Windom Police Department

Policy Manual

Updated 1/8/2026

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Administrative Forfeiture

Effective Date: 1/01/2026

POLICY

Windom Police Department personnel shall follow state and federal laws regarding administrative forfeitures and the handling of seized property. This policy applies to agency personnel assigned to another agency's task force as well as personnel from outside agencies assigned to a task force managed by the Windom Police Department

DEFINITIONS

Ammunition: has the meaning given to it in MN Statute 609.02, subdivision 17.

Controlled Substance: has the meaning given to it in MN Statute 152.01, subdivision 4.

Conveyance Device: has the meaning given to it in MN Statute 609.531, subdivision 1(a).

Firearm: has the meaning given to it in MN Statute 609.666, subdivision 1(a).

Firearm Accessories: means devices and attachments made to be used for or with a firearm. Firearm accessories may include, but are not limited to, holsters, gun cases, firearm optics, suppression devices, and firearm cleaning supplies.

Forfeiture: the process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture Reviewer: means agency personnel responsible for reviewing all forfeiture cases and for being the liaison between the agency and prosecutor's office.

Jewelry/Precious Metal/Precious Stones: refers to items of jewelry such as rings, necklaces, and watches that reasonably appear to be made with precious metals or precious stones. Precious metals include, but are not limited to, gold, silver, platinum, iridium, and palladium. Precious stones, often referred to as gemstones, include, but are not limited to, diamonds, emeralds, and rubies.

Money: has the meaning given to it in MN Statute 609.5314, subdivision 1(d).

Seizure: refers to the act of law enforcement officials taking property, including but not limited to, money and vehicles, that have been used in connection with or acquired as a result of illegal activities.

PROCEDURE

SEIZED PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE

The items described herein are subject to administrative forfeiture under MN Statute 609.5314, subdivision 1.

- All money totaling $1,500 or more, precious metals, and precious stones for which there is probable cause to believe they represent the proceeds of a controlled substance offense.
- All money found in proximity to controlled substances when there is probable cause to believe that the money was exchanged for the purchase of a controlled substance.
- All conveyance devices containing controlled substances with a retail value of $100 or more if there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale.

- All firearms, ammunition, and firearm accessories.

PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When any property as described in the above section is seized, the peace officer making the seizure must ensure the required forfeiture forms are completed, that a receipt for the seized items is completed, and that the appropriate notifications are made within 60 days pursuant to MN Statute 609.5314, subdivision 2.

The notice form contains information in English, Hmong, Somali, and Spanish concerning the right to obtain judicial review and the procedure to follow under MN Statute 609.5314 for obtaining the review. The form must be dated and signed by the peace officer conducting the seizure. The agency case number must be included on the form. The individual from whom the property was seized must be given an opportunity to sign the seizure notice form. If the person refuses, the peace officer conducting the seizure must check the appropriate box indicating the refusal to sign. If property is seized from multiple individuals, a separate seizure form must be completed for each individual. A copy of the seizure form must be given to the individual served.

All property subject to and being processed for forfeiture through the agency must be held in the agency's custody.

The peace officer conducting the seizure shall ensure the original and pink copy of the seizure notices, seized property processing worksheets, property receipts, and reports are forwarded to the Forfeiture Reviewer within 10 days of seizure. The peace officer who conducted the seizure shall inform the Forfeiture Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

Money. Peace officers shall not seize money having an aggregate value less $100 for non-drug charges and $1500 for drug charges unless pre-recorded buy funds are included in the money seized. Money shall be counted by two peace officers while in the presence of one another, then the money must be placed in an envelope that is sealed and initialed/dated by the two peace officers. This processes should be documented via video recording. If video recording is not available, the peace officer shall document the reason(s) why a recording was not captured in their report. The property bag and/or inventory receipt shall then be signed/dated by the two peace officers who counted the money.

All forfeitable money seized will be turned over to the Forfeiture Reviewer or property/evidence room as soon as practical after the seizure. Prior to deposit with the Forfeiture Reviewer, Officers shall examine all money seized to determine whether it contains any buy funds. Officers shall document the recovery of all buy funds and deposit those funds with the Forfeiture Reviewer or other designated person/entity to be returned to the appropriate unit's buy fund account.

Officer seizing money shall also prepare a property inventory. If money is seized from multiple individuals, a property inventory receipt shall be completed for each individual. The property inventory receipt shall specify the total amount of money seized from each individual. The agency property inventory shall also contain a detailed description of all money, checks, money orders, travelers checks and/or other financial instruments. The officer conducting the seizure shall ensure a copy of the completed property inventory receipt is provided to the Forfeiture Reviewer.

It is the seizing peace officer's responsibility to secure the money consistent with this agency's policy/procedure for seizing/forfeiting money.

Jewelry/Precious Metals/Precious Stones. Peace officers seizing jewelry, precious metal, or precious stones will write a detailed description of each item on the property inventory form/receipt prior to inventorying the items. A copy of the property receipt and any photographs of the item(s) shall be delivered to the Forfeiture Reviewer and kept with the case file. Officers seizing jewelry, precious metals, or precious stones shall deliver those items to the property/evidence room as soon as practical.

Conveyance Devices. Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an agency approved impound facility. Officers shall inventory the conveyance device and its contents in accordance with this agency's policies. Officers shall also complete the applicable forms and distribute them as appropriate. Copies of the appropriate forms shall also be provided to the Forfeiture Reviewer and kept with the case file.

