immediate supervisor, if other than the Chief of Police.

The Chief of Police or designee will review all requests for clarification and shall, within a reasonable amount of time, formulate a written response to same. The rule interpretation will then be returned to the member requesting clarification by his immediate supervisor, with a copy of same posted, along with a copy of the rule, regulation, policy, or procedure in question, in a conclusion location within the Department. A copy of the rule interpretation shall be kept on file for future reference purposes with copies issued to each member on an individual basis.

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## Bayport Police Department Policy and Procedure Manual

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**Policy #** AD-3      **Pages:** 2      **Date:** 10-30-04; Revised 4-3-09

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**Subject:** Citizen Ride-Along

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### **I. Introduction**

Due to the complexities of the police function in today's society, this department views citizen ride-alongs as opportunities to demonstrate our openness to the community that we serve. Ride-alongs are also an educational experience for those interested in law enforcement as a profession, as well as those interested in a first-hand observation of professional officers. Our role as law enforcement professionals includes education. Therefore, consistent with our mission, the Bayport Police Department welcomes citizens to participate in ride-alongs. In compliance with the Pursuit Policy, pursuits will be terminated by any officer who has any passenger in their vehicle, other than a member of the Bayport Police Department.

### **II. Policy**

The provisions of this procedure shall apply to and be observed by all sworn and non-sworn members, full and part-time of the department. Every citizen wishing to participate in a ride-along shall comply with the requirements of the program as outlined in the release form.

### **III. Application Procedure:**

- A. Ride-Along Release Forms/Applications shall be made available for any citizen interested in participating in a ride-along during office hours.
- B. Requests must be submitted prior to the desired date requested for the ride-along and must be filled out completely or they will not be approved.
- C. All persons requesting approval must be sixteen (16) years of age or older. Individuals under eighteen (18) years of age must have their parent's written permission and may not ride past 2200 hours. (The permission will be verified by the Chief of Police or designee prior to the minor participating.)
- D. The Chief of Police or designee shall consider the release form/application, and the request for a ride-along shall be granted or denied consistent with the purpose of the program.
- E. The authorizing department official shall arrange and schedule the ride-along with an appropriate officer. No probationary officer, unless authorized by the Chief or designee, shall have a ride-along present.

**IV. Ride-Along Guidelines**

- A. Ride-alongs shall not exceed four hours in length, unless specifically approved otherwise by the authorizing department official.
- B. No applicant will be allowed to ride more than once a year, unless specifically approved by the Chief of Police.
- C. Department members shall not allow ride-along passengers to become involved in situations which may jeopardize the safety of the passenger, the public, or the department member.
- D. Passengers shall not be allowed to go into private homes on domestic or medical emergency calls.
- E. Officers shall gain permission from a business or homeowner before allowing a ride-along passenger to accompany them on other types of response calls.
- F. These guidelines cover all department vehicles.

**V. Passenger Rules**

Members shall explain to each passenger, and ensure compliance with, the following rules:

- A. Department members will explain potential hazards that could be encountered and the necessity for the passenger to immediately obey all instructions from the department member.
- B. No ride-along passenger will be permitted to carry or use any camera, tape recorder or other type of recording device, or carry any lethal or non-lethal weapon.
- C. All names of persons or information concerning incidents must be kept confidential, unless otherwise authorized.
- D. Ride-along passengers must not become personally involved in police incidents, unless requested to do so by the department member.
- E. Passengers may be required to testify in a court of law and act as a witness.

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# Bayport Police Department Policy and Procedure Manual

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**Policy #** AD-4

**Pages:** 4

**Date:** 4-24-09 revised 11/30/18

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**Subject:** Critical Incident and Post-Traumatic Event Response

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## Policy Statement

It is the policy of the Bayport Police Department to maintain the safety and security of the City of Bayport. The department recognizes that critical incidents can pose a great threat to citizen and officers alike. The initial incident and its after-effects can cause enormous damage to the lives of people involved in a critical incident. The purpose of the policy is to provide general guidelines to members for their response to critical incidents. This policy will also provide a guideline to help the department and members recover from a traumatic incident.

## Definitions

- **Critical Incident:** A critical incident is defined, but not limited to, incidents involving officer use of force or response to resistance or aggression that results in the use of deadly force through discharge of a firearm, and there is a high probability of death. Or the death of any person, including traffic-related incidents, or any other incident implication a possible criminal violation in the judgement a discretion of the chief, or any incident where the chief of Police or designee, invokes the policy. At which time the chief or designee will request the assistance of the Bureau of Criminal Apprehension to conduct an investigation.
- **Traumatic Event:** A traumatic event is defined, but not limited to, any situation described as a critical incident but may impact a member and his or her physical and or psychological wellbeing so that it impairs the member's ability to function normally.

## **RESPONSE TO CRITICAL INCIDENTS**

Upon receipt of information that a critical incident exists or has taken place, members will immediately notify dispatch of the nature and exact location of the incident.

### **A. First Officer Responsibilities**

1. Confine the incident principals to the immediate area and maintain strict firearm discipline.
2. Evacuate injured persons, if appropriate. Request emergency medical response and have them standby until the scene is safe for entry.
3. Secure all potential witnesses.
4. Provide dispatch with information regarding back-up officer requirements and placement relaying information regarding scene safety hazards and if feasible set up a perimeter using police tape.
5. Provide dispatch any other important information regarding the scene, such as hazardous conditions, as it becomes apparent.

6. As soon as possible and when it is safe to do so, notify supervisors via phone call and/or utilize dispatch to inform supervisors that a critical incident has occurred and the location.

#### **B. First Supervisor Responsibilities**

1. Affirm, modify and coordinate back-up units' response to the scene.
2. Request a radio channel cleared for emergency traffic for the incident.
3. Notify the Chief and Sergeant of the incident, the incident status, and inform the Chief and Sergeant if there is a necessity for SWAT team callout.

#### **B. First Supervisor Responsibilities (continued)**

4. Upon arrival of back-up units, fully secure the incident scene and establish a perimeter.
5. If deemed necessary, evacuate bystanders, nearby schools, homes, businesses, etc. which may be in danger.
6. Ensure all personnel on the scene maintain strict firearm discipline.
7. If there is a request by the media for information regarding the incident, refer them to the CLEO at the scene, or the Chief.

#### **General Instructions**

1. Unassigned units will remain away from the incident unless specifically directed.
2. Officers assigned to the incident will use the cleared channel for radio traffic regarding the incident unless directed to use an alternative channel by the supervisor on scene.
3. If the Chief or Sergeant approves the use of a SWAT team, officers will assist the SWAT team as needed. However, command of the incident will follow the Incident Command System procedures and can be transferred to the ICS commander on scene.

#### **D. Incidents Involving Death or Serious Injury**

A member's direct involvement in an incident where death or serious injury resulted necessitates special consideration on the part of the Department. To maintain the integrity of the investigation into the incident the on-duty supervisor will ensure the following:

##### **On-Duty Supervisor Responsibilities**

1. Immediately notify the Chief and the Sergeant of the incident and request dispatch to call the BCA to assist with the investigation.
2. Remove the officer involved from the scene as soon as possible. The officer should not be isolated, if possible, assign another officer to accompany the officer involved.
3. Ensure that the officer involved has immediate access to legal counsel if requested.
4. As requested by the BCA, have the officer involved taken to the nearest medical facility to have a blood test performed using an approved BCA blood test kit.
5. Allow the officer involved to communicate with family members as soon as possible, as requested. Information regarding the incident is not public and the message must not disclose any details. Example of the message as follows: "I was involved in a critical incident and I am okay."
6. Do NOT identify the officer involved to the media. Protect the officer involved from media attention.
7. Do NOT request any written report or taped interview from the officer involved.
8. Ensure that all potential witnesses are identified.
9. Ensure that assisting and witness officer reports are completed.
10. **Do not** remove weapon(s) **BWC** or uniform used by the officer involved.

11. The BCA will collect any items from the involved officer as they choose that may be of evidentiary value, such as damaged uniforms, photographs of wounds, etc.
12. See policy **AD-24** Body Worn Camera policy for directives on Access to BWC data.
13. If applicable, the BCA may take an involved police vehicle to a secure facility.
14. Maintain the incident scene until the agency investigating the incident assumes control.

### **Command Staff Responsibilities**

1. Request an outside agency to investigate the incident, if appropriate.
2. If an investigation into the incident is performed within the department, the Chief or designee will perform the investigation in accordance with established procedures.
3. Issue replacement weapons and uniforms to the involved member.
4. Ensure that all officers involved with the incident have an opportunity to a debriefing session with a Critical Incident Stress Debriefing (CISD) team or other certified confidential therapist.

### **Command Staff Responsibilities (continued)**

5. Ensure that notifications to next of kin of deceased, seriously injured, or seriously ill persons shall be done in person in a prompt manner.
6. All media releases will be the responsibility of the Chief of Police or her/his designee.

## **E. Administrative Leave**

A member involved in a death or serious injury incident will be placed on mandatory administrative leave with pay for the duration of the member's shift and will remain on administrative leave until the member's return is approved by the Chief of Police. The Chief of Police may assign the member to light duty status until an investigation into the incident is completed or if the member is unable to return to regular duty for personal recovery purposes.

## **F. Professional Support**

In all cases where injury or death results from a critical incident, the involved member will have the opportunity to undergo a debriefing with a psychologist or psychiatrist as soon as possible after the incident. The purpose is to allow the member to express his or her feelings and to deal with the moral, ethical, and or psychological effects of the incident. The debriefing will be at the city's expense through a certified confidential therapist or through the metro Critical Incident Stress Debriefing Team (CISD).

1. The debriefing shall not be related to any departmental investigation of the incident and nothing discussed in the debriefing will be reported to the department. The content of the debriefing session will remain confidential and subject to the physician/patient privilege.
2. A certified confidential therapist, physician, psychologist and or psychiatrist who assisted the member, will be requested by the department to state a conclusion that the member is able to return to work and the recommendations relating to the need for follow-up counseling or evaluation.
3. 3 months after the incident a follow-up meeting with one of the above professionals is required to evaluate how she/he is processing the incident and recommendations will be made for the need for any future evaluations.

4. In the event a claim is made against the City of Bayport or an involved member regarding the critical incident, and if it appears that the assistance of an attorney is required in order to protect the interests of the city, an attorney representing the interests of the city shall be provided at city expense to represent the city and the member with respect to litigation that may result from the critical incident. An attorney will be assigned to discuss the defense and counsel the involved member. The attorney/ client privilege shall apply to communications between the attorney and the involved member. An involved member is entitled to retain and pay for an attorney of the member's choice at any time.

### **G. Debriefing Mandatory**

In the following situations it will be mandatory for an employee to attend a critical incident stress debriefing or diffusing:

1. The death or serious injury of an employee in the line of duty.
2. Suicide of a co-worker, friend or family member.
3. Officer involved shootings.
4. Incidents involving the death of a child.
5. Prolonged failed rescue attempts.
6. Mass casualty situations.
7. An incident involving a victim known by the responding employee(s).
8. A situation where the safety of the employee is unusually jeopardized.
9. Any other serious incident the CLEO deems appropriate.

### **H. Spiritual Support**

In all cases where injury or death result from a critical incident, the involved member and his or her family (or significant others) will have available to them the services of a Chaplain. The purpose is to provide the member and his or her family or significant others with a source of professional and peer consultation to aid them in dealing with the potential after effects of the traumatic incident.

1. The Chaplain's services shall not be related to any departmental investigation of the incident and nothing discussed will be divulged to the department. The consultation sessions will remain protected by the privileged relationship.
2. Members involved in prior traumatic incidents may be asked to assist and aid the involved member.

### **I. Written Reports**

1. Members involved in traumatic incidents are not required to complete any reports regarding the traumatic incident until the member has had an opportunity to consult with legal counsel.
2. Investigators may interview the involved member after the member has consulted legal counsel or 24 hours has elapsed. The interview may take the place of a written report by the involved member.
3. The involved member will not complete any written report regarding the traumatic incident until at least 24 hours have elapsed since the incident.

4. Witness or assisting members who did not use force may be required to complete all written reports regarding the incident before the end of their tour of duty. The supervisor on the scene will determine this. The Bayport Police Department recognizes that members who witnessed or assisted in the incident may also need time to seek assistance.

**J. Investigations**

1. A critical incident in which a member is directly involved will be thoroughly and comprehensively investigated for the purposes of determining whether or not the member's actions were justified and within both Department Policy and Federal, State and local law.
2. Incidents wherein a member's actions caused death or serious injury may require that the Chief of Police request assistance from the Minnesota Bureau of Criminal Apprehension (BCA) or other law enforcement agency if the BCA is unavailable to investigate the incident.

**K. Information Released**

A. The information released to the public may include the following:

1. Description of the incident, including time, date and place.
2. Reasons for the encounter and whether officers had been investigation, were called to the scene or received a tip.
3. Whether there was resistance or a pursuit.
4. Whether weapons were used.
5. Whether there is a BWC or another video.
6. Transcript of the 911 call if it doesn't identify a person whose identity is protected.
7. The name of the hospital where the victims or casualties were taken.
8. Public information will be released as soon as possible after the chief or her/his designee has determined that releasing the information will not endanger the physical safety of an individual or cause a perpetrator to flee or destroy evidence and/or to provide time for the notification of family of the deceased as well as officers involved.
9. Information may be released directly to individual members of the media, in a department statement, an online, including through the departments Facebook and Twitter accounts. Public information may also be released by an investigating agency, including names of involved officers.

**L. Relief of Duty:**

1. The involved officer shall be relieved from active duty as soon as possible and may be placed on paid administrative leave as follows:

Officers involved in a fatal shooting, fatal car accident, or other in-custody deaths will be placed on paid administrative leave for a minimum of three (3) days and not more than seven (7) days, unless approved by the chief or her/his designee. During this administrative leave time, the officer will need to be available to communicate with the assigned investigators, Chief and or designee and fulfill their required EAP meeting or assessment.

The limitation on the maximum number of days of paid administrative leave does not apply if there is sufficient evidence to support a preliminary conclusion that the officer may have engaged in conduct relating to the incident which, if true, would constitute a terminable offense.

An officer who witnesses a critical incident may request paid administrative leave for a period not to exceed two working days. Upon the expiration of the administrative leave, the chief of police or designee shall authorize the officer to return to her/his normal shift, work and duties.

- B. For all critical incidents, as soon as possible after an officer surrenders her/his department issued weapon to investigators as evidence, s/he shall be provided with a replacement. No officer shall be rearmed without the authorization of the chief of police or designee.
1. In cases where there is a clear decision by the county attorney or grand jury “No-Bill” resulting in no prosecution related to an Officer Involved Shooting, the officer’s original equipment, including firearm, will be returned to the officer.