Firearms/Ammunition/Firearm Accessories. When firearms, ammunition, or firearm accessories are seized, they shall be inventoried and delivered to the property/evidence room as soon as practical. The appropriate forms shall be completed and distributed as appropriate. Copies of the completed forms shall be provided to the Forfeiture Reviewer and kept with the case file.

FORFEITURE REVIEWER

The Forfeiture Reviewer is responsible for ensuring forfeiture changes are forwarded to a supervisor for review.

REPORTS

Officers seizing property shall complete a report. All reports must include a description of the items seized, where the property was turned-in/inventoried, the name of the individual served, the date the seizure form was served, the name of the serving officer, and whether or not the individual signed the forfeiture form. All reports dealing with the seized property must be completed within 24 hours of the seizure unless the officer receives permission from their direct supervisor to exceed the 24-hour requirement. In such instances, information regarding what item was seized, by whom, and where the property is being stored shall be documented in a location accessible by other agency personnel.

TRAINING

Training will be provided by the agency in consultation with the prosecuting authority to personnel who may exercise the use of administrative forfeiture in the performance of their assigned duties. Such training will be conducted whenever the agency policy is changed or modified based upon administrative directives, legislative changes, and/or court decisions. Training may include, but is not limited to, agency policy, directives, and electronic or traditional classroom education.

STATUTORY REFERENCES

MN STATUTE 152.01 – Definitions
MN STATUTE 609.02 – Definitions
MN STATUTE 609.531 – Forfeitures
MN STATUTE 609.5311 – Forfeiture of Property Associated with Designated Offenses
MN STATUTE 609.5312 – Forfeiture of Property Associated with Controlled Substances
MN STATUTE 609.5313 – Forfeiture by Judicial Action; Procedure
MN STATUTE 609.5314 – Administrative Forfeiture of Certain Property Seized in Connection with a Controlled Substance Seizure
MN STATUTE 609.5315 – Disposition of Forfeited Property
MN STATUTE 609.5316 – Summary Forfeitures
MN STATUTE 609.18 – Forfeiture of Vehicles Used in Drive-by Shootings
MN STATUTE 609.666 – Negligent Storage of Firearms

Assisting Outside Agencies

Effective Date: 1/01/2013

POLICY

It is the policy of this department to render assistance to any law enforcement agency whenever possible. The safety and security of the citizens of the City of Windom dictates the need for a set of guidelines determining when such assistance is plausible.

EMERGENCY SITUATIONS

If an agency requests assistance handling a situation that may be potentially life threatening and/or extremely hazardous (such as but not limited to an active shooter, serious injury accidents or officer needs assistance calls), the following steps shall be executed.

- Officers, in the scope of their duties, are permitted to leave the City of Windom for but not limited to conducting traffic stops, assisting other agencies, and when requested for mutual aid.
- Officers may be approximately four (4) miles outside city limits without calling out another officer to cover the city.
- In the event an officer is outside the City of Windom and a call for service in the city is sent to the officer, the officer shall return to the city to handle the call for service, as calls for service in the city take priority.
- If the Officer is unable to handle to handle the call for service, the officer shall call or have dispatch call out an officer to handle the call for service.
- If a replacement officer is unable to be contacted, a supervisor will be notified and called out.

The least amount of assistance needed shall be provided by the police department.

If there is more than one officer on-duty, the least amount of assistance needed shall be provided by the police department, if possible, leaving at least one unit within City limits.

Exposure to Bloodborne and Airborne Pathogens

Effective Date: 1/01/2013

POLICY

This policy is intended to provide guidelines for officers to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- To manage the risks associated with blood-borne pathogens, aerosol transmissible diseases and other potentially infectious substances.
- To assist officer in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- To protect the privacy rights of all officers who may be exposed to or contract a communicable disease during the course of their duties.
- To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

DEFINITIONS

Bloodborne Pathogen: Pathogenic microorganisms present in human blood that cause disease. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).
Body Fluids: Body Fluids include but are not limited to blood, semen, vaginal secretions, breast milk, amniotic fluid, urine, saliva, vomit, and stool
Personal Protective Equipment (PPE): Personal protective equipment is specialized clothing or equipment used by workers to protect themselves from direct exposure to blood or other potentially infectious materials. It includes, but is not limited to, protective disposable gloves, masks, goggles, boots, gowns and resuscitation masks.
Significant Exposure: Having sustained a contact which carries a potential for a transmission of bloodborne pathogens by one or more of the following means: skin puncture by a needle or sharp object that has had contact with blood or body fluid from another person; or bodily fluids of another person in contact with the mucus membranes or eyes; contamination of open skin (cuts, abrasions, blisters, open dermatitis) by blood or body fluids, or bites that break the skin; or blood containing fluids in contact with skin longer than 5 minutes; exposure to diseases communicable by airborne transmission (including tuberculosis, chicken pox, measles, and pertussis) will be confirmed and follow-up will be determined with the help of Public Health
Source Individual (SI): An individual, living or dead, whose blood, tissue, or potentially infectious body fluids may be a source of bloodborne pathogen exposure to another person. Examples include, but are not limited to, a victim of an accident, injury or illness, or a deceased person
Universal Precautions: Precautions designed for infection control. Under Universal Precautions, blood and certain body fluids of all individuals are considered potentially infectious for HIV, HBV and other blood borne pathogens.
Information and Training

Training on the Department's Exposure Control Plan, information regarding Hepatitis B vaccinations and basic use of Personal Protective Equipment (PPE) shall be provided to all new hire personnel in at- risk assignments within a reasonable period of time of beginning employment. Each employee will be required to take an annual Bloodborne Pathogens refresher class.

Employee Vaccinations

Hepatitis B vaccinations are available to all officers at no cost. To arrange for obtaining a vaccination, contact a supervisor.

Personal Protective Equipment

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures.

- Disposable latex gloves
- Safety glasses
- Alcohol hand wipes
- Tyvek Suit
- Rescue mask with a one-way valve.

The protective equipment is to be kept in each squad, inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift, or as otherwise needed.

GENERAL PRACTICES FOR EXPOSURE CONTROL

When possible, all officers shall practice Universal Precautions to reduce the risk of infection by blood borne pathogens. Universal Precautions shall be used for all activities involving contact with blood, tissue, body fluids, equipment and materials that may be contaminated by infectious disease. All officers are responsible for ensuring that the following Universal Precautions and policies are followed when interacting with any potentially infectious individuals or handling potentially infectious materials:

- Officers shall not eat, drink or smoke in work areas or at crime scenes where bodily fluids are present or other contagious factors exist.
- Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on countertops where blood or other potentially infectious materials are present.
- Officers shall wash their hands and any other skin with soap and water, or flush mucus membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.
- Contaminated needles and other contaminated sharps shall be properly disposed of in a "sharps" container or stored in leak-proof, puncture resistant packaging if needed to preserve for evidentiary purposes.
- Property and evidence containing blood and/or body fluids or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, transport and storage. The container used for transport or storage shall be labeled or clearly marked in such a way that it is evident that blood, body fluids or other potentially infectious materials are inside.
- All handling or decontamination of items contaminated with blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering and generation of droplets of these substances.
- Officers have an obligation to inform other support personnel (firefighters, ambulance crew, corrections officers, etc.) whenever a subject has blood or bodily fluids on his/her person, or if the subject has made a voluntary statement that he/she has a contagious disease.
- Officers shall indicate in the ICR report when an individual taken into custody makes a voluntary statement that he/she has an infectious disease. A notation shall also be made in the related supplements when a subject has blood or bodily fluids on his/her person or clothing.
- Officers shall not refuse to work with or handle any individual – victim, complainant or suspect because of the employee’s fears of possible infection.
- Officers shall not refuse to arrest or otherwise refuse to handle any person in a legitimate law enforcement context, provided that appropriate protective equipment is available.
- Officers shall use appropriate PPE unless it is the officer’s professional judgment that in a specific instance its use would prevent the delivery of public safety services or it would pose an increased hazard to the safety of the officer or a co-worker. When the officer makes this judgment, the circumstances shall be documented in ICR and reviewed by the employee’s supervisor in order to determine whether changes can be instituted to prevent such occurrences in the future.
- Officers should be aware that certain prescribed medications, such as steroids and asthma medications, can suppress their immune systems increasing their susceptibility to infectious diseases. Officers should consult with their physician if they are taking prescription drugs.

DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal or decontamination of equipment or personnel after responding to an event that involved contact with a person's blood or bodily fluids:

USE OF WASTE CONTAINERS

Officers shall dispose of biohazards with the on-scene ambulance response vehicle, at the attending clinic or hospital, with its approval, or in an appropriately marked biohazard waste container immediately upon arrival. The biohazard waste container shall be collapsible, leakproof, red or appropriately labeled with a biohazard warning and routinely emptied.

DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately, on scene if reasonably possible, or as soon as reasonably possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant.

If large areas of the employee's skin are contaminated, the employee shall shower as soon as reasonably possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained. Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (e.g., needles, blades) unless they are needed to assist an EMT or are being collected for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one- handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container. All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. If a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Use a device such as tongs, or a broom and a dustpan to clean up debris. If the material must be handheld, protective gloves must be worn.

DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (e.g., gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or officer’s vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is not reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any personal protective equipment that becomes punctured, torn or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the task has not been completed. If any failure of personal protective equipment results in a contaminated non-intact skin event, decontamination as described in this policy shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance or officer’s vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container and then included in with the waste.

DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag. Grossly contaminated non-disposable equipment items shall be transported to the Windom Area Hospital or LEC for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA). While cleaning equipment, pay close attention to handles, controls, corners, crevices and portable radios. Equipment cleaning shall not be done in the kitchen, bathrooms or areas that are not designated as a cleaning/decontamination area. Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (.25 cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces and blood clots should first be removed (e.g., using a disposable towel or other means to prevent direct contact) and then properly disposed.

DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and contact a supervisor for directions. The supervisor will secure a dry cleaner that is capable of cleaning contaminated clothing and will inform them of the potential contamination. This dry cleaning will be done at the Office's expense. Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

DECONTAMINATION OF VEHICLES

Contaminated vehicles and components, such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible. Contact a supervisor for any grossly contaminated vehicles as professional cleaning may be required.

WASTE AND MEDICAL DEBRIS USED AT CRIME SCENES AND TRAFFIC ACCIDENTS

WPD Officers are responsible for removing any non-biohazard items at a crime scene or traffic accident which includes properly disposing of rubber gloves and crime scene tape.

Ambulance personnel are responsible for removing any medical debris from a crime scene or traffic accident. The fire department is responsible for cleaning blood and bodily fluids from public places, such as sidewalks and streets, and decontaminating the area.

An officer may request ambulance and fire personnel to leave the crime scene/accident scene intact during a prolonged investigation of the crime/accident scene.

Officers may contact the appropriate department (fire or ambulance) to return to the scene to remove medical debris, blood, or body fluids upon completion of the investigation.

REMOVAL OF WASTE, BLOOD, AND BODY FLUIDS FROM LOCATIONS OTHER THAN PUBLIC PLACES

The Police Department is not responsible for the cleaning or repair of a crime scene after it has been processed.

POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee(s).

EMPLOYEE RESPONSIBILITIES

- Verbally report the incident to a supervisor as soon as practical

- Seek an initial medical evaluation at Windom Area Hospital (WAH) Emergency room as soon as reasonably possible,
- The Windom Area Hospital will follow their *WAH EMS Exposure Infection Prevention and Control Policy* if the physician determines there has been a significant exposure.
    - If the Source Individual (SI) is receiving treatment at a medical facility or is in custody at the LEC, the medical facility will contact the source individual to obtain consent for a blood draw from the SI.
    - If the SI is not receiving treatment at a medical facility, the medical facility will make reasonable efforts to locate the SI and obtain consent. If the medical facility cannot identify or locate the SI, a representative from the WAH Infection Prevention and Control Department will contact the WPD Chief of Police to inform them that the SI has not been contacted.
- Complete a full written report as soon as reasonably possible following the exposure
- Complete the forms - *Contaminated Exposure Re*port and *First Report of Injury*

Employees may obtain testing, counseling and follow-up services through their own medical provider.
Employees may be responsible for medical expenses incurred if Worker's Compensations guidelines are not followed and/or Worker's Compensation does not accept the claim.

Consent for Blood Draw if SI is not located

If the medical facility cannot identify or locate the SI but WPD subsequently identifies and located the SI, a consent for blood draw may be initiated by the WPD
When seeking the SI's consent for the bloodborne pathogens test, the Chief of Police (or designee) will inform the SI that:

- the test results are for medical purposes only and may not be used by the department as evidence against the offender in any criminal or civil proceeding.
- the test results will be reported to the requesting department employee's health practitioner by the department without the offender's name or other uniquely identifying information, and the department employee will be informed of confidentiality requirements and penalties before the employee's health care practitioner discloses any test results.
- the test results cannot be used by health insurance providers to make a decision regarding providing health insurance coverage
- the SI may refuse to provide a blood sample, and the SI's refusal may result in a request for a court order to require the SI to provide a blood sample.
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SEEKING A COURT ORDERED BLOOD DRAW

If the Chief of Police determines that a court ordered blood draw is necessary, they shall contact the city attorney who will petition the Cottonwood County Court for a court ordered blood draw.

Domestic Abuse Response and Arrest

Effective Date: 1/01/2026

POLICY

It is the policy of the Windom Police Department to recognize domestic abuse as a serious problem in today's society. This agency's policy is to protect victims of domestic abuse by ensuring its peace officers understand the laws governing this area.

Peace officers will utilize this policy in response to calls when there may be domestic abuse. This policy prescribes courses of action peace officers should take in response to a domestic call. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

DEFINITIONS

For the purposes of this policy, the words and phrases in this section have the meanings given to them, unless another intention clearly appears.

Domestic Abuse has the meaning given it in Minn. Stat. 518B.01, subd. 2(a), which states:
"Domestic abuse" means the following, if committed against a family or household member by a family or household member:
physical harm, bodily injury, or assault;
the infliction of fear of imminent physical harm, bodily injury, or assault; or
Threats of violence, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.

Domestic Abuse Program means a public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.

Child means a person under the age of 18.

Family or Household Member has the meaning given it in Minn. Stat. 518B.01, subd. 2(b)(1)-(7): spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they have been married or have lived together at any time, and persons involved in a significant romantic or sexual relationship. It also includes a man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.

Domestic Call means a request for assistance to a law enforcement agency regarding domestic abuse or any other crime against a family of household member.

Qualified domestic violence-related offense (QDVRO) has the meaning given it in Minn. Stat. 609.02, subd. 16 and includes a violation of or an attempt to violate a domestic abuse order for protection; first or second degree murder; first through fifth degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth degree criminal sexual conduct; malicious punishment of a child; threats of violence; violation of harassment restraining order; stalking; interference with an emergency call; nonconsensual dissemination of private sexual images; and violation of domestic abuse no contact order; and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

If a person arrested for a domestic crime has a prior QDVRO, the new offense may be chargeable as a higher-level crime. (See Enhancement Table appended hereto.)

Order for Protection (OFP) is an order issued under Minn. Stat. 518B.01 by a judge in civil court upon the request of the petitioner. Any family or household member of the abuser (called a respondent) may ask the court for an OFP. The relief granted to the petitioner may include an order for the respondent to stop domestic abuse, no direct or indirect contact with petitioner, temporary custody of minor children, temporary financial support, and/or counseling for the respondent. Other forms or relief are also available. Violating an OFP is a crime.

Domestic Abuse No Contact Order (DANCO) is an order issued under Minn. Stat. 629.75 by a judge in criminal court limiting contact between a defendant and a victim of domestic abuse. DANCOs may be issued as pretrial condition of release and/or as a probationary condition of sentence.

Harassment Restraining Order (HRO) is an order issued under Minn. Stat. 609.748 by a judge in civil court when a petitioner requests a court order preventing another person from having contact with him/her. These orders generally prohibit all contact of any kind (including, but not limited to, phone calls, letters, e-mail, social media and contact through a third party) and may limit the respondent's ability to come within a certain distance of the petitioner's home, work or school. This type of order can be issued no matter what the relationship between the individuals involved. Violating an HRO is a crime.

Harassment has the meaning given to it in Minn. Stat. 609.748, subd. 1(a): a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.

Stalking has the meaning given to it in Minn. Stat. 609.749, subd. 1: engaging in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

PROCEDURE

DISPATCHING THE CALLS

Receiving the Domestic Call: Upon receiving a domestic call, the dispatcher will assign domestic calls a high priority and should assign at least two officers to the call. If only one officer is available, all reasonable attempts should be made to obtain another officer to assist the officer who was initially dispatched.