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## Bayport Police Department Policy and Procedure Manual

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Policy # AD-5 Pages: 1 Date: 06-19-04; Revised 1-29-09

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### Subject: Emergency Vehicle Operation

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#### I. Introduction

It is the primary mission of the Bayport Police Department to protect lives while enforcing the law. The operation of departmental vehicles carries a great responsibility and the highest level of care must be given to their operation. All employees operating departmental vehicles shall operate said vehicles in accordance with department policy and state statute.

#### II. Procedure

- A. All officers of the Bayport Police Department shall be thoroughly familiar with the statutory requirements regarding the operation of an emergency vehicle. These include, but are not limited to, 169.01, 169.03 and 169.17.
- B. When being operated in emergency mode, the vehicle shall have both flashing lights and audible siren activated whenever possible. In some situations, an officer may make a tactical decision not to sound an audible siren. However, whenever a vehicle is being operated in emergency mode, an officer is never relieved of the duty to drive with due regard for public safety.
- C. The decision when to operate a vehicle as an “emergency vehicle” shall lie with the officer. The officer shall consider all relevant factors when making such a decision. These factors include, but are not exclusive to, the following:
  - 1. The nature of the call being responded to.
  - 2. The assistance that will be provided by the officer upon arrival.
  - 3. The risk created by responding in emergency mode, versus the risk created by responding routinely, such as in a life threatening emergency.

All officers shall be able to clearly articulate the need to operate a vehicle in emergency mode.

- D. Whenever an officer stops a patrol vehicle in a traffic lane or tight away, the vehicle shall have emergency lights activated to visually warn the motoring public. This includes traffic stops conducted on public roadways.
- E. When being parked in a position that does not allow for a pull-ahead or drive-through exit, all police vehicles shall be backed into the appropriate location. Parking in the Police Department garage bays shall be done by backing police vehicles in.

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# Bayport Police Department Policy and Procedure Manual

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**Policy #** AD-6      **Pages:** 5      **Date:** 10-22-98; Revised 2-13-09

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**Subject: Evidence/Property Room Procedures**

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## **I. Introduction**

The purpose of this policy is to provide clarification and lend consistency to the handling, labeling, and storage of property, whether seized as evidence, or retained for safekeeping as found property.

“Property Officer” is the member designated by the Chief of Police to maintain the chain of custody of all property and evidence retained by the Department and to maintain the integrity of the Property Room.

## **II. Procedure - Order**

A. No member of the Bayport Police Department shall convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence, except in accordance with this policy.

### **B. Evidence Security**

1. Evidence must be stored and processed as stated by policy.

#### **2. Evidence Room**

- a. Evidence Processing Room will be used for Evidence Processing and remain locked at all times and accessible to authorized personnel only. Any non-authorized personnel accessing this room shall be escorted authorized personnel.
- b. Property Room will be used for evidence storage and will be secured at all times and accessible only to personnel designated by the Chief of Police.
- c. Chain of Custody will be completed on evidence receipt whenever a change in custody occurs.

### **C. Entering Property into Evidence**

1. An evidence receipt will be completed whenever an item is entered into evidence. The member completing the receipt will complete the following:

- a. Victim name and date of birth
- b. Suspect name and date of birth (if known)
- c. Date item is placed into evidence.
- d. ICR number
- e. Item number, with each item listed separately, described completely, numbered sequentially, beginning with one (1).
- f. Chain of Custody

2. Original Copy
  - a. If evidence is stored in the evidence room, the officer will leave the original copy of the evidence receipt with the evidence.
  - b. If the evidence is not stored in the evidence room, the original receipt should be left in an evidence locker where the Property Officer will process it. The Property Officer will make a photocopy of the receipt and arrange to have it attached to off-site item of evidence.
  - c. After evidence disposal, original receipt will be attached to the case file.
3. Photocopy
  - a. The officer will attach the photocopy of the evidence receipt to the report.
4. When evidence is removed from the Department, the original evidence receipt should remain, when possible, in either the designated bin or appropriate open processing locker in the evidence room.
5. If the original copy of the evidence receipt is removed from the Department:
  - a. A photocopy of the evidence receipt indicating the most current change of custody must be retained in the designated bin in the evidence room.
  - b. When an original evidence receipt is returned to the Department, the photocopy should be destroyed.

D. All Property designated as evidence will be labeled by the officer.

1. Whenever possible, labeling will be written with permanent marker directly on the evidence item unless special conditions prohibit this. Labeling will include the following:
  - a. ICR number
  - b. Date
  - c. Item number
  - d. Officer's initials
  - e. Officer's badge number
2. When it is not possible to write directly on the item, specifics will be written on a stick-on label or on a preprinted evidence tag, which will then be affixed to the evidence item.

E. Evidence items should be prepared for storage in the following manner

1. All currency seized or found will be counted, initialed, photocopied; and use of a *Seized Evidence Currency Log* will be utilized. This log will be placed with the currency in a heat-sealed bag and kept with the evidence. This log will be completed in entirety.
  - a. All currency will be counted by a minimum of two officers upon initial seizure. All officers participating in this procedure will make a notation on the ICR, including the amount counted.

- b. If the amount is in excess of \$10,000, the First State Bank and Trust of Bayport shall be notified, and currency will be placed in the safe there, after a re-count in front of the keyholder assisting with the placement.
  2. Other valuable items, including artwork, jewelry, etc., will be photographed, with attention to noting detail, such as scratches and other marring. This evidence will then be processed like other evidence.
  3. All evidence items should be sealed by the officer in either a plastic or paper bag, unless specific conditions prohibit this.
  4. Items which have a noxious odor or leak fluids will be processed in the following manner:
    - a. For evidence in cans, glass, and other containers without a sealable cap, a portion of the fluid will be transferred to a plastic container; the remaining fluid will be discarded.
    - b. The plastic container containing the sample fluid and the empty container will be retained as evidence, heat-sealed in plastic, secured sealed with evidence tape, and marked as evidence in the manner described above other for evidence marking procedures.
  5. Items that are not noxious or leakable will be processed as follows:
    - a. Placed in an appropriate sized paper bag, sealed and secured with evidence tape, and bag marked as above.
  6. Syringes must be placed in a provided sharps container before sealing.
  7. Kegs will be processed as follows:
    - a. Photograph keg (photograph or copy will be placed in case file).
    - b. Transfer a portion of the liquid from the keg to a plastic container and seal with evidence tape.
    - c. Process as evidence.
    - d. Place completed property tag on keg.
- F. Evidence items will be stored as follows:
  1. Smaller items of evidence will be placed by officer in an appropriate sized evidence locker.
  2. Larger items, which do not fit into an evidence locker, should be placed by officer on the floor or counter of evidence processing room. Property Officer will transfer item to Evidence Room.
  3. Large items which are inappropriate for storage in the Evidence Processing Room (such as bicycles) shall be properly bar-coded and stored in the cold storage park building.
  4. Combustible items, if warranted, will be stored in the Evidence Room.
  5. Firearms confiscated as property or evidence will be stored in the Evidence Room Gun Locker.
  6. Ammunition confiscated as evidence will be stored in the evidence room gun locker.

\*Property Room Officer will process items from the temporary evidence lockers by removing items, checking for proper processing and labeling, initialing seal on bag, storing as appropriate in the Evidence Room, and making proper notation on ICR.

#### G. Evidence Retrieval

1. Officers will retrieve evidence items as follows:
  - a. Officers will notify the Property Room Officer at least one (1) week in advance, and insuring Property Room Officer is available, if possible, prior to court date, so that evidence may be provided to the requesting officer.
  - b. Officer will fill out the Evidence Control Log, filling out date of request, court date, name, ICR number, and label number.
  - c. Property Room Officer will provide the original Evidence Receipt for the officer and fill in as follows: Date and time; signature; and Chain of Custody column.
  - d. Requesting officer will then complete the same information, and upon returning evidence, complete Chain of Custody receipt, put items back in evidence lockers, complete Evidence Control Log.

#### H. Submitting Evidence to the Bureau of Criminal Apprehension (BCA) or St. Paul Police Department Crime Lab (SPPD) for Analysis:

1. Misdemeanor, Gross Misdemeanor offenses:
  - a. Blood/urine kits from traffic offenses will be submitted via U.S. mail to the BCA for analysis by arresting officer.
  - b. For other offenses, evidence will be submitted to the BCA or SPPD by Property Officer or his designee, insuring all removal and transportation is logged and noted on ICR.
2. Results of BCA analysis
  - a. After reviewing facsimile, electronic, or U.S. mail results, submitting officer will review results and proceed with additional charging or further investigation.

#### I. "Destroy Evidence" Notices from BCA

1. Will be given directly to the officer who submitted the evidence
2. Officer will determine if evidence can be destroyed, based upon status of offense and on a case-by-case basis.
3. Officer will complete BCA Notice.
4. Property Officer will return notice and attach letter to case file.

### III. Evidence Retention Guidelines

- A. For inactive cases of a serious nature (homicides, suspicious deaths, aggravated robberies, crimes involving a firearm, etc.) that are not exceptionally cleared, evidence will be retained indefinitely.
- B. For inactive or unfounded cases of a less serious nature that have had no activity for at least one calendar year, evidence may be disposed of.
- C. For incidents of any level that have had charges issued and have final dispositions, evidence may be disposed of.

- D. For incidents of any level that have no available disposition, evidence may be disposed of if the incident was charged three (3) years prior, and/or no warrants or legal hold is placed on offender.
- E. For incidents in which an offender has been sentenced, evidence will be held for a minimum of ninety (90) days, pending an appeal.
- F. Offenses containing blood/urine or sexual assault kits will be retained until final disposition or until notification is received from the BCA.
- G. Kegs and taps that are being held where no charges are pending will be retained for sixty (60) days, then returned to the place of business where purchased from.

**IV. Evidence Disposal**

- A. Alcoholic beverages will be poured into an appropriate drain.
- B. License plates will be destroyed.
- C. Unknown chemicals will be turned over to the Bayport Fire Department for disposal.
- D. A letter noting that property will be disposed of shall be sent to the last known legal owner for property of value. Owner will be granted thirty (30) days to retrieve property.
- E. Property of value, except for those listed below, which are unclaimed or unable to be returned to the owner will be either auctioned or retained by Department for training uses as authorized by Chief of Police.
- F. The following items will not be disposed of unless under Department supervision:
  - 1. Drug paraphernalia
  - 2. Knives, BB or Pellet Guns
  - 3. Firearms (will be melted down at an appropriate facility)
  - 4. Radar detectors

**V. Audit**

The Chief of Police, with minimal notice, will conduct an audit at a minimum of one time per year to insure the location of property/evidence is secure and verified. Particular attention will be paid to weapons, narcotics, valuables, and currency.

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# Bayport Police Department Policy and Procedure Manual

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Policy # AD-7 Pages: 2 Date: 02-10-05; Revised 4-10-09

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Subject: Forfeitures

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## I. Introduction

This procedure shall serve as an internal mechanism and guide for the disposal and/or conversion of all proceeds obtained through the forfeiture statutes of the State of Minnesota, as well as applicable Federal regulations.

## II. Fund Objectives

The forfeiture statutes are designed to supplement the operating budget of the Police Department. The fund should have primary objectives that are reviewed on an annual basis and that operate in the best interest of the City as a whole.

Of principal benefit to the City are the expanded police capabilities created by forfeited proceeds and the relief that can be provided to the general operating fund. Items being purchased through the forfeiture fund are not being requested and/or purchased through the general fund, thus freeing additional tax dollars for other uses of equal or greater importance.

Fund objectives are currently established as follows, in prioritized order:

1. The development and funding of community and crime prevention programs that require material purchases that will exceed our general fund allocation.
2. Purchase of specialized equipment that is fully justified but not economically feasible from the general fund.
3. Specialized training that is not economically feasible from the general fund.
4. Purchasing and installation of computer hardware and software.

Note: Forfeiture proceeds that are generated from Driving Under Influence (DUI) enforcement efforts should, by law, be used to enhance those efforts.

## III. Forfeiture Account

The City of Bayport Finance Officer has established a forfeiture account for the deposit and disbursement of forfeited proceeds and all property seized that is subsequently converted to cash.

In each fiscal year budgeting process the Police Department shall, in addition to the traditional general fund operating budget, submit a budget for the forfeiture account. The forfeiture budget shall contain the current fund balance, as well as any proposed expenditures for the new fiscal year.

Any purchase proposed from this account outside the annual budgeting process shall be submitted to the City Administrator and Finance Officer for approval prior to the purchase being made.

Any purchases, deposits, and disbursements to or from this account shall comply with all the City of Bayport's established accounting procedures.

**IV. Cash Proceeds**

All cash proceeds shall be promptly deposited in the forfeiture account following a signed court order declaring the cash as forfeited.

**V. Non-Cash Proceeds**

All proceeds that are not in the form of cash shall be disposed of in one of the following manners, in accordance with the applicable laws and ordinances:

1. Converted for use by the Police Department, if the department can use such property. This action shall be recorded and reported to the Finance Department for purposes of asset declaration.
2. Converted for use by another city department, provided the Police Department has no use for the property. The same recording and reporting mechanisms shall be implemented as previously stated.
3. Converted to cash through the standard auction process, through a sales company or a dealership. Prior to the auction, the forfeited property shall be tagged and inventoried. Proceeds from the sale of forfeited items shall be deposited in the special forfeiture account.
4. Converted to cash through a sealed bid process and/or direct sale following an independent appraisal of the property. This mechanism is to be used only for property that is uniquely specialized and is unlikely to be sold for fair market value at auction.

**VI. Vehicle Forfeitures**

Vehicles can be forfeited as a result of either felony level DUI offenses or controlled substance violations. The varying shape, size, value, and shape of vehicles are tremendous. As the Bayport Police Department has not only limited storage capability, but limited prosecution funds, the following criteria is established for seizing vehicles eligible to be forfeited:

1. Any vehicle with a retail/resale value of over \$2,000.00.
2. Any vehicle in which the guarantor (loan, amount left on the loan) owes less than \$5,000.00, but the vehicle is valued at least \$10,000.00.

**VII. Procedures**

The member with the designation of “Property Officer” shall be responsible to ensure that all legal and procedural efforts with regard to forfeited property/cash are carried out.

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# Bayport Police Department Policy and Procedure Manual

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Policy # AD-8 Pages: 6 Date: 10-10-99; Revised 6-4-09

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**Subject: Infectious Diseases, Bloodborne Pathogens and Biological Contaminants**

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## **I. Introduction**

Public Safety personnel routinely and frequently have contact with members of the community, and at some point will likely have contact with a person infected with HIV/AIDS, hepatitis, tuberculosis, or some other form of infectious disease. In addition, the potential for public safety personnel coming in contact with some type of biological agent/bio-terrorism has increased in recent years.