Information to be Obtained: The dispatcher receiving a domestic call should attempt to elicit from the caller and should communicate to the responding peace officers as much of the following information as possible:

- the nature of the incident,
- the address of the incident, including apartment number, if applicable,
- the telephone numbers where the caller can be reached,
- whether weapons are involved or present in the dwelling,
- whether someone is injured and the nature of the injury,
- information about the suspect including whether the suspect is present, description, direction of flight, mode of travel, etc.,
- the relationship between the caller and the suspect,
- whether there has been prior calls involving these individuals,
- whether there is an order for protection (OFP), harassment restraining order (HRO) or criminal pre-trial or probationary domestic abuse no contact order (DANCO),
- whether children are present at the scene, and
- whether there are non-English speaking people, or people with mobility impairments or hearing impairments at the scene.

If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone as long as possible and should tell the caller that help is on the way, and when the caller can expect the peace officers to arrive.

If the caller is a witness to an incident in progress, the dispatcher should attempt to keep the caller on the phone and should relay ongoing information provided by the caller to the responding peace officers.

If the responding peace officers are some distance away, and the dispatcher cannot remain on the telephone with the call/victim, the dispatcher should attempt to call back periodically to check on the progress of events, and call again when the officers arrive at the scene. If the dispatcher finds that a victim/caller who was recently available suddenly cannot be reached by phone or there is a persistent busy signal, the dispatcher should relay that information to the officers.

RESPONDING TO THE CALLS

Driving to the Scene: The peace officers should respond directly and without unreasonable delay to the scene. Initial Contact with Occupants: Upon arriving at the scene of a domestic call, the responding officers should identify themselves as peace officers; explain their presence, and request entry into the home. The officers should ask to see the person who is the alleged victim. The officers should separate parties prior to taking statements. If the person who called the law enforcement agency is someone other than the subject of the call, the officer should not reveal the caller's name. The officer should ensure all of the occupants are safe.

Entry

- Refused Entry – If refused entry, the officers should be persistent about seeing and speaking alone with the subject of the call. If access to the subject is refused the officers should request the dispatcher to contact the caller.
- Forced Entry – If access is still refused and the officers have reason to believe that someone is in imminent danger the officers are permitted to force entry.
- Search Warranty Entry – If the officers are refused entry and have no legal grounds for forced entry and have reasonable grounds to believe a crime has been committed, the officers should contact the appropriate authority to obtain a search warrant.

First Aid: After securing the scene, the responding peace officers shall provide the necessary first aid.

ARREST DECISIONS

Making Arrests: After securing the scene and providing any first aid, the peace officers will conduct an assessment of the lethality of the situation based on the totality of the circumstances and begin a criminal investigation to determine if there is probable cause to believe a crime has been committed based on the evidence and not solely upon the victim's desire to make an arrest. The officers should collect relevant physical evidence including weapons which may have been used, take photographs of the scene or any injuries and take statements from the involved parties and witnesses. Some of the evidence and statements include:

- photos of the scene,
- condition of clothing,
- property damage,
- evidence of physical injury including strangulation,
- excited utterances of the victim and the suspect,
- demeanor of the victim and the suspect,
- medical records including the victim's statements to paramedics, nurses and doctors,
- recorded interviews of witnesses including children who may have been present,
- evidence of any prior domestic abuse – related convictions including dates, and any existing OFPs, HROs or DANCOs.

NOTE: When determining probable cause, the peace officers should consider their observations and any statements made by the parties involved and any witnesses. Prior convictions may provide the basis for enhancement to a gross misdemeanor or felony charges (see D below).

Factors Not to be Considered in Making the Arrest:

- ownership, tenancy rights of either party, or the fact the incident occurred in a private place,
- belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction,
- verbal assurances that the abuse will stop,
- disposition of previous police calls involving the same victim or suspect,
- denial by either party that the abuse occurred when there is evidence of domestic abuse,
- lack of a court order restraining or restricting the suspect,
- concern about reprisals against the victim,
- adverse financial consequences that might result from the arrest, or
- chemical dependency or intoxication of the parties.

Predominant Aggressor and Dual Arrests: The agency shall discourage dual arrest[1]. Where there are allegations that each party assaulted the other, the peace officer shall determine whether there is sufficient evidence to conclude that one of the parties is the predominant aggressor based on the following criteria and the officer's judgment:

- comparative extent of any injuries inflicted,
- fear of physical injury because of past or present threats,
- actions taken in self-defense or to protect oneself,
- the history of domestic abuse perpetrated by one party against the other, or
- the existence or previous existence of an order for protection.

Victim Request Not to Prosecute: If the officer finds probable cause to believe a domestic abuse offense has been committed and intends to arrest but the victim requests no arrest or prosecution, the officer should inform the victim that the decision to arrest is the officer's and the decision to prosecute lies with the prosecutor.

AUTHORITY AND TYPES OF ARREST

Warrantless Probable Cause Arrest for Fifth Degree Assault or Domestic Assault: Although the general rule is that officers may not make probable cause arrests for misdemeanors unless the offense occurs in their presence (or a citizen who saw the crime requests an arrest) domestic assault is an exception. A peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person has, within the preceding 72 hours, assaulted, threatened with a dangerous weapon, or placed in fear of immediate bodily harm any person covered by the "family or household member" definition, even if the assault did not take place in the presence of the peace officer (Minn. Stat. 629.341). A peace officer acting in good faith and exercising due care in making an arrest pursuant to this statute is immune from civil liability that might result from the officer's action.

NOTE: An arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with assaulting the individual's spouse or other individual with whom the charged person resides (Minn. Stat. 629.72).

Level of Arrest for Fifth Degree Assault and Domestic Assault: Misdemeanor, Gross Misdemeanor and Felony: Assault in the Fifth Degree and Domestic Assault are deemed misdemeanor offenses. However, changes in the

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[1] MN STAT 629.342 which mandates the development of a written domestic abuse arrest policy for every law enforcement agency in the state specifies that the policy "shall discourage dual arrests, include consideration of whether one of the parties acted in self defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated."

statutes have greatly increased the potential for arrests for these crimes at the gross misdemeanor and felony level.

- ***Gross Misdemeanors:*** Minn. Stat. 609.224, subd. 2(a), Assault in the Fifth Degree, provides for an enhancement to a gross misdemeanor violation when the offense is against the same victim within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency in Minnesota, or any similar law of another state.
    - If the charge is Domestic Assault (Minn. Stat. 609.2242) and the current victim is a family or household member and the crime occurs within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency of any of the above offenses against any family or household member, the same gross misdemeanor enhancement applies. The prior conviction need not be against a member of the same family or household.
    - If there is a prior conviction for assault or terroristic threats against any person within two years, a gross misdemeanor may also be charged.

- ***Felonies:*** If a person commits Assault in the Fifth Degree against the same victim within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency, Assault in the Fifth Degree becomes a felony. The same enhancement applies to Assault in the Fifth Degree against any victim occurring within three years of the first of two or more of these convictions.

    - Domestic assault against a family or household member is also enhanceable under the same circumstances except that the prior convictions may be against any family or household member. According to Minn. Stat. 609.2247, subd. 2., whoever assaults a family or household member by strangulation is guilty of a felony.

Stalking The acts which constitute stalking according to Minn. Stat. 609.749 include several which are frequently applicable to domestic abuse situations even when no actual assault occurred.

- ***Gross Misdemeanors**:* A person who stalks another by committing any of the following acts is guilty of a gross misdemeanor:
    - directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
    - follows, monitors, or pursues another, whether in person or through any available technological or other means;
    - returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;
    - repeatedly makes telephone calls, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;
    - makes or causes the telephone of another to repeatedly or continuously ring;
    - repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistance devices for the visually or hearing impaired, or any communication made through any available technologies or other objects; or
    - knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties.

Also, according to Minn. Stat. 609.749., subd.1a., the State does not have to prove the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted or intimidated. The intent of the defendant is immaterial. Obtaining a complete domestic abuse history is usually the key to making the determination that the current act, under the circumstances, constitutes the crime of stalking.

- ***Felony/Felony Enhancements**:* A person who commits any offense described *in Stalking- Gross Misdemeanors* (See above) against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony.

Any of the above gross misdemeanors is enhanceable to a felony if committed within ten years of a previous QDRVO conviction or adjudication of delinquency OR if committed against a juvenile OR if committed while possessing a dangerous weapon.

In addition, it is a felony to engage in a pattern of stalking conduct with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim. According to Minn. Stat. 609.749, subd. 5, a "pattern of stalking conduct" means two or more acts (convictions are not necessary) within a five-year period that constitute any of the following offenses: murder, manslaughter, threats of violence, fifth-degree assault, domestic assault, violation of domestic abuse orders for protection, violation of harassment restraining orders, certain trespass offenses, interference with an emergency call, obscene or harassing telephone calls, letter, telegram, or package opening or harassment, burglary, damage to property, criminal defamation, first- to fifth-degree criminal sexual conduct, and violations of domestic abuse no contact orders.

The stalking statute makes it more important than ever to document not just the facts of the current police call but also the history of abuse or stalking.

Venue (Minn. Stat. 609.749, subd. 1b.): If a suspect commits acts of stalking in different counties, the acts may be consolidated and prosecuted in any county in which one of the acts was committed. If the conduct that constitutes stalking is done through use of a wireless or electronic communication device, the conduct can be prosecuted in the county where either the suspect or victim resides.

Probable Cause Warrantless Arrest: The domestic abuse arrest statute (Minn. Stat. 629.72) provides an officer may not issue a citation in lieu of arrest in harassment/stalking, domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order cases. According to Minn. Stat. 629.34, subd.1(c)(5) an officer may also make a warrantless probable cause arrest even if the offense did not occur in the officer's presence if the officer has reasonable cause to believe the offense was a gross misdemeanor or felony (no 72 hour restriction).

Probable Cause Felony Arrests for Other Crimes: At a domestic call peace officers shall consider whether other felonies have been committed including but not limited to, burglary, felony assault, threats of violence, kidnapping, false imprisonment, and witness tampering.

NOTE: An Assault 5 may be chargeable as burglary in the first degree even if the home is also the offender's if the entry is made without consent of the victim and in violation of an OFP barring the offender from the premises.

Violation of Court Orders: The peace officer shall verify whether any of the following orders exist before or during an arrest. The peace officer or someone acting at the officer's direction may make this verification. Methods of verification include personally seeing a copy of the order or obtaining verification from the court or law enforcement agency that has the actual order. The police report shall include identifying information of the specific court order violated, including county of origin, the file number, and the provision allegedly violated.

- ***Order for Protection (OFP):*** A peace officer shall arrest and take into custody without a warrant a person who the peace officer has probable cause to believe has violated any condition of an OFP granted pursuant to Minn. Stat. 518B.01, subds. 6, 7, and 9. Such an arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, if the officer can verify the existence of the order.