The purpose of this policy is to provide police officers with necessary information needed to prevent the spread of infectious disease. For additional information, please refer to the City of Bayport's city-wide exposure control plan.

This policy shall be subject to continuous review and revision as new information or procedures become available.

## **II. Bloodborne Infectious Diseases – Methods of Compliance**

### **A. Standard Precautions**

Standard Precautions shall be followed by all employees at all times to prevent contact with potentially infectious materials. For bloodborne pathogens, these potentially infectious materials include: blood and human body fluids, semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, and any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids. Standard precautions shall also be followed when handling, cleaning, or disposing of equipment, linen or articles contaminated by such fluids. Vomit and feces are not typically considered potentially infectious material, unless they are visibly contaminated with blood. Because they can harbor other disease agents, though, the same precautions will be used when there is potential exposure to these.

### **B. Needles and Sharp Objects**

1. Employees shall take precautions to prevent injuries caused by needles, knives, broken glass, razor blades, or other sharp instruments, devices, or debris which can puncture or lacerate the skin.
2. Police employees must use caution when searching prisoners for weapons or contraband or when searching small areas or crevices in containers, vehicles and buildings.
3. Sharp objects that are located and are inventoried by the police department must be placed in a puncture resistant container or packaged in such a manner as to render the sharp object harmless to those handling it. Evidence containers or sheathing material must be labeled with the bio-hazard warning label or color-coded or both.

### III. PERSONAL PROTECTIVE EQUIPMENT (PPE)

- A. Personal Protective Equipment, including gloves, eye protection, and barrier garments will be available to all employees. These barrier garments must be used when the possibility for contamination of the employee's uniform, clothing, or person, from potentially infectious materials, blood, or body fluids exists.
- B. The employee must use PPE, except in rare and extraordinary circumstances. Such circumstances occur when in the employee's professional judgment the use of PPE would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the employee or other associates. When the employee makes this judgment, the circumstances shall be reported in writing to their supervisor within 24 hours and investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.
- C. PPE, as well as the laundering, repair, disposal, and replacement of personal protective equipment as outlined above, shall be provided at no cost to the employee.
- D. Personal protective equipment shall be removed prior to leaving the workplace and as soon as possible when the risk of contamination has passed.
- E. Gloves
  - 1. Gloves will be worn by all employees when it can be reasonably anticipated that they may have hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin, and when handling or touching contaminated articles or surfaces.
  - 2. Disposable (single use) gloves such as surgical gloves or exam gloves will be replaced as soon as possible after a single use and as soon as feasible when they become torn, punctured, or when their ability to act as a barrier becomes compromised.
  - 3. Disposable (single use) gloves will not be washed or decontaminated for reuse.
  - 4. Gloves will be available at all times.
- F. Masks and Eye Protection
  - 1. Masks and eye protection shall be worn at all times when there is reasonably anticipated eye, nose, or mouth contamination from splashes, spray, splatter, or droplets of blood or other potentially infectious materials.
- G. Contaminated Uniforms or Clothing
  - 1. If the employee's uniform or personal clothing becomes contaminated with blood or other potentially infected materials, it shall be removed as soon as possible. The area underneath should be thoroughly washed with soap and water.
    - a. Each uniformed employee is required to bring one complete uniform to work with them to facilitate replacement when necessary.
  - 2. If a garment has been contaminated by potentially infectious materials:
    - a. It shall be removed as soon as possible and replaced if the potential for continued exposure continues to exist.
    - b. If the skin beneath such a garment has been contaminated it shall be immediately washed with soap and water.
    - c. The garment will be laundered by a commercial laundry. It must not be brought home. Contaminated laundry, such as blankets and towels, shall be handled as little as possible. Contaminated laundry shall be placed in bags or containers bearing the bio-hazard label or

color coded to alert others of the potential danger. The laundry service receiving the laundry must be advised of the contents.

#### H. Housekeeping - Cleaning

1. All reusable equipment shall be cleaned and then decontaminated using a disinfecting solution as soon as possible after becoming contaminated with blood or other potentially infectious materials, and before reuse with another patient.
2. Contaminated work surfaces will be disinfected using a disinfecting solution as soon as possible after the completion of the procedure.
3. Broken glassware or other broken or sharp objects which have a potential for puncturing or cutting of the skin that may be contaminated may not be picked up directly with the hands. It must be cleaned up using mechanical means, such as a dust pan and brush or other such devices.
4. Single use patient care items shall not be cleaned or reused and will be replaced as soon as possible if they become contaminated.
5. Biohazard containers in the vehicles will be cleaned with a disinfecting solution whenever they become contaminated. They shall also be inspected to insure that they have not been visibly contaminated, and cleaned with a disinfecting solution when contaminated.

#### I. Housekeeping - Sharps

1. Contaminated sharps will be placed in a biohazard container and transported to the PD garage and placed in the approved receptacle. **They shall not** be bent, sheared, replaced in the sheath or guard, or removed from the syringe after use.
2. Sharps containers will be replaced before the door on the top of the container contacts any of the contents of the container. This will ensure that the containers do not become overfull.
3. Sharps containers shall be placed in the Evidence Room so that they will remain upright throughout use and easily accessible to employees.
4. Sharps containers will not be emptied for reuse at any time.
5. Reusable sharps, such as bandage scissors that have been contaminated, shall be placed in labeled puncture-resistant containers for cleaning and decontamination as soon as possible. These sharps shall then be removed by dumping out into a sink for cleaning. They may not be removed by reaching into the container. They will be cleaned and disinfected using a disinfecting solution.

### IV. HEPATITIS B VACCINATION

- A. The Hepatitis B vaccination shall be made available to all employees who have been identified as having potential occupational exposure to blood or OPIM, after training and within 10 days of their initial assignment to work.
  1. The vaccination shall be provided at no cost to the employee.
  2. It shall be made available at a reasonable time and place.
  3. It shall be provided by a licensed physician or under a physician's direction according to U.S. Public Health Guidelines.
    - a. Prescreening is not required for HBV.
- B. Employees have the right to decline the Hepatitis B vaccination.
  1. Any employees who do not wish to be vaccinated must sign the declination form (refusal statement).

2. If they later decide at any time that they wish to be vaccinated, the vaccination will be provided within 10 days, at no cost to them.

## **V. POST EXPOSURE EVALUATION**

- A. An exposure incident involves blood or OPIM coming into contact with eyes, mouth, nose, or breaks in the skin. It does not include blood contact with intact skin or with skin protected by gloves.
- B. If an employee has an exposure incident:
  1. That employee shall immediately or as soon as possible wash the exposed area using soap and water. If the contact is with eyes or mucus membranes, flush with large amounts of water.
  2. The employee is to notify the supervisor as soon as possible of the exposure incident.
    - a. The supervisor is responsible for completing the First Report of Injury form.
  3. The employee will promptly go to the nearest or most appropriate facility to be evaluated. If at a hospital, that hospital should be notified to ensure that the patient will be tested as soon as possible.
    - a. The most appropriate facility will usually be the same facility to which the source individual is brought.
    - b. If the source individual is not transported, the employee will go to Lakeview Hospital in Stillwater, Minnesota.
    - c. The employee will receive post exposure prophylaxis and treatment, according to the guidelines of the U.S. Public Health Service.
    - d. The employee shall be tested as soon as possible to determine initial disease status.
      - a. The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.
      - b. If the employee consents to baseline blood collection but does not give consent for HIV testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.
    - e. All employee health records pertaining to the exposure and medical findings and diagnoses will be kept confidential.
    - f. Records pertaining to the exposure will be kept for the duration of the employee's employment, plus 30 years.
    - g. The City of Bayport will request that the receiving facility of the source individually test that person for Hepatitis B and HIV.
      - a. The results of these tests, as well as the laws concerning disclosure identity, shall be made available to the employee.
    - h. Within 15 days, the employee shall be provided with the written professional opinion of the evaluating physician. Recommendations for treatment and inoculation will be followed at the employer's expense.
  4. The employee must document the route of exposure and the incident in which the exposure occurred so that it may be evaluated to determine if work practices should be changed to prevent exposures in the future. This report should then be turned in to the supervisor prior to the end of their shift, or within 24 hours.

C. Airborne Disease Post Exposure Evaluation and Treatment

1. If an employee receives a significant exposure:
  - a. The employee is to notify the supervisor as soon as possible about the exposure.
  - b. The supervisor shall be responsible for completion of the supervisor's First Report of Injury form.
2. The employee will go to the nearest or most appropriate facility to be evaluated. The evaluation will consist of the appropriate testing for tuberculosis and follow-up treatment, as recommended by the Centers for Disease Control.
  - a. The employee must document the route of exposure and the incident in which the exposure occurred, so that it may be evaluated to determine if work practices should be changed to prevent exposures in the future. This report should then be turned in to the supervisor prior to the end of the shift, or within 24 hours.
  - b. All employee health records pertaining to the exposure and medical findings and diagnoses will be kept confidential.
  - c. Records pertaining to the exposure will be kept for the duration of the employee's employment plus 30 years.
3. Request shall be made to the receiving facility of the source individual to test for tuberculosis.
  - a. The results of these tests as well as the laws concerning disclosure identity shall be made available to the employee.

**VI. TRAINING RECORDS – RECORD KEEPING**

- A. Training records will include the date of training, a description of the contents, the names and qualifications of the trainers, and the names and job titles of all persons attending training.
- B. Training records shall be kept for at least three years (OSHA's minimum requirement) from the date of training. To protect the city, the most recent records should be kept for a period of 30 years beyond the employee's duration of employment.

**VII. RESPONSIBILITIES**

- A. The Police Chief will serve as the program administrator for the Police Department. Responsibilities include:
  1. Overseeing implementation of the exposure control plan.
  2. Identifying which employees are likely to be exposed to bloodborne pathogens.
  3. Reviewing the program annually and updating it as necessary.
  4. Overseeing training on bloodborne pathogens for employees with potential exposure.
  5. Investigating exposure incidents to determine if they are actually exposures and to develop preventive measures.
  6. Completing the Exposure Incident Report.
  7. Requesting testing of source individuals.
  8. Ensuring employees with potential exposure are offered the Hepatitis B vaccination.
  9. Disposing of infectious material.

- B. All Police Department personnel are responsible for:
1. Using Standard Precautions in all situations that involve exposure to blood and other body fluids.
  2. Using Personal Protective Equipment consistent with the procedures set forth by this plan.
  3. Informing their supervisor of all exposure incidents.
  4. Attending yearly Bloodborne Pathogens Training.
  5. Obtaining the Hepatitis B vaccine (with guidance from Human Resources) or signing the declination form.

**Employees are encouraged to review the City of Bayport's Exposure Control Plan for more detail.**

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## Bayport Police Department Policy and Procedure Manual

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**Policy #** AD-9      **Pages:** 1      **Date:** 12-22-04; Reviewed 1-29-09

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**Subject: Interagency Dispute Resolution**

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### **I. Introduction**

In the interest of providing the best possible law enforcement services to the City of Bayport, it is critical that our department cooperate to the fullest extent possible with other agencies sharing our common interests.

It is recognized that periodic disputes will arise between our department and another agency. This does not preclude us from handling the dispute in a reasonable, professional manner. As such, a simple process has been provided to resolve any disputes that may arise.

### **II. Dispute Resolution**

- A. The department member involved in a dispute with another agency shall make every effort to resolve the dispute in a reasonable, mature, professional manner. This does not mean that the member sacrifice a strongly felt conviction or a legally correct position. It does, however, require a reasonable approach to the problem resolution.
- B. In the event the dispute cannot be resolved by the member who is involved, they shall refer the problem to the appropriate level of supervision for continued efforts at resolution.
- C. As a final means, or in the event it is appropriate, the matter will be referred to the Chief of Police.

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## Bayport Police Department Policy and Procedure Manual

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**Policy #** AD-10      **Pages:** 1      **Date:** 02-11-04; Reviewed 3-17-09

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**Subject: Juvenile Chemical and Alcohol Abuse Reporting**

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### **I. Introduction**

State statute 121A.28 mandates this agency to report any drug incident occurring within this jurisdiction in which the agency has probable cause to believe a student has violated section 152.021, 152.022, 152.023, 152.024, 152.025, 152.027, 152.092, 152.097 or 340A.503, subdivision 1, 2 or 3. The notice shall be in writing and shall be provided within two weeks after the incident occurs, to the chemical abuse pre-assessment team in the school where the student is enrolled.

### **II. Procedure**

When officers encounter juveniles who are in violation of controlled substance and/or alcohol statutes they shall:

- A. Take appropriate action to ensure the safety and welfare of the juvenile.
- B. Obtain all necessary information as to the student's school of attendance.

Complete the current Chemical Abuse Advisory form in use by the department and forward the information to the appropriate school's chemical abuse pre-assessment team.

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## Bayport Police Department Policy and Procedure Manual

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Policy # AD-11 Pages: 6 Date: 1-20-09

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Subject: Media and Community Relations

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### POLICY

To operate effectively, law enforcement agencies must have the support of the community they serve. To help obtain that support, this agency is committed to openness, candor and providing information to the public of events that affect their lives in accordance with the Minnesota Data Practices Act. To aid in that effort, this agency is committed to establishing formal relationships with community organizations, play an active role in organizing community groups where they don't already exist, and develop links to the community that allow the agency time to respond to issues before they become problems.

### PURPOSE

The purpose of this policy is to outline the agency's public information system and maintaining an effective approach to community relations.

### SCOPE

This directive applies to all members of the Bayport Police Department.

#### I. DEFINITIONS:

- A. **"Government data"** means all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use. Data on individuals can be classified as public, private and confidential.
- B. **"Public data on individuals"** means data which is accessible to the public in accordance with [Minn. Stat. §13.82](#), section 13.03.
- C. **"Private data on individuals"** means data which is made by statute or federal law applicable to the data not public and accessible to the individual subject of that data.
- D. **"Confidential data on individuals"** means data which is made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data.

#### II. COMMITMENT TO PUBLIC INFORMATION

Police-related incidents and their results are always matters of continuing public concern. This department is committed to establishing a cooperative climate in which the news media may obtain information on matters of public concern in a manner that does not hamper police operations or threaten individual constitutional rights.