NOTE: Minn.Stat. 518B.01, subd. 18(a)(2), states that an OFP is not voided even if the respondent was invited back to the residence by the petitioner, and there is no hour limitation for a warrantless arrest for a violation of an OFP.

A violation of an OFP is a misdemeanor but is enhanceable to a gross misdemeanor if the offense occurs within ten years of discharge from sentence for conviction of violation of an OFP or for any conviction of assault, terroristic threats, violation of a harassment order or harassment/stalking. It is enhanceable as a felony if it occurs within ten years of discharge of the first of two or more such convictions.

OFPs and DANCOs can be verified on the State MNJIS system, also known as the Hot Files. HROs are not in the Hot Files system at this time but are still enforceable.

- ***Harassment Restraining Order (HRO):*** A peace officer shall arrest and take into custody a person who the peace officer has probable cause to believe has violated a harassment restraining order pursuant to Minn. Stat. 609.748, subds. 4 and 5, if the officer can verify the existence of the order.

NOTE: A person who violates an HRO is guilty of a misdemeanor if the violator knows of the order. This offense is enhanceable to a gross misdemeanor if it occurs within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. Per Minn. Stat. 609.748, subd. 6, (d), it is enhanceable to a felony if the person knowingly violates the order:

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  - within 10 years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency;
  - because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability (as defined in section 363A.03), age, or national origin;
  - by falsely impersonating another;
  - while possessing a dangerous weapon;
  - with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.414, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or
  - against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

- ***Domestic Abuse No Contact Order (DANCO)*** *(*Minn. Stat. 629.75)*:* A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a DANCO, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer.

  The pretrial DANCO is sometimes continued at the time of sentencing with a new, probationary DANCO issued as a condition of probation. This DANCO may be valid for the full probationary period indicated in the order.

  The court may rescind a DANCO at any time. However, a victim's production of a copy of an apparently valid court order, absent contrary evidence, provides prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.

- **Other Misdemeanors:** At a domestic call, the peace officer shall consider whether other crimes have been committed including but not limited to trespassing, criminal damage to property, disorderly conduct, witness tampering, or assault.

ASSISTANCE, STAYING AT THE SCENE, CRIME VICTIM RIGHTS, AND SERVICES

Staying at the Scene: If no arrest is made peace officers should remain at the scene of the disturbance until they believe that the likelihood of further imminent abuse has been eliminated. If a domestic abuse intervention program is available the peace officer should make contact for immediate intervention.

> **NOTE:** Minn. Stat. 629.342 provides that when a peace officer does not make an arrest, the peace officer must provide immediate assistance to the victim including obtaining necessary medical treatment and providing the victim with the notice of rights pursuant to Minn. State. 629.341, subd. 3.

Assistance to Non-English Speaking Victims or Victims with Communication Disabilities: The peace officer shall use the resource list established by the law enforcement agency to contact a person to assist in those cases where the participants in the domestic call, including the witnesses, are non-English speaking, are hearing-impaired, or have other communication disabilities. The officer should avoid the use of friends, family or neighbors serving as the primary interpreter for the investigation.

Notice of Crime Victims' Rights: The peace officer shall give the victim of a domestic call a copy of the agency's crime victim notification form.

> **NOTE: It** is important to routinely review these forms to ensure that they are current, in compliance with the law, and contain the name of the local domestic abuse program. The Department of Public Safety, Office of Justice Programs, produces the crime victim's rights notice and serves as the contact for the victim's rights information.

Services: The peace officer should contact the local domestic abuse program by phone as soon as possible on all arrest situations and provide the name and address of the victim and a brief factual account of events associated with the action. This section shall not apply if prohibited by the Minnesota Government Data Practices Act (Minn. Stat. 13.82, subd. 10,).

CHILDREN

Child Victims: If a child is present at the scene of a domestic call or is the victim of domestic abuse, the peace officer should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, and comply with the requirements of Minn. Stat. 626.556, Reporting of Maltreatment of a Minor. The officers shall also attempt to verify whether there has been an Order for Protection (Minn. Stat. 260C.201). If the child has been injured, the officer should escort the child to the nearest hospital for treatment.

REPORTS AND FORMS

Written Report: Peace officers shall make a report after responding to a domestic call. If the officer did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of the reasons for the officer's decision not to arrest must be documented. The report should include the following:

- detailed statements from the victim, suspect and witnesses;
- description of injuries;
- information about past abuse;
- description of the scene;
- predominant aggressor;
- existence of language barriers;
- presence of elderly victims or those with disabilities; and
- documentation of evidence.

FURTHER INVESTIGATION

A domestic call shall be turned over to the appropriate investigator for further follow-up if appropriate. If there is an arrest, the investigator shall determine the defendant's criminal record, and if there is evidence of a previous conviction, the peace officer should advise the prosecutors of any enhanced criminal sanctions which may be available.

Notwithstanding the fact that the officer has decided not to arrest one of the participants in the domestic call, the peace officer shall thoroughly document all relevant information in the report and shall refer the report to the appropriate prosecutor for review and consideration of criminal charges.