## **A. THE PUBLIC INFORMATION FUNCTION**

The public and the media have an ongoing interest in law enforcement and the department's activities in general. The department may also at times have an interest in generating media attention for specific activities. To these ends and within legal standards, this agency and its members will:

1. Assist news personnel in covering routine news stories and incident scenes.
2. The Chief of Police, or designee, will be available for on-call media responses.
3. Prepare and distribute news releases on a timely basis.
4. Arrange for and assist at news conferences as needed.
5. Coordinate and authorize release of information about victims, witnesses and suspects.
6. Assist during crisis situations within this agency.
7. Coordinate and authorize the release of information concerning confidential agency investigations and operations.

However, at no time will members of the department communicate with media representatives for the purpose of personal gain or advancement. A presumption of intent to obtain personal gain arises when any member communicates with news media members without first obtaining permission from the Chief of Police. This presumption may be overcome in the event the transaction in question was a result of the news persons' initiative. Conversely, where the member of the department initiates a news media member transaction without first receiving permission, that member has violated this regulation. The department's Public Information Officer is deemed to have ongoing permission to contact the media as part of their official duties without prior permission.

## **B. PUBLIC INFORMATION RESPONSIBILITY**

The Chief of Police will serve as the Public Information Officer (PIO) for this agency to coordinate the release of media information, and will designate another staff member to serve in this function, as appropriate. The PIO is responsible for authorizing all press releases and all contacts with media representatives initiated by department members. The local media will be apprised that inquiries for information should be directed to the PIO. The Chief/designee will be responsible for authorizing all press releases and media contacts.

## **C. PRESS RELEASE PROCEDURE**

Services personnel will prepare a quarterly news release summarizing arrests, damages and thefts. The news release will be approved by the Chief. In the absence of the Chief, the PIO will review for approval. Special occurrences such as fires or explosions will be summarized by the Information Officer and made available to the media through office personnel and staff. All authorized press releases and department information will be equally available to all news media.

## **D. AUTHORIZED POSITIONS TO RELEASE MEDIA INFORMATION**

The Chief of Police/designee is responsible for authorizing agency members to release information to the public or news media. Only information that is legally permissible to release and which is consistent with the Minnesota Data Practices statutes will be released. At an incident scene the Chief is responsible for any release of information. Services personnel are responsible for releasing information from agency files. Persons requesting

file information will be referred to the Chief of Police. Information concerning ongoing criminal investigations will be released only by the Chief of Police/PIO.

#### **E. MEDIA ACCESS TO POLICE SCENES**

This agency acknowledges representatives from recognized media organizations who carry and display photographic identification issued by their employee. Anyone else shall be considered a member of the general public.

Police lines may be established to prevent persons from entering the area of a crime scene or the scene of a major fire, natural disaster or other catastrophic event. News media representatives may be admitted into these areas if they possess appropriate credentials, if their presence does not jeopardize police operations, and if they obtain permission from the senior officer in charge. While a newsperson may be permitted into a restricted police area, they will not be admitted into a crime scene or other area, which has been secured to preserve evidence.

#### **F. MEDIA INVOLVEMENT IN POLICE MEDIA POLICIES**

The department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public concern in a manner compatible with efficient police operations. To assist in this effort, local media organizations and/or representatives will be notified and invited to comment on any proposed changes in department policies and procedures relating to the media. All media organizations are encouraged to submit ideas on improving police/media relations.

#### **G. ETHICS**

It is the policy of this agency to treat members of the media professionally and ethically. It is expected that the media will respond in a like manner and follow ethical guidelines established by their profession. Members of this agency who believe they were treated unethically should contact the Chief of Police/designee.

### **III. REVIEW OF DEPARTMENT RECORDS AND INFORMATION**

The department recognizes a strong public policy interest favoring the right of inspection of public records and documents maintained by the police. Records, data and information will be made available to requesting individuals or agencies in accordance with the Minnesota Government Data Practices Act (MGDPA).

#### **A. RELEASE OF INFORMATION REGARDING ONGOING CRIMINAL**

**INVESTIGATIONS:** Any release of information regarding an ongoing criminal investigation must be approved by the Chief of Police, or designee. Specifically, agency members will not release the following without express authorization:

1. The prior criminal record, character or reputation of the accused;
2. Booking photos of the accused if their release would adversely affect an active investigation;
3. Existence of any confession, admission of guilt, or statement made by the accused or the failure or refusal by the accused to make a statement;

4. The results of any examination or tests conducted or refusal by the accused to submit to any tests or examinations;
5. The identity, testimony or credibility of any prospective witness;
6. Any opinion of agency personnel regarding the guilt or innocence of the accused;
7. Any opinion of agency personnel regarding the merits of the case or quality of evidence gathered;
8. Personal information identifying the victim or;
9. Information identifying juveniles or information received from other law enforcement agencies without their concurrence to release that information.

However, the following information is classified as public by MGDPA and may be released prior to trial of an accused person, including:

1. Time, date and place of the action;
2. Any resistance encountered by the agency;
3. Any pursuit engaged in by the agency;
4. Whether any weapons were used by the agency or other individual;
5. The charge, arrest or search warrants, or legal basis for the action;
6. The identities of the agencies, units within the agencies and individual persons taking the action;
7. Whether and where the individual is being held in custody or is being incarcerated by the agency;
8. The date, time and legal basis for any transfer of custody and the identity of the agency or person who received custody;
9. The date, time and legal basis for any release from custody or incarceration;
10. The name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of liberty;
11. Whether the agency employed wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation;
12. The manner in which the agencies received the information that led to the arrest and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under other provisions of MGDPA; and
13. Response or incident report number.

**B. RELEASE OF INFORMATION GENERALLY:** The MGDPA controls the release of information from police agencies. Frequently, department members authorized to release information will be unsure about the appropriateness of releasing a specific piece of information. In these instances, it clearly protects several public policy interests to courteously decline the request pending a prompt determination from the Chief of Police, or designee, and/or the County Attorney's

Office on whether the information should be released. The procedure for this process is:

1. Requesting person will be asked to submit a written request identifying the record or document desired and why;
2. This request will be promptly approved or denied by the Chief of Police, or designee, and/or the County Attorney's Office, as appropriate;
3. If approved, the inspection will be granted as requested;
4. If denied, the requesting person will be advised in writing of why the request was denied and their opportunity to seek a court order should they still insist on inspection;
5. Approval of inspection of part of a record or document is an available option.

Other considerations which affect the decision to release information include possible adverse impact on a successful prosecution, possible adverse affect on police investigation/prevention techniques, and possible adverse affect on cooperation of informants, complainants or the public generally.

Additionally, certain records and documents are precluded from public inspection by statute and warrant special mention, including:

1. **Juvenile Records:** Requests for inspection of juvenile police records, excluding the identity of the child involved, may be granted to representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news. However, this section will not be invoked if the offense is a traffic violation.
2. **Attorney/Client:** Certain information contained in public records and documents in the department are protected by the attorney/client privilege, or by the attorney's work product rule, and may be protected from release. Each request for information, which may be protected by the attorney/client privilege, will be discussed with the attorney responsible for the particular case involved.
3. **Identity of Persons under Suspicion:** Any revelation of the identity of a person suspected of unlawful activity before arrest or other commencement of lawful proceedings is contrary to Federal and State Law.
4. **Privacy of Personnel Records:** Do not release any information contained in records concerning departmental personnel. These records often contain materials concerning financial, medical, social, personal history data, past work evaluation or current job evaluations that are secured upon a pledge of confidence. Release of these records would hamper efforts of the department to collect all the information necessary to properly evaluate its personnel. Disclosure of such information may also unduly damage reputations of persons named in such reports.

### **C. COORDINATED RELEASE OF INFORMATION**

Information released pursuant to the provisions listed above will be relayed to the Chief of Police/designee as soon as possible. Every effort will be made to ensure the Chief/designee is apprised of all newsworthy developments prior to learning of them through the media. Frequently, information to be released to the public is shared by two or more public service agencies involved in a mutual effort. This could include a fire department, coroner's office or county sheriff's office. In these instances, coordination with other concerned agencies will be accomplished prior to releasing information to determine the agency with primary jurisdiction. The agency with primary jurisdiction will be responsible for the release of information.

## **IV. COMMUNITY RELATIONS FUNCTION**

This agency is committed to establishing close ties with and responding to the needs of the community. This commitment includes a determination to involve department members in both formal and informal community events to enhance the citizen/police partnership. Successful community relations are best achieved when all agency members share a commitment to the community they serve.

The agency focal point for the community relations functions is the Patrol Division, with guidance and assistance from the Chief of Police. The primary goal of the community relations function is to establish and promote direct community contacts which enhance communication between the agency and the citizenry enabling the agency to identify and correct potential problems in a timely manner.

### **A. AGENCY COMMUNITY RELATIONS PLAN**

The Patrol Division and other appropriate agency members will, at the direction of the Chief of Police:

1. Establish liaisons with formal community groups and organizations such as the Lions Club, American Legion, Eagles Club, PTA, Rotary Club, Kiwanis, etc.;
2. Develop community relations policies for this agency as a whole;
3. Through the use of the media, government access cable television shows, websites, public appearances by agency members, public bulletin boards, workshops, newsletters and public presentations, etc., publicize agency objectives, problems and successes in the area of community relations;
4. Convey through staff meetings information transmitted from citizens' organizations to agency members.
5. Evaluate community/agency communications to improve agency practices which bear upon police/community relations;
6. Identify training needs based on interviews and surveys of citizens, trends of internal affairs investigations, supervisor/subordinate conferences and performance evaluations; and
7. Assist in the formation of other community groups that as yet do not exist but for which there is an identifiable need.

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## **Bayport Police Department Policy and Procedure Manual**

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**Policy #** AD-12      **Pages:** 1      **Date:** 09-16-99; Revised 5-13-09

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### **Subject: Notification of Supervisory Personnel**

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#### **I. Introduction**

This procedure is intended to establish clear direction for police personnel with regard to notifying supervisory staff of critical incidents/situations in order to assure appropriate command decisions are made and that supervisory personnel are kept informed.

#### **II. Order**

- A. Whenever a member of the Bayport Police Department is involved in a situation, which requires the presence/notification of a supervisor, and no supervisor is on duty, the member should use a progressive call-out procedure, attempting to notify a the Chief of Police or the Officer in charge via using all available numbers and the paging system. If the Bayport Police Department has established the position of Patrol Sergeant, that Sergeant will be notified first.
- B. Once a supervisor has been notified and/or responded to the scene, they will determine if further notification of higher-ranking personnel is needed.
- C. This procedure in no way relieves any member of making any necessary and timely decisions at the scene of an incident that may be required to properly handle the incident. This procedure shall not be unnecessarily delayed or subverted in order to avoid dealing with a specific supervisor.

#### **III. Incidents/Situations requiring Notification**

- A. Homicides/suicides, suspicious deaths
- B. Officer-involved shootings in which an officer discharged a weapon for any reason, other than to dispose of an injured animal
- C. Hazardous material investigations
- D. Any structure or suspicious fire
- E. Any situation that would require the call-out of additional personnel
- F. Critical/tactical incidents
- G. Any injury/illness to on-duty personnel that would require the call-out of additional personnel to assume duty as the on-duty person.
- H. Any traffic accident involving department property
- I. Any natural disaster
- J. Any incident in which there could potentially be media coverage
- K. Any property crime involving substantial loss to the victim(s)
- L. Any crime involving substantial injury to victim(s)
- M. Any incident in which an officer is forced to use force (as required by Use of Force Policy)

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## Bayport Police Department Policy and Procedure Manual

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Policy # AD-13 Pages: 2 Date: 01-03-05; Revised 2-20-09

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Subject: Paperwork Completion

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### I. Introduction

The purpose of this procedure is to clearly identify the expectation and requirements associated with the completion of paperwork that is customary or routinely used in the Police Department, and to clearly establish the deadlines associated with the completion of paperwork. "Paperwork" is defined to include all types of reports and forms used by the Bayport Police Department or the City of Bayport in the course of employment activities with the City.

It is critical that each employee recognize the significant consequences or complications that can occur when paperwork is not completed in timely, accurate manner.

### II. Procedure Clarification

Any employee who does not understand any portion of this procedure shall immediately contact a supervisor for necessary clarification, as is done with any other policy or procedure. All practices or procedures occurring prior to the issuance of this procedure, that are now in conflict with this procedure, are considered to be rescinded, effective immediately.

### III. Paperwork Completion

Employees shall submit all paperwork in a timely, efficient manner in accordance with this procedure, as well as any other established procedures or practices. All paperwork shall be accurate, truthful, and complete. No employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information.

### IV. Procedure

#### A. Payroll/Time Sheets

1. All payroll/time sheets will be completed in full prior to the end of the designated pay period.
2. Employees are forbidden to complete any part of a time sheet belonging to another employee. The exception to this rule will be when the Chief of Police or designee completes the time card for the employee in question because of an unforeseen emergency.

3. The failure to properly complete a time sheet is the responsibility of the employee in question and will result in the employee's time sheet being turned into the Finance Officer, as is. It is highly likely that an employee in this situation will have to wait until the next payroll period to receive payment for the delinquent time card.

**B. Initial Complaint Reports (ICR's)**

1. All ICR's are obviously started as they are generated. Any other information, such as names of subjects involved (if known), shall be completed before the employee's end of tour. *In the narrative section, a brief one or two line synopsis is all that is required. If more information is needed, then a dictated narrative report is required.* If an officer types the report in the "comments" section, they will be required to dictate a report. This also includes officers who are adding information to the report, as an attachment.

**C. Narratives, Evidence, Accompanying Forms**

1. Any reports involving a suspect in custody, an injury, or death to any person must be completed prior to the end of shift. There are no exceptions.
2. All reports must be completed prior to the end of shift, if that shift is the end of the officer's workweek (their "Friday").
3. Any evidence must be booked into Property as evidence before the end of an officer's shift.
4. Any citations, warnings, vehicle impound forms, or other related documentation must be completed following the above criteria.

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## Bayport Police Department Policy and Procedure Manual

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**Policy #** AD-14      **Pages:** 1      **Date:** 10-30-04; Revised 4-1-09

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**Subject: Radio/Mobile Data Computer/Digital Recording Usage**

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### **I. Introduction**

Proper radio usage is an important part of the law enforcement profession. Besides communications being a key component to public safety, it also reflects on the professionalism and competency of the department. Mobile Data Computers (MDC) and digital recording systems are valuable tools to law enforcement and must be used properly.

### **II. Policy-Radio Usage**

#### **A. Speech:**

1. Radio communications should be done professionally, using ten codes as applicable, or speaking in clear language if no ten code should apply to the situation. As many agencies are utilizing the Washington County frequencies, communications should be kept as short as possible, and professional.
2. Channel Usage. The department shall use whatever channel configuration the Washington County Sheriff's Office Communications Center has assigned to the various agencies in Washington County. If a member is advised to switch to a specific channel, the member shall do so promptly.

### **III. MDC Usage**

#### **A. Usage:**

1. MDC's are invaluable, and should be treated accordingly. All usage, including messages to other agencies or members, shall be professional in nature, omitting any personal information, as the messages are public information.
2. All queries ran via the MDC shall be professional in nature and in the course of the member's duty.

### **IV. Digital Recording**

1. Officers will be required to utilize the digital recording system at all times while on duty.
2. Officers will be required to carry the body microphone at all times while on duty and have it on their person during responses or traffic stops.

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# Bayport Police Department Policy and Procedure Manual

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Policy # AD-15 Pages: 1 Date: 01-03-05; Revised 2-13-09

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Subject: Response to Alarm Activations/Unsecured Buildings

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## I. Introduction

The purpose of this procedure is to establish guidelines for responding to and investigating reports of unsecured buildings and/or alarm activations.

## II. Response

### A. Panic/Hold-up Alarms

1. Should an officer receive the report of a panic/hold-up alarm, the officer should respond in an emergency or tactical mode, depending on the information and circumstances given when receiving the call. The officer still should exercise due care when responding, taking consideration to environmental conditions (children in area of crosswalks, etc...). Upon arrival at the scene, the officer should use tactical parking and approaching techniques, and attempt, via the Communications Center, to make contact with a subject at the location of the alarm and follow the established procedure. All of these types of alarms should be treated as if an actual situation is occurring from its source.

### B. Burglary Alarms

1. While an officer can respond to a burglar/intruder alarm in an emergency mode, they should exercise due care in their response to insure that no member of the public is put at risk during their response.
2. Upon arrival, once the officer has determined that the building is secure and no danger to any persons is present, they may clear the scene.
3. If a keyholder is responding, then the officer shall stand by until they respond. Keyholders should remain outside in a safe location until the interior is cleared via search. If the keyholder insists upon checking the premises prior to officers clearing the premises, then the officer will not accompany the keyholder and advise them that they are not responsible for the keyholder's safety. Keyholders are responsible for securing the building after the officer's have completed their search.
4. If a keyholder does not respond in twenty (20) minutes or refuses to respond, then the officer may clear the scene. The exception to this policy is if it appears a suspect/intruder may be present at the scene.
5. A current business keyholder list is maintained by the department secretary. Officers should provide updated information to the department secretary as it becomes available.

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# Bayport Police Department Policy and Procedure Manual

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**Policy #** AD-16      **Pages:** 6      **Date:** 4-22-09

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**Subject: Service Canine Team**

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## **I. POLICY**

It is the policy of the Bayport Police Department to utilize Service Canine Teams to assist officers and other agencies in the detection of controlled substances on the roadways and in our communities. Because of their superior sense of smell and hearing and physical capabilities, the trained law enforcement canine is a valuable supplement to officers; however, utilization of canines requires adherence to procedures that channel their specialized capabilities into legally acceptable crime prevention activities.

## **II. SERVICES FOR LAW ENFORCEMENT PURPOSES**

### **A. Utilization of Canine Team**

Officers and supervisors, as well as other law enforcement officers from local, state and federal agencies, may request canine services.

1. Detection canines may be used to sniff the exterior of a vehicle only when the peace officer has a reasonable, articulable suspicion of controlled substance or criminal activity.
2. Canine searches of vehicle interiors may only be conducted:
  - a. following an alert by the canine on a portion of the vehicle's exterior, or
  - b. with a search warrant or search waiver (oral or written)
3. All passengers shall be removed from the vehicle prior to allowing a canine to search.
4. Upon arrival of the Service Canine Team, the officer in control of the scene shall furnish all pertinent information, facts, and details of the call to the handler.
5. The canine handler is responsible for determining whether the circumstances justify the legal use, deployment, and safety of the Service Canine.
  - a. Any conflicts in utilization shall be reported in writing as soon as possible, via the chain of command, to the commanders of the officers involved.
6. Service Canines shall not be handled or given commands by anyone other than the assigned handler.
7. Deployment of Service Canines will be generally done on leash so as to minimize endangering the Service Canine, other officers, or innocent third parties. The following exceptions may occur, depending on the circumstances:
  - a. interior vehicle searches
  - b. interior building searches
  - c. open area searches
  - d. special circumstances as determined by the handler
8. The requesting officer is responsible for completing the initial field report for the incident, but should refrain from describing the particular actions of the canine handler and Service Canine. The canine handler will complete a supplementary field report documenting the use and actions of the Service Canine.

## **B. Requests**

### **1. On Duty**

- a. When a Service Canine Team is on duty and in close proximity, a request may be made directly to the handler via radio or telephone.
- b. When a Service Canine Team is on duty but must leave his/her assigned station to respond to the request, the request for deployment should be made to radio and the Sergeant/Chief notified.
- c. When a Service Canine Team is on duty but must leave the district to respond to the request, the Sergeant/Chief must approve the request prior to deployment.

### **2. Off Duty**

- a. When a Service Canine Team is off duty, requests for deployment must be referred to the Sergeant/Chief for callout approval prior to deployment.
- b. Off duty canine handlers who receive requests for deployment directly from other agencies will obtain the necessary information from the requesting agency, as well as a callback number. The handler shall notify the Sergeant/Chief of the circumstances of the request and receive approval prior to deployment.
- c. Every effort will be made to accommodate requests from other agencies while continuing to consider Bayport Police Department policy and budgetary issues.

## **C. Special Deployments**

The Sergeant/Chief may authorize the deployment of any on duty or off duty Service Canine Team for any special deployment as needed.

## **III. SERVICES FOR NON-LAW ENFORCEMENT PURPOSES**

### **A. Requests**

Requests for canine services for other than law enforcement services (school searches, civic programs, and demonstrations, etc.) should be referred to the Police Chief for approval. Every effort will be made to accommodate such requests while continuing to consider Bayport Police Department policy and budgetary issues.

## **IV. INJURY TO OTHERS OR DAMAGE TO PROPERTY**

### **A. Handler Responsibilities**

1. Whenever a canine has bitten, scratched, or injured an individual, or is alleged to have done so, the handler shall:
  - a. Report the bite incident to the Sergeant/Chief immediately.
    - 1) Any incident which inflicts injury to a canine handler or instructor during normal rewarding practices or training exercises is not to be reported as a bite incident.
  - b. Ensure that medical treatment is provided to the party without exception. If refused, make sure the refusal is well documented.
  - c. Photograph all bites, scratches, injuries, or alleged bites and injuries immediately following first aid treatment.
  - d. Arrange for a veterinarian examination of the Service Canine as soon as possible to establish if the incident was caused by a health problem.
  - e. Remove any Service Canine involved in a bite incident from service pending evaluation as to the reason for the bite and any necessary corrective action completed by the Sergeant/Chief, if warranted.
2. Whenever a canine has damaged property, take photos of any damage and complete a narrative report, then report the incident to the Sergeant/Chief.

3. Canine handler shall ensure that all witnesses are interviewed and reports forwarded to the Sergeant/Chief.

**B. Sergeant or Chief**

1. Conduct an investigation to determine the cause of the bite incident, if any. Forward the completed report to the Police Chief.
2. Report potential claims for damaged property to the Police Chief immediately.

**V. SERVICE CANINE**

**A. General**

1. The Service Canine is the property of the Bayport Police Department.
2. The Bayport Police Department will pay for all reasonable expenses related to the care and maintenance of service canines.
  - a. In order to control supply and maintain the health of the canines, dog food will be allotted on a quarterly basis.

**B. Missing/Lost Service Canine**

In the event a Service Canine has been determined to be missing, the handler will immediately conduct a search of the immediate area of last contact. If not recovered, the handler will notify the Sergeant/Chief, reporting the location and the circumstances of the disappearance, and will initiate the following:

1. Arrange for, and coordinate an area search utilizing on-duty manpower available.
2. Notify local law enforcement agencies of the loss and solicit assistance, when appropriate.
3. Notify the local animal control office(s), if any, of the loss and furnish a description.
4. If the Service Canine is not located, ensure a physical check of all local animal control office(s) is conducted by the handler on a daily basis for an appropriate period.
5. The handler will provide a memorandum including all the circumstances of the escape or loss to the police chief. An investigation will be done by the Sergeant to determine the cause of the loss or escape. The Sergeant's recommendation will be forwarded to the Police Chief.

**C. Injury to Service Canine**

In the event of an injury causing temporary or extended incapacitation of the Service Canine, the handler will immediately report the injury to the Sergeant/Police Chief and the following will be initiated:

1. An appropriate veterinarian examination will be arranged by the handler as soon as possible with findings and recommendations forwarded to the Police Chief.
2. An initial investigation will be conducted by the Sergeant to determine the cause of the injury, incapacitation or negligence, if any. The Sergeant's report will be forwarded to the Police Chief.

**D. Death of Service Canine**

Upon the death of a Service Canine, the handler will immediately notify the Sergeant/Chief, and initiate the following:

1. Notify a veterinarian and make arrangements for a necropsy, if the situation warrants, as determined by the Sergeant/Chief. The Service Canine's remains shall be disposed of appropriately.
2. The handler will submit a memorandum including circumstances and cause of death to the Sergeant. The Sergeant will investigate and determine the cause and circumstances of the death. The Sergeant's findings and recommendations will be forwarded to the Police Chief.

**E. Retirement of Service Canine**

1. The police chief will determine the procedural requirements for retirement and the disposition of the Service Canine. In any event, the Bayport Police Department will make all available efforts to offer the Service Canine to its handler, if so desired.

2. When a canine is removed from service and ownership is transferred, the Bayport Police Department will no longer be responsible or liable for the canine's actions or expenses. A liability waiver shall be completed by the new owner.

## **VI. TRAINING AND CERTIFICATION**

### **A. Certification**

1. All Service Canines and handlers must be recertified annually for proficiency in detecting controlled substances and human tracking.
2. Any Canine Team failing to certify annually will be removed from service until certification is acquired.
3. A copy of all certifications will be forwarded to the Police Chief.

### **B. Training**

Each Service Canine Team shall conduct maintenance training for a minimum of 16 hours per month on official duty time devoted exclusively to organized training in the detection of controlled substances or human tracking. Additional or remedial training to maintain minimum standards may be approved by the Police Chief. At no time shall the handler transport controlled substances in their personal vehicle for training or any other purpose.

### **C. Use of Controlled Substances for Training:**

1. Distribution – Controlled substances will be distributed or monitored by the Police Chief and evidence officer. Upon receipt, the handler will, in the presence of one witness, execute a receipt indicating the identity, weight, and condition of the controlled substance(s) received. The handler will place the individual packages in airtight containers to prevent cross contamination of odors, and will store and control them in a restricted use locked box or safe(s). The handler will not possess any controlled substance not issued by the Police Chief and evidence officer.
2. Utilization of Controlled Substances – The controlled substances will be removed from the locked box/safe and utilized only when required for training, or other legitimate law enforcement purposes.
3. Audit Procedures – Unannounced audits of controlled substances should be conducted at least semiannually by the Police Chief, Sergeant, or evidence officer. These audits will ensure the substances are accountable by type, weight, and volume. Handlers are required to maintain the substances in an “as-received condition” in order to gain the maximum benefit of varying packaging and amounts in field ready aids. The result of the audit will be recorded and documented through ICR via adding comments, dictations, or scanning of inventory records kept by the canine handler. The violation of such audit will result in an immediate investigation.
4. Disposal of Controlled Substances – When a controlled substance is no longer deemed useful for detection canine training purposes, it should be returned to the evidence officer. The inventory amounts will be adjusted accordingly and the report filed with the inventory records.
5. Loss of a Controlled Substance – Loss of a controlled substance shall be immediately reported to the Sergeant or Police Chief. This will be followed by a memorandum explaining the details of the loss, with a copy placed in the inventory file.
  - a. It is to be recognized that some minute losses of a controlled substance may occur due to “dust off” in transferring packaging and through moisture loss or damage of a training aid during actual training exercises. This should be noted on the inventory records and not reported through the above procedures.

## VII. RESPONSIBILITIES

### A. Canine Handler

All existing policies and procedures regarding the conduct of the Bayport Police Department shall remain in effect. In addition, the following responsibilities outline the duties of handlers and the care of their Service Canines. Violation of these policies may result in the termination of their assignment as a canine handler and other actions as appropriate.

#### 1. Utilization of Service Canine

- a. Utilization of the Service Canine Team shall be limited to the scope of training received by the canine team and consistent with service policies and procedures.
- b. Personal searches of humans shall not be conducted by a Service Canine.
- c. Searches of passenger compartments of common carriers by the canine team may be conducted only after all passengers have been removed from the passenger area. The canine handler should obtain the consent of the common carrier, or its agent, unless a warrant exception applies.

#### 2. Reporting

Handlers will maintain an accurate record of training, deployments, and seizures by their Service Canine and submit the required reports to the Police Chief within the first 10 days of the month.

#### 3. Care of Service Canine

- a. Do not leave family members to care for a Service Canine on an extended basis in the absence of the handler without prior approval from the Police Chief. Take measures to ensure that the canine is not a detrimental factor in the family's safety.
- b. Do not expose the Service Canine to any area where the handler has prior knowledge of a methamphetamine lab.
- c. Be responsible for the actions and uses of the Service Canine while in performance of duty and during off duty hours.
- d. Ensure that all uses of the Service Canine will not unnecessarily endanger the handler, canine, or any other party.
- e. Make every effort to ensure that the Service Canine is not physically or mentally abused by anyone.
- f. Keep the Service Canine in peak condition. This includes, but is not limited to the following:
  - 1) Maintaining accurate health and immunization records, including all vaccinations and medications prescribed by a veterinarian. Up-to-date records will be kept on file in the Police Department.
  - 2) Ensuring veterinarian check-ups are performed as needed, or so indicated by abnormal canine behavior, illness or injury.
  - 3) Arranging for proper care and treatment of the Service Canine during the handler's absence.
  - 4) Daily grooming and exercise of the Service Canine.
- g. Use due diligence to ensure a healthy, safe environment for their assigned Service Canine at all times.
  - 1) Periodic health and safety inspections may be conducted to ensure compliance. Any noted deficiencies will be corrected in a timely manner.

#### 4. Equipment and Service Vehicle

- a. Only state-issued equipment shall be utilized. Any modifications or accessories must be approved by the Police Chief.
- b. While in a service vehicle, the canine will be isolated from the driver's area and secured in a proper manner.
- c. Prisoners are not to be transported in the same compartment as the canine.

- d The canine areas in the service vehicles shall be free of unsecured items and be regularly cleaned.
  - e Handlers will inspect and ensure replacement of worn or defective canine equipment.
5. Prohibitions  
Handlers are prohibited from:
- a. Utilizing the Service Canine for anything other than detection purposes.
  - b. Agitating or allowing anyone to agitate their canine.
  - c. Administering or allowing anyone to administer aggression training or any other training not approved by the Police Chief.
  - d. Using the canine to intimidate any person.
  - e. Entering their canine in any dog show, competition, exhibit, or media release without the approval of the Police Chief.
  - f. Registering their canine with any society or organization without approval from the Police Chief.
  - g. Using or permitting the use of a Service Canine for breeding purposes.
6. Training
- a. Coordinate monthly training sessions.
  - b. Prepare pre-training outlines and quarterly reports to be submitted to the Police Chief.
  - c. Document training provided and report any training issues to the Police Chief.
  - d. Complete any additional tasks assigned by the Police Chief, such as quarterly community events, e.g., Safety Camp, Derby Days.
7. Memorandum of Understanding  
Law Enforcement Labor Services, Inc., Local # 226, and the City of Bayport have agreed that the canine handler will be compensated with a take-home city vehicle, when available, covering the costs of fuel and maintenance. If a city vehicle is not available, the handler will be given four (4) hours of comp time per week that can only be used for time off and not cashed out. The canine handler's comp time will be kept in a separate bank and will not exceed forty (40) hours.
8. Resignation  
A handler may resign from the Canine Unit at their own discretion, but shall submit in writing, the reasons why and the desired effective date to the Police Chief.

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# Bayport Police Department Policy and Procedure Manual

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**Policy #** AD-17      **Pages:** 6      **Date:** 02-12-02; Reviewed 1-29-09

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**Subject:** *Sexual Harassment (As adopted by the Bayport City Council)*

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## 1. PURPOSE STATEMENT

The intent of this policy is to notify about and heighten employee awareness on the subject of sexual harassment in the workplace. The policy will address what qualifies as sexual harassment, whom to notify, grievance procedures, possible remedies and sources of appeal after judgment rendered on allegations; in cases of dissatisfaction.

The overall purpose of this policy is to provide a work environment free of verbal or physical harassment based on sex, sexual orientation or any belief or attribute unrelated to job performance. These actions are meant to be consistent with the merit principles, meaning free of discriminatory practices and in accord with M.S. Subsection 43A.01, Subd. 2 (Precedence of merit principles and nondiscrimination) which makes removal and elimination of all forms of harassment a necessity.

## 2. SEXUAL HARASSMENT

1. Sexual Harassment is generally defined as:
  - a. Unwelcome or unwanted sexual advances. This means patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by the other individual.
  - b. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status or conditions of employment.
  - c. Verbal abuse or kidding that is sex-oriented and considered unacceptable by the other individual. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive by others; or any other tasteless, sexually oriented comments, innuendoes or actions that offend others.
  - d. Engaging in any type of sexually oriented conduct that would unreasonably interfere with another's work performance. This includes extending unwanted sexual attentions to someone that reduces personal productivity or time available for work at assigned tasks.
  - e. Creating a work environment that is intimidating, hostile or offensive because of unwelcome or unwanted sexually oriented conversations, suggestions, requests, demands, physical contacts or attentions.

## 2. Title VII Definitions:

Sexual harassment is defined as a form of sexual discrimination under Title VII of the Civil Rights Act of 1964. Guidelines on Discrimination Because of Sex, Section 1604.11, Sexual Harassment, indicates:

- a. Harassment on the basis of sex is a violation of Section 703 of Title VII. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- b. In determining whether alleged conduct constitutes sexual harassment, the City will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advance and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case-by-case basis.
- c. Applying general Title VII principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the employer knew or should have known their occurrence. The City will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agent capacity.
- d. With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have know of the conduct unless it can show that it took immediate and appropriate corrective action.
- e. An employer may also be responsible for acts of non-employees, with respect to sexual harassment or employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have know of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases, the City will consider the extent of the employer's control and any other legal responsibility, which the employer may have with respect to the conduct of such non-employees.
- f. Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII and developing methods to sensitize all concerned.
- g. Other Related Practices - Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests

for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for, but denied that employment opportunity or benefit.

3. Normal, courteous, mutually respectful, pleasant, non-coercive interactions between men and women that are acceptable to both parties are not considered to be sexual harassment.

### **3. SUPERVISORY RESPONSIBILITY**

1. Supervisors are required to deal swiftly and vigorously with persons harassing others.
2. An employee who engages in sexual harassment is subject to standard disciplinary procedures.
3. A supervisor who becomes aware of sexual harassment but fails to take immediate action against it will also be subject to disciplinary procedures. Failure to take prompt remedial action as a supervisor may be viewed under the law as the supervisor and employer condoning the behavior.
4. Appropriate Corrective Actions for Supervisors:
  - a. Sensitive handling is required for sexual harassment complaints. A person making such a complaint is often upset, even though the complaint could be a simple misunderstanding or misreading of behavior. Suggested plans of action:
    1. Bring the matter to the alleged harasser's attention; obtain his/her side of the story without the complainant being present.
    2. Bring both parties together and serve as a mediator to encourage them in understanding each other's behavior. Be thoughtful because bad feelings can develop if this situation is not handled in a sensitive manner. Often simply talking about the complaint will stop the unwelcome behavior. However, if the harassing behavior has been so blatant and demeaning that the complainant will not confront the harasser under any circumstances, the story must be verified by talking to other knowledgeable individuals. Questions to keep in mind in this regard might be:
      - a. Who did the offensive behavior?
      - b. What was the offensive behavior?
      - c. When did the offensive behavior occur?
      - d. Did it happen more than once?
      - e. Where did the offensive behavior occur?
      - f. What did the victim do in response to the behavior?
      - g. Was there a witness? If so, what is the name(s)?
      - h. What does the victim want done to remedy the situation?
      - i. Are there any other relevant facts or data to be reported?
      - j. Has the offender been involved in similar other incidents?
5. Impose progressive discipline as appropriate. The harasser can maintain a high position in the organization but action against him/her must be applied just as vigorously as it would be against any other employee.

6. The City must insure that no retaliation toward the complainant or persons who support the complainant occurs. Some supervisors, having been charged with harassment, might become vindictive when it comes to performance appraisals, recommendations for training and promotions, or other daily assignments. If any supervisory decision is made on the basis of a sexual harassment complaint, the City could be liable for the supervisor's misconduct and will take appropriate disciplinary action.

#### **4. REPORTING SEXUAL HARASSMENT**

1. An employee who believes that he/she is being or has been sexually harassed by a supervisor, co-worker, elected official or any other person in relationship to employment with the City should be advised to consider the following options:

- a. Politely but firmly confront whoever is doing the harassing. State how you feel about his or her actions. Politely request the person cease harassing you because you feel intimidated, offended or uncomfortable. If practical, having a witness with you for this discussion.

Write a memorandum for your personal file that describes the incident(s) of sexual harassment, a summary of your conversation with the person you believe is harassing you and what that person's reaction was when confronted.

- b. If you believe some adverse employment consequences may result from confronting the harasser, go to your supervisor or the City Administrator. Either orally or in writing state specific details of the sexually harassing behavior.
- c. If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint, the next step is to report the incident to your department head, union steward or City Administrator. If you are still dissatisfied, you may seek assistance from the Minnesota Department of Human Rights.

2. Confidentiality:

Under the Minnesota Data Practices Act, all allegations and subsequent investigations shall remain "non-public"; all complaints and investigative materials will be contained in a file separate from the involved employees' personnel files. If disciplinary action does result from the investigation, the results of that disciplinary action will then become a part of the disciplined employee's personnel file and will become "public" under the Act.

#### **5. SEXUAL HARASSMENT GRIEVANCE PROCEDURE**

Identification of Subjects - Complainant is any employee or applicant who believes he/she has been sexually harassed. Counselor is a department head, union steward, employee assistance coordinator or any other individual who is responsible for the informal counseling and resolution of a sexual harassment complaint. The City Administrator has the responsibility for assuring that a formal investigation is conducted when an informal resolution cannot be reached and providing a response to the complainant. The City Administrator has the authority to implement corrective actions, to the

extent and in the manner set forth in City personnel policies and regulations and/or collective bargaining agreements.

- Step 1: The Complainant should contact the counselor within 30 calendar days of the alleged incident(s) of sexual harassment. Contacts made after 30 days will still be acted upon. Complainants are encouraged to make contact within 30 days for expeditious response.
- Step 2: The Counselor meets with the complainant and has 15 calendar days to attempt to provide an informal resolution of the incident. If an informal resolution cannot be reached, the counselor will provide the complainant with information of the complaint process, deadlines and other methods of resolution, which may be available.
- Step 3: If informal resolution fails, the complainant should file a formal complaint in writing to the City Administrator. (If the City Administrator is a party directly involved in the complaint, the formal complaint should be filed directly with the Minnesota Department of Human Rights or the Equal Opportunity Employment Commission). The City Administrator will:
- a. Acknowledge receipt of formal complaint within 10 calendar days;
  - b. Conduct an investigation of the complaint;
  - c. Inform complainant of findings and recommended resolution.
- Step 4: If the City Administrator finds, after investigation, that there is no substantial evidence to support the charges alleged, the City Administrator will notify the complainant in writing that the investigation is being discontinued and advise the complainant of the right to appeal to the City Council within 15 calendar days. Upon such an appeal, the City Council will review the case and render a final decision within 30 calendar days.
- Step 5: Complainants are encouraged to follow the local complaint process. However, they have the option of filing a complaint directly with the Minnesota Department of Human Rights or Equal Opportunity Employment Commission.

## **6. PROHIBITION OF REPRISAL**

1. It is a violation of the Minnesota Human Rights to engage in any act of reprisal against anyone who has made or supported a claim of sexual harassment. Minnesota Statute Subsection 363.03, Subd. 7, prohibits reprisal and defines reprisals as follows:

It is unfair discriminatory practice for any employer, labor organization, employment agency, public accommodation, public service, educational institution or owner, lessor, lessee, any real estate broker, real estate salesperson or employee or agent thereof to intentionally engage in any reprisal against any person because of that person:

- a. Opposing a practice forbidden under this chapter or has filed a charge, testified, assisted or participated in any matter in an investigation, proceeding or hearing under this chapter; or
- b. Associated with a person or group of persons who are disabled or who are of different race, color, creed, religion or national origin.

- c. A reprisal includes, but is not limited to, any form of intimidation, retaliation or harassment. It is a reprisal for an employer to do any of the following with respect to an individual because that individual has engaged in the activities listed in clause a. or b.; refuse to hire the individual; depart from any customary employment practice; transfer or assign the individual to a lesser position in terms of wages, hours, job classification, job security, or other employment status; or inform another employer that the individual has engaged in the activities listed in clause a. or b.
2. The City of Bayport prohibits reprisal of any form even in those cases in which the initial claim of sexual harassment is determined to be unfounded or unsubstantiated. However, if proven, employees who knowingly file false claims of sexual harassment against another employee will be subject to disciplinary action.

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## Bayport Police Department Policy and Procedure Manual

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**Policy #** AD-18      **Pages:** 1      **Date:** 01-03-05; Revised 6-4-09

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**Subject:** Telecommunications Usage (Cell Phones)

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### **I. Introduction**

This policy is intended to regulate the use of city-owned cellular telephones within reasonable, practical parameters. As the phones currently issued by the department serve as pagers, voicemail, and other notification usages, and have become an invaluable tool for law enforcement, it is apparent that the department should have guidelines for the use of telephones.

### **II. Policy**

- A. Cellular phones are intended to be used to increase the efficiency and effectiveness of the services provided by the Bayport Police Department. Officers are provided with a cellular phone for on-duty use. Each officer using a cellular phone during the course of their shift must determine whether such usage is appropriate under the circumstances existing at the time of usage. Officers must determine whether the cost of using the cellular phone can be diminished when other means of communication are possible, such as using traditional phone lines or simply responding in person.
- B. Personal telephone calls will be acceptable in those circumstances where it is necessary to briefly contact a family member or relative. Personal calls should be as brief as possible.
- C. Officers having access to assigned department-owned telephones during non-business hours can also make necessary personal telephone calls during non-business hours, provided that the dollar value of the calls does not exceed the allotted monthly minutes and monetary value of the calling plan. If the base rate is exceeded because of personal calls made, the employee shall reimburse the city for calls that exceed the calling plan rate.
- D. It is also understandable that cellular phones can be lost, damaged, or stolen. If, while during the officer's course of duty, a cellular phone is lost or damaged, depending on the circumstances, the department will replace the unit. If it is pure and/or repeated negligence by the officer, then the officer will then personally replace the unit.

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## **Bayport Police Department Policy and Procedure Manual**

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**Policy #** AD-19      **Pages:** 1      **Date:** 02-04-98; Revised 2-6-09

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**Subject:** Traffic Accidents Involving Police Vehicles

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### **I. Introduction**

This procedure is designed to provide guidance and direction in the reporting process for accidents involving a department vehicle. This procedure involves all sworn and non-sworn personnel, marked and unmarked vehicles.

### **II. Accident Investigation**

- A. Any accident, at any level or property damage, injury, or location, shall be investigated by an outside agency. The Minnesota State Patrol shall be the primary investigating agency for any department vehicle involved accident. Should the State Patrol not be available, then a supervisor from the Washington County Sheriff's Office should be requested.
- B. Under no circumstances shall a department member involved in the accident be allowed to investigate the incident.

### **III. Reports**

- A. Should the department involved accident meet the legal threshold determined by State law, the department member shall complete a state traffic accident report, as required.
- B. Members also involved in the accident, if able to do so, shall also complete an Incident Complaint Report, appropriate administrative forms, and First Report of Injury, if needed.
- C. All reports, if department member is able to do so, shall be completed before the end of their duty shift.

### **IV. Notifications**

- A. As soon as the department member involved in the accident is able to do so, they shall notify their immediate supervisor, either in person, phone, or alpha page.

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## Bayport Police Department Policy and Procedure Manual

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Policy # AD-20 Pages: 2 Date: 01-03-05; Revised 2-20-09

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Subject: Traffic Enforcement

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### I. Enforcement Actions

- A. All licensed officers shall take appropriate enforcement action for each violation witnessed or reported to them. "Enforcement action" does not confer upon the officer the privilege to scold, belittle, berate, or otherwise verbally abuse a traffic offender. All enforcement actions will be accomplished in a firm, fair, impartial, and courteous manner, using one of the following four methods:
1. Verbal Warning: All verbal warnings should be documented by noting the license plate via electronic (MDC) log.
  2. Written Warning: Shall be completed via department form and an ICR shall be generated.
  3. Citation: Shall be completed on department-approved citation and an ICR generated.
  4. Physical Arrest: Shall occur only in those situations approved by policy or statute.
- B. While an appropriate level of officer discretion is recognized, it is expected that this discretion will be exercised within the parameters of this policy. To assist officers in determining an appropriate level of enforcement action, the following guidelines are provided:
1. Citation: A citation shall be issued to all violations which jeopardize the safe and efficient flow of vehicular and pedestrian traffic, to include moving violations, parking violations, and operating unsafe and/or improperly equipped motor vehicles
  2. Written Warning: A written warning is a proper alternative to a citation in response to a minor traffic infraction committed in those areas where traffic accident experience is minimal. Written warnings are also appropriate for those violations which occur within tolerance generally allowed by this department and endorsed by the courts.
  3. Verbal Warning: A verbal warning is appropriate when the violator commits an act that may be due to ignorance of a local ordinance, may be unique to the situation, or the violator may not be aware of.

- C. Speed/traffic/parking enforcement may be conducted due to a number of complaints generated from a geographic area. In these cases, it may be necessary to lower the speed limit threshold an officer may normally use to issue a citation or verbal warning. Often in these cases, a citation only will be issued.
- D. Traffic enforcement actions shall be taken in a uniform and consistent manner, without regard for the location of the residence of the violator, and in conformance with all the parameters and objectives identified in this policy.
- E. No member of this department shall provide or request, either directly or indirectly, enforcement action that is not uniform and consistent because the occupation of the violator is that of a law enforcement official or employee, nor shall any member of this department request or provide enforcement that is not uniform and consistent because of a personal relationship with the violator or issuing officer.

**II. Traffic Citation Quotas-Prohibited**

Pursuant to Minnesota State Statute 169.985, this department will not order, mandate, require, or suggest to a peace officer a quota for the issuance of traffic citations on a daily, weekly, monthly, quarterly, or yearly basis.

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# Bayport Police Department Policy and Procedure Manual

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Policy # AD-21

Pages: 4

Date: 02-26-07; 5-13-09

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Subject: Vehicle Search

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## Policy Statement

The purpose of this policy is to provide departmental personnel with guidelines for the search and impoundment of motor vehicles. It is the policy of this department to conduct motor vehicle searches that are both legal and thorough. Such searches are to be conducted in strict observance of the constitutional rights of the owner and occupants of the motor vehicle being searched, and with due regard for the safety of all officers, other persons, and property involved.

## Procedure

### 1. When vehicle searches may be conducted.

Whenever feasible, a warrant will be obtained for the search of a motor vehicle. Warrantless searches are to be conducted only when lack of time or other exigencies make it impractical for officers to obtain a warrant. When a vehicle has broken down, or there is otherwise no significant chance the vehicle will be driven away or that evidence contained within it will be removed or destroyed, the vehicle should be searched only after a warrant has been obtained. In other cases, vehicles may be searched:

- a. When probable cause to search the vehicle exists
- b. With consent of the operator
- c. Incident to an arrest of the occupants of the vehicle
- d. To frisk for weapons
- e. When necessary to examine the vehicle identification number or to determine the ownership of the vehicle
- f. Under emergency circumstances not otherwise enumerated above.

### 2. Scope of vehicle searches.

- a. Searches with a warrant. When searching under a warrant, officers may search all areas of the vehicle unless the warrant states otherwise.
- b. Probable cause searches. Probable cause searches may extend to all areas of the motor vehicle, unless the probable cause is limited to a specific area of the vehicle.
- c. Consent searches. The extent of a consent search depends upon the terms of the consent itself. If the consent is limited to specific areas of the vehicle, officers may search only portions of the vehicle covered by the consent. Written consent should be obtained whenever possible before conducting these searches.
- d. Searches incident to arrest. Searches of vehicles incident to the arrest of an occupant shall be limited to areas within reach of the arrestee (normally the passenger area of the vehicle). The trunk, the engine compartment and locked compartments within the passenger area normally may not be searched; except during the tow inventory log.

- e. Inventory searches. When a motor vehicle is impounded, a complete inventory of entire contents of the vehicle must be performed. Inventory searches must be completed at the time the vehicle is being impounded. All items of value, evidentiary or otherwise, shall be documented on the impound form.
- f. Frisks for weapons. Frisks for weapons normally must be confined to the passenger area of the vehicle. Areas not immediately accessible to the vehicle's occupants, such as a locked glove compartment, may not be frisked.
- g. Entries to examine a vehicle identification number or to determine ownership of the vehicle. Entries made to examine the vehicle identification number or to determine the ownership of the vehicle must be limited to actions reasonable necessary to accomplish these goals.
- h. Emergencies. Search of a motor vehicle under emergency circumstances not otherwise enumerated above must be co-extensive with the nature of the emergency. The proper extent of the search must therefore be determined by search personnel in each specific situation, but in no event will the extent of the search exceed that necessary to respond properly to the emergency. **Note: Where the initial search discloses probably cause to believe that other portions of the vehicle may contain fruits, instrumentalities or evidence of a crime or contraband, any additional portions of the vehicle may be searched that could reasonably contain the items being sought.**

### 3. Search of containers found in vehicle.

In no instance shall a container in a motor vehicle be searched unless it could contain the item(s) being sought. In addition:

- a. Unlocked containers found in motor vehicles are governed by the nature of the search, as follows:
  - i. In a probable cause search, containers such as paper bags, cardboard boxes, wrapped packages, etc., wherever found in the vehicle, may be opened.
  - ii. When the passenger compartment of a vehicle is being searched incident to an arrest, such containers found within the passenger compartment may be opened.
  - iii. Containers discovered during a consent search of the vehicle may be opened provided that the terms of the consent expressly permit or reasonable imply that the particular container may be opened.
  - iv. Containers found in or discarded from a vehicle under circumstances that do not justify their search under probable cause rules, or in connection with a search incident to arrest, should be secured until a warrant is obtained to search them.
- b. Locked containers, such as attaché cases, suitcases and footlockers found during a vehicle search should be opened only if:
  - i. The search is being conducted under a warrant.
  - ii. A valid consent to open the locked container is first obtained.

Where these conditions are not met, locked containers should be secured by search personnel and opened only after a warrant has been obtained.

**2. Location and time of search.**

Whenever possible, search of a motor vehicle and of containers found therein, should be conducted at the location where the vehicle was discovered or detained. Under exigent circumstances, search of the vehicle or container may be delayed and/or conducted after the vehicle or container has been moved to another location. However, in all instances, searches shall be conducted as soon as is reasonably possible; that is, as soon as adequate personnel are available to conduct a thorough search with due regard for the safety of all officers, citizens, and property concerned.

**3. Conduct of the search.**

Motor vehicle searches shall be conducted in a manner that minimizes the intrusiveness of the search and the inconvenience caused to vehicle owners, occupants, and other persons involved. Where possible, damage to the vehicle or to other property in the course of the search should be avoided. Where unavoidable, such damage should be confined to that reasonably necessary to carry out a safe and thorough search.

**4. Abandoned vehicles.**

Examination of a vehicle that has been abandoned on a public thoroughfare is technically not a search. If an officer can determine in advance that the vehicle has been abandoned, examination of the interior of the vehicle shall be conducted only in accordance with the provisions of this policy and the law.

**5. Seizure of evidence and/or contraband.**

Any evidentiary items discovered in the course of a motor vehicle search shall be collected, handled, packaged, marked, transported and stored in accordance with applicable policies and procedures of this department. Where appropriate and feasible, itemized receipts for seized property shall be given to the owner and/or occupants of the vehicle.

**6. Compliance with health and safety requirements.**

Searches of motor vehicles are to be conducted in strict compliance with all applicable laws, governmental regulations, and departmental policies and procedures pertaining to the protection of departmental personnel from communicable diseases and hazardous substances. Any exposure of search personnel or others to such substances shall be reported in accordance with regulations, policies and procedures of this department.

**7. SECURITY OF VEHICLES AND PROPERTY CONTAINED THEREIN.**

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

**8. Responsibility of supervising officer.**

An officer supervising a vehicle search shall be responsible for ensuring that it is conducted in accordance with this policy. In the event that the vehicle search is conducted under a warrant, the officer shall ensure that the execution of the warrant is properly reported to the issuing court or other authority. The officer shall also be responsible for making any other reports regarding the search that may be required by law, policy or procedure.

**9. Vehicle release.**

Vehicles may be released to the registered owner from impound so long as there are no holds on the vehicle and the vehicle is not being held for forfeiture. The registered owner must present proof of ownership, proof of insurance, and a driver with a valid drivers license for the vehicle to be released from impound. **All associated storage and tow bills must be paid before the release of the vehicle.**

# Bayport Police Department Policy and Procedure Manual

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**Policy #** AD-22      **Pages:** 3      **Date:** 02-15-05; Revised 6-16-09, 2-4-11.

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**Subject: Vehicle, Towing, Impoundment and Inventory**

## **I. 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.

## **II. 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. Within the Department of Transportation's eight-county metropolitan district, an authorized employee of the department's freeway service patrol may order a tow from a trunk highway after preparing a written towing report provided by the Minnesota State Patrol. A citation need not be issued before the employee orders a tow.

Except in cases where an accident or traffic hazard to the traveling public exists, the department employee shall ensure that if the tower requested to remove the vehicle by the owner arrives before the tower requested by the department, 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:

- (1) the vehicle is parked in violation of snow emergency regulations;
- (2) the vehicle is parked in a rush-hour restricted parking area;
- (3) the vehicle is blocking a driveway, alley, or fire hydrant;
- (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;
- (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
- (6) the vehicle is parked in a disability transfer zone or disability parking space without a disability parking certificate or disability license plates;
- (7) the vehicle is parked in an area that has been posted for temporary restricted parking (i) at least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or (ii) at least 24 hours in advance in another political subdivision;
- (8) 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;
- (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
- (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the Metropolitan Airports Commission;
- (11) 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;
- (12) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
- (13) a law enforcement official has probable cause to believe that 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;
- (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;
- (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;

(16) the vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or

(17) 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:

(1) the vehicle has expired registration tabs that have been expired for less than 90 days;

(2) the vehicle is at a parking meter on which the time has expired and the vehicle has fewer than five unpaid parking tickets.

**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.

### **III. PURPOSE OF INVENTORY**

A. When inventorying an impounded vehicle the officer and Agency are addressing three needs. These needs are:

1. Protection of the owner's property while it remains in official custody;
2. The protection of this agency and the public from potential danger and harmful materials; and
3. The protection of this Agency against false claims of stolen, lost or damaged property.
4. Note that impoundment and inventory is not intended to serve as a means to collect evidence. While officers must follow proper procedures if items of evidentiary value are discovered, courts generally view this situation as a matter similar to a plain view analysis.

- B. If the officer is questioned concerning reasons for inventorying a vehicle which is being lawfully impounded, the officer should state that the vehicle is being inventoried for reasons # 1 to 3 above. The justification for an inventory of an impounded vehicle is based on the validity of the impoundment, not the arrest of the driver. If the impoundment was improper, any items seized during an inventory will not be admissible as evidence in court. The officer's written report must include the grounds to impound the vehicle.

## **INVENTORY PROCEDURES**

- A. On the inventory form, the officer shall specifically list all personal property of estimated value over \$20.00 and vehicle accessories such as radios, tape/CD players and telephones. Property estimated to be less than \$20.00 in value can be listed generally; for example – misc. clothing, personal items, car items. Money, check books, credit cards, other financial instruments, medications, and high value loose items found in vehicles will be secured and inventoried as property. Medications belonging to an arrested person should be given to the jail at time of custody. Money and other financial instruments should be turned over to the jail taking custody of the arrested person if it is the listed owner of the vehicle or the financial instruments. If the person is not the owner of the vehicle or found money and financial instruments they will be secured as property. If the officer feels it would be beneficial, the vehicle contents may also be photographed to document the condition and amounts of items in the vehicle. 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.

## **IV. RELEASE OF VEHICLE**

- A. Once a vehicle is impounded it will be necessary for the owner or authorized operator to secure a release authorization at the Bayport Police Department. Vehicles will be released only to the registered owner with proof of insurance, and valid driver. If no insurance and valid driver is present the vehicle may only be towed. The vehicle will only be released to a person not listed on the registration, who possess a valid original title and registration showing transfer of ownership, or with a signed and notarized release from the registered owner. No releases will be made at the wrecker yard without first processing the release authorization through the Agency.

B. Road side release may and should be conducted by an officer if the vehicle is not subject to evidence processing or other holds and could legally and safely be left in place. If the driver is not the owner the officer should use discretion in deciding if the driver is in a position to give that permission accepting liability for the vehicle. The release should be completed and signed by the registered owner accepting responsibility for the vehicle being left in place or released to another driver. If released to another person at the request of the owner the information of that person should be obtained and included in the officer's incident report. Officers should give details of the release or reason for tow in their incident report.

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# Bayport Police Department Policy and Procedure Manual

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Policy # AD-23

Pages: 5

Date: 6/1/12

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Subject: SOCIAL MEDIA

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## I. PURPOSE

The department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

## II. POLICY

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

## III. DEFINITIONS

*Blog:* A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

*Page:* The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

*Post:* Content an individual shares on a social media site or the act of publishing content on a site.

*Profile:* Information that a user provides about himself or herself on a social networking site.

*Social Media:* A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

*Social Networks:* Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

*Speech:* Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

*Web 2.0:* The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

*Wiki:* Web page(s) that can be edited collaboratively.

#### **IV. ON-THE-JOB USE**

##### **A. Department-Sanctioned Presence**

###### **1. Determine Strategy**

- a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
- b. Where possible, the page(s) should link to the department's official website.
- c. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.

###### **2. Procedures**

- a. All department social media sites or pages shall be approved by the chief executive or his or her designee and shall be administered by the departmental information services section or as otherwise determined.
- b. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
- c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
  - (1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.
  - (2) Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
- d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
  - (1) Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
  - (2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

### 3. Department-Sanctioned Use

- a. Department personnel representing the department via social media outlets shall do the following:
  - (1) Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
  - (2) Identify themselves as a member of the department.
  - (3) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
  - (4) Not conduct political activities or private business.
- b. The use of department computers by department personnel to access social media is prohibited without authorization.
- c. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express written permission.
- d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

### B. Potential Uses

1. Social media is a valuable investigative tool when seeking evidence or information about
  - a. missing persons;
  - b. wanted persons;
  - c. gang participation;
  - d. crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
  - e. photos or videos of a crime posted by a participant or observer.
2. Social media can be used for community outreach and engagement by
  - a. providing crime prevention tips;
  - b. offering online-reporting opportunities;
  - c. sharing crime maps and data; and
  - d. soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).
3. Social media can be used to make time-sensitive notifications related to
  - a. road closures,
  - b. special events,
  - c. weather emergencies, and
  - d. missing or endangered persons.
4. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
5. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.

6. Searches should be conducted by a nondecision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.
7. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.
8. Search methods shall not involve techniques that are a violation of existing law.
9. Vetting techniques shall be applied uniformly to all candidates.
10. Every effort must be made to validate Internet-based information considered during the hiring process.

## V. PERSONAL USE

### A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
2. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the chief executive or his or her designee.
4. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:
  - a. Display department logos, uniforms, or similar identifying items on personal web pages.
  - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
5. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:

- a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
  - b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
7. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
8. Department personnel should be aware that they may be subject to civil litigation for:
  - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
  - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
  - c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
  - d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
9. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
10. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
11. Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

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## Bayport Police Department Policy and Procedure Manual

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**Policy #** AD-24      **Pages:** 3      **Date:** 3/27/17, 6/8/17, 7/12/17 release 8/9/17

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**Subject: Body Worn Camera/Squad Camera**

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### **Policy**

It is the policy of this department to authorize and require the use of Bayport Police Department issued Body Worn Cameras (BWCs) as set forth below.

### **Scope**

This policy governs the use of BWCs in the course of official duties. It does not apply to the use of surreptitious recording devices in undercover operations or the use of squad-based (dash-cam) video recorders. The Chief or Chief's designee may supersede this policy by providing specific instructions for the use of BWCs to individual officers, or providing specific instructions for the use of BWCs pertaining to certain events or classes of events, including but not limited to political rallies and demonstrations.

### **Training**

Officers shall complete department authorized training in the use of operation of the BWC and in-squad cameras prior to using the devices.

### **Use and Documentation and Testing**

- A. Officers may use only department-issued BWCs in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department.
- B. Officers on duty and in uniform covering a shift shall operate the BWCs and use them consistent with this policy. Officers shall check their issued BWCs at the beginning of each shift to make sure the devices are functioning properly and shall promptly report any malfunctions to the officer's supervisor and use a police department issued alternative BWC.
- C. Officers should wear their issued BWCs at the location on their body described as the center of their chests in the sternum area or upper right pectorals major area.
- D. Officers must document BWC use and nonuse as follows:
  1. Whenever an officer makes a recording, the existence of the recording shall be documented in an incident report.
  2. Whenever an officer fails to record an activity that is required to be recorded under this policy or captures only a part of the activity, the officer must document the circumstances and reasons for not recording in an incident

report. Supervisors shall review these reports and/or videos and initiate any corrective action deemed necessary.

### **General Guidelines for Recording**

Officers shall activate their BWCs when anticipating that they will be involved in, become involved in, or witness other officers of this agency involved in a pursuit, Terry stop of a motorist or pedestrian, search, seizure, arrest, use of force, adversarial contact, and during other activities likely to yield information having evidentiary value. However, officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so, but such instances of not recording when otherwise required must be documented in a report.

- A. Officers have discretion to record or not record general citizen contacts.
- B. Officers have no affirmative duty to inform people that a BWC is being operated or that they are being recorded.
- C. Notwithstanding any other provision in this policy, officers shall not use their BWCs to record other agency personnel during non-enforcement related activities, such as during pre- and post-shift time in locker rooms, during meal breaks, training or during other private conversations, unless recording is authorized as part of an administrative or criminal investigation.
- D. Officers shall not intentionally edit, alter, or erase any BWC recording unless otherwise expressly authorized by the Chief or the Chief's designee.

### **Special Guidelines for Recording**

Officers shall exercise sound discretion, determine:

- A. To use their BWC to record any police-citizen encounter if there is reason to believe the recording would potentially yield information having evidentiary value, unless such recording is otherwise expressly prohibited.
- B. To use their BWC to take recorded statements from persons believed to be victims and witnesses of crimes, and persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness, or suspect.
- C. Officers need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value. Officers may activate their BWCs when dealing with individuals believed to be experiencing a mental health crisis or event. BWCs shall be activated as necessary to document any use of force and the basis therefore and any other information having evidentiary value.
- D. Officers shall use their BWCs OR squad-based audio/video systems to record their transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers, and jails, but otherwise should not record in these facilities unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident.

## **Mandatory BWC**

This policy is not intended to describe every possible situation in which the BWC should be used. Officers should activate the BWC any time the officer believes it would be appropriate or valuable to record an incident.

Activation includes, but is not limited to:

- A. All uniformed enforcement and investigative contacts including investigatory stops.
- B. Arrests.
- C. Any search including, but not limited to, searches of vehicles, persons, and buildings.
- D. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and crime interdiction stops.
- E. Vehicle pursuits.
- F. When advising a person of their Miranda rights in the field.
- G. Any contact that is or becomes adversarial, including physical or verbal confrontations.
- H. Officer response to resistance. If a BWC is not activated prior to a response to resistance, it shall be activated as soon as it is safe to do so.
- I. In-custody transports, unless the squad camera is being used.
- J. Victim, witness, and suspect interviews, except as noted in the deactivation section below.
- K. When ordered by a supervisor for a proper purpose.
- L. Any tactical entry or forced entry into a building, unless a supervisor has determined in advance that the video or audio data could result in the disclosure of operational or tactical information that would compromise the effectiveness of future actions or jeopardize officer safety.
- M. Officers participating in the service of a search warrant shall wear and record the execution of the court approved warrant when a BWC is available per the administration team. Based on the circumstances, the case investigator or on scene supervisor may direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value.

## **Body Worn Camera Non-Use**

Whenever an officer fails to record an activity that is required to be recorded under this policy or captures only part of an activity that is required to be recorded under this policy, the officer must document the circumstances and reason for not recording in an incident report. Supervisors shall review these reports; initiate any corrective action deemed necessary.

## **Discovery of potential misconduct**

Any employee reviewing the BWC data for any reason should focus on the incident in question and may only access data necessary and relevant to their authorized reason of access. If an employee reviewing BWC data suspects a policy violation they should report the violation to their supervisor.

## **Deactivation**

Once activated, the BWC must remain on until the incident has concluded; meaning it is reasonable to believe that all arrests have been made, arrestees transported, and victim, witness, and suspect interviews have been completed unless:

- A. The incident or event is of such duration that the BWC is stopped to conserve power or storage capacity.

- B. The above circumstances are already being recorded via squad camera or digital recorder ie. Miranda warning or transports.
- C. The officer reasonably believes deactivation will not result in the loss of important documentary information.
- D. Deactivation is reasonable and necessary to protect the safety of officers or others.
- E. Deactivation is approved and/or ordered by a supervisor. The officer shall document the reason for the deactivation in an incident report.
- F. Upon request by a victim or witness, provided the request does not conflict with (B) or (C) above. Deactivation may be the best option if a BWC inhibits a victim or witness from providing information.
- G. Recording may be temporarily paused or muted, depending on technology capability, to exchange information with other law enforcement officers or those working in official capacities as part of a law enforcement investigation (e.g., paramedics, firefighters, medical examiners, dispatchers, civilian employees of government agencies, etc.). This includes discussions that are specific to training issues between Field Training Officers and their officers in training.
- H. BWCs may be deactivated during non-enforcement activities. Nothing in this section is intended to discourage an officer from recording during non-enforcement situations when in his/her judgement the recording may be beneficial.

The officer should consider the totality of the circumstances before deactivating a BWC and determine the best approach for a particular circumstance.

### **Critical or Significant Incidents**

In the event of a critical or significant incident, all officers who are involved in or witness the incident must turn off their BWC's when instructed to do so by a supervisor or investigator and/or as soon as it is safe to do so. Unless there are extenuating circumstances all involved or responding officers must maintain custody of their BWC equipment until the investigating agency takes custody of the equipment as applicable.

If the officer is involved in a shooting, in-custody death, or other law enforcement activity that results in death or great bodily harm, a supervisor or detective shall take custody of the officers BWC and assume responsibility for ensuring that all data is properly downloaded.

In the event that an officer will be photographed as part of the investigation, the officer should leave their uniform and BWC equipment intact until photographs have been taken. Once the BWC data has been downloaded, BWC equipment will be returned to the supervisor unless the device itself is evidence, in which case the device will be handled in the same manner as any other evidence.

If the incident is being investigated by an outside authority, the involved officer's BWC shall be turned over to the investigating authority before the data is transferred from the camera device.

## Downloading and Labeling Data

- A. Each officer using a BWC is responsible for transferring or assuring the proper transfer of the data from his or her camera to evidence by the end of that officer's shift. However, if the officer is involved in a shooting, in-custody death, or other law enforcement activity a supervisor or investigator will take custody of the officers BWC and assume responsibility for transferring the data from it.
- B. Officers shall label the BWC data files at the time of video capture or transfer to storage, and should consult with a supervisor if in doubt as to the appropriate labeling.
- C. In addition, officers shall flag as **(LIMITED)** each case file as appropriate to indicate that it contains information about data subjects who may have rights under the Minnesota Government Data Practices Act (MGDPA) limiting public disclosure of information about them. These individuals include:
  - 1. Victims and alleged victims of criminal sexual conduct.
  - 2. Victims of child abuse or neglect.
  - 3. Vulnerable adults who are victims of maltreatment.
  - 4. Undercover officers.
  - 5. Informants.
  - 6. When the video is clearly offensive to common sensitivities.
  - 7. Victims of and witnesses to crimes, if the victim or witness has requested not to be identified publicly.
  - 8. Mandated reporters.
  - 9. Juvenile witnesses, if the nature of the event or activity justifies protecting the identity of the witness.
  - 10. Juveniles who are or may be delinquent or engaged in criminal acts.
  - 11. Individuals who make complaints about violations with respect to the use of real property.
  - 12. Officers and employees who are the subject of a complaint related to the events captured on video.
  - 13. Other individuals whose identities the officer believes may be legally protected from public disclosure.
- D. Labeling and flagging designations may be corrected or amended based on additional information.

## Access to BWC Data

- A. Officers may access and view stored BWC video only when there is a business need for doing so, including the need to defend against an allegation. Except as provided in a critical incident or significant response, officers may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident.
- B. In the event there is a critical incident response, the Bayport Police Department will request the Bureau of Criminal Apprehension (BCA) to investigate the incident.

- C. Officers will be offered legal defense of their choice prior to making any statement and they will be allowed to review the video prior to making a statement. All law enforcement officers will then follow the current BCA policy regarding investigations of the critical incidents as defined in this policy (BCA-1005).
- D. Officers may display portions of BWC footage to witnesses as necessary for purposes of investigation as allowed by Minn. Stat. § 13.82, subd. 15, as may be amended from time to time. Officers should limit these displays to protect against the incidental disclosure of individuals whose identities are not public.
- E. Bayport Police Department personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to uploading BWC data recorded or maintained by this agency onto public and social media websites. Failure to follow this policy may result in discipline and or termination.
- F. Officers shall refer members of the media or public seeking access to BWC data to the Chief or the Chief's designee, who will process the request in accordance with the MGDPA and other governing laws. Employees seeking access to BWC data for non-business reasons may make a request for it in the same manner as any member of the public.
- G. BWC data shall be made available to prosecutors, investigators, courts, and other criminal justice entities as provided by law.

### **Agency Use of Data**

- A. BWC data may be accessed by a supervisor investigating a complaint or informal allegation of misconduct or substandard performance and/or for training purposes.
- B. Nothing in this policy limits or prohibits the use of BWC data as evidence of misconduct or as a basis for discipline.
- C. Officers should contact their supervisors to discuss any issues they have with retaining and using specific BWC footage for training purposes. Officer objections to preserving or using certain footage for training will be considered on a case-by-case basis. Field training officers may view BWC data with trainees for the purpose of providing coaching and feedback on the trainee's performance.
- D. Supervisors should occasionally review BWC recordings made by officers to ensure the equipment is operating properly and officers are using the devices appropriately in accordance with policy. Supervisors may not access or review BWC data for the purposes of surveillance of officers.
- E. The Chief or the Chief's designee shall conduct periodic audits to check for the occurrence of unauthorized access to BWC data and to ensure BWC usage is in accordance with the department policy. Randomized sampling may be utilized for this process, and statistical results of the audit shall be reported to the City Administrator and/or City Council.

## Data Retention

Recorded data containing information of evidentiary value shall be cared for in the same manner as forms of evidence. Evidentiary data shall be retained and destroyed for the period specified in the MGDPA, court ordered/case file copies, or the applicable statute of limitations or preservation period. Specific retention is as follows:

- A. All BWC footage will be retained for a minimum of 90 days. There are a few exceptions for unintentionally recorded footage or non-evidentiary data. In the event there is an unintentional recording that is clearly not work related, a written request for review and possible deletion of the footage may be made to a supervisor.
- B. Recorded data is subject to the same security restrictions and chain of evidence safeguards as detailed in the evidence and policy.
- C. BWC data that documents the following incidents will be retained for at least one year:
  - 1. The discharge of a firearm by a police officer in the course of duty if a notice is required under section 626.553, subdivision 2.
  - 2. The use of force by a police officer that results in substantial bodily harm.
  - 3. A formal complaint is made against a police officer related to the incident.
- D. Upon written request by a BWC data subject, the department will retain a recording pertaining to that subject for an additional time period if requested by the subject for up to 180 days. The department will notify the requester at the time of the request that the data will then be destroyed unless a new written request is received. (Minn. Stat. 13.825, subd. 3(2)c).

## Definitions

The following phrases have special meanings as used in this policy:

- A. **MGDPA or Data Practices Act** refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.
- B. **Records Retention Schedule** refers to the General Records Retention Schedule for Minnesota Cities.
- C. **Law enforcement-related information** means information captured or available for capture by use of a BWC that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.
- D. **Evidentiary value** means that the information may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.

- E. **General citizen contact** means an informal encounter with a citizen that is not and does not become law enforcement-related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation. Examples include, but are not limited to, assisting a motorist with directions, summoning a wrecker, or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.
- F. **Adversarial** means a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.
- G. **Unintentionally recorded footage** is a video recording that results from an officer's inadvertence or neglect in operating the officer's BWC, provided that no portion of the resulting recording has evidentiary or administrative value. Examples of unintentionally recorded footage include, but are not limited to, recordings made in station house locker rooms, restrooms, and recordings made while officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded.
- E. **Official duties**, for purposes of this policy, means that the officer is on duty and performing authorized law enforcement services on behalf of this agency.
- F. **Critical incident or significant response**, officer involved shooting, pursuit and/or accident, in-custody death, or other law enforcement activity that results in death or great bodily harm. Vehicular incident related to police actions that result in great bodily harm or death. Any incident similar to the examples as determined by the chief or his/her designee.