Conviction means a plea of guilty or verdict of guilty accepted by the court (Minn. Stat.§ 609.02, subd. 5).
Discharge from Offense means the time between conviction and the end of 5 years following discharge from sentence for that offense.
QDVRO means a "Qualified Domestic Violence Related Offense" which includes a violation of or an attempt to violate a domestic abuse order for protection; first or second-degree murder; first through fifth-degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth-degree criminal sexual conduct; malicious punishment of a child; terroristic threats; violation of harassment restraining order; stalking; interference with an emergency call; nonconsensual dissemination of private sexual images; and violation of domestic abuse no contact order (DANCO); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories. (Minn. Stat. 609.02, subd. 16)

Offense	Victim of Offense	Time Limit	Prior Conviction	Offense Level
Assault 5	Same Victim	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of discharge of 1st of 2 or more convictions	QDVRO	Felony
	Any Victim	w/in 3 years of conviction	QDVRO	Gross Misdemeanor
		w/in 3 years of 1st of 2 or more convictions	QDVRO	Felony
Domestic Assault	Family/Household Member (as defined in Minn. Stat. 518B.01, subd. 2.)	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of 1st of 2 or more convictions for Domestic Assault or Assault 5	QDVRO	Felony
Malicious Punishment	Any Victim	w/in 5 years of discharge	Assault 1-5, Domestic Assault, Malicious Punishment, Criminal Sexual Conduct 1-4, or Terroristic Threats	Felony
Violation of Order for Protection or Harassment Restraining Order	Any Victim	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of discharge of 1st of 2 or more convictions	QDVRO	Felony
Stalking	Any Victim	w/in 10 years of conviction	QDVRO	Felony
Interference w/ Privacy	Any Victim	None	Interference w/ Privacy or Stalking	Gross Misdemeanor

Example of Enhancement Reachback:	
Arrest for Assault 5 & Malicious Punishment	1/1/2013
Plea (Accepted) to Assault 5 & Malicious Punishment (Conviction)	6/1/2013
Sentence of 2 years of probation	8/1/2013
Expiration of reachback for **any victim** for Assault 5	6/1/2016
Discharge from sentence	8/1/2015
Expiration of reachback for **any victim** for Malicious Punishment	8/1/2020
Expiration of reachback for **same victim** for Assault 5	6/1/2023

PB Rev 04/2013

Impartial Policing to Avoiding Racial Profiling

Effective Date: 1/1/2026

POLICY

The Windom Police Department is committed to impartial policing and reinforcing procedures that assure the public we are providing service and enforcing laws in a fair and equitable manner to all.

DEFINITIONS

Racial Profiling: has the same meaning given to it in MN Statute 626.8471, subdivision 2.

PROCEDURES

Pedestrian/vehicle stops, detentions, arrests, searches, and property seizures by peace officers shall be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. Peace officers must be able to articulate specific facts, circumstances, and conclusions that support reasonable suspicion or probable cause when conducting investigations or other law enforcement related functions.

Agency personnel shall be impartial when executing their job-related duties. This means Officers shall not solely consider race, ethnicity, national origin, gender, sexual orientation, or religion in establishing reasonable suspicion or probable cause. Officers may consider the descriptors listed above when they relate to and/or specifically link to suspected unlawful or suspicious activity by a particular individual or group of individuals. In such instances, the above-mentioned attributes may be used in the same manner as age, height, weight, or other physical characteristics of specific suspects.

To prevent the perception of bias, when interacting with suspects, victims, or other members of the community, Officers must:

- be respectful and professional,
- introduce or identify themselves to the citizen(s) and state the reason for the contact as soon as practical unless providing information will compromise officers or public safety,
- ensure detentions are compliant with state and federal law,
- attempt to answer any relevant questions the citizen may have regarding the contact including relevant referrals to other agencies when appropriate,
- provide their last name or badge number when requested, and
- explain the basis and reason for the stop, especially when reasonable suspicion does not result in a finding of criminal or unlawful behavior/conduct.

DUTY TO REPORT

Officers shall promptly report any suspected or known instances of bias-based policing to a supervisor. Agency personnel should, when reasonable to do so, intervene to prevent any biased-based actions by another officer. If a supervisor receives a report of biased-based policing, the supervisor shall inform the CLEO as soon as practical so the agency may, if warranted, initiate an internal investigation into the alleged conduct.

VIOLATIONS

Sustained violations of this policy will result in remedial training and/or disciplinary action up to termination. Confirmed violations of this policy must be reported to the POST Board in accordance with the reporting requirements in MN Statute 626.8457.

TRAINING

All agency personnel must review this policy annually.

STATUTORY REFERENCES

MN STATUTE 626.8457 – Professional Conduct of Peace Officers
MN STATUTE 626.8471 – Avoiding Racial Profiling; Policies and Learning Objectives Required
ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Towing/Impounding Vehicles

Effective Date: 01/01/2013

POLICY

This policy provides the procedures for towing a vehicle by or at the direction of the Windom Police Department and under the authority of Minn. Stat. § 168B.035.

IMPOUNDING VEHICLES:

All Impounded or Towed vehicles shall have:

- An IR completed (if applicable)
- Citation issued (if applicable)
- Copy of signed tow bill

Vehicles on public property may be towed and impounded in accordance with state statute 168B.035:

REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, an appropriate company will be selected by the officer.

If the owner is incapacitated or for any reason it is necessary for the department to assume responsibility for a vehicle involved in a collision, the officer shall request the tow and complete the Vehicle Impound/Inventory Form if the department will be assuming custody of the vehicle in the city Impound lot.

TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of the Department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, the vehicle would present a traffic hazard if it were not removed, or the vehicle is located in a high-crime area and is susceptible to theft or damage if left at the scene.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the occupant was arrested nor may be subject to forfeiture proceedings.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene or in the care of a passenger at the scene.
- In such cases, the handling employee shall note in the report that the owner was informed that the department will not be responsible for theft or damages.

VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle impound form. This includes the trunk and any compartments or containers, even if they are closed. Officers conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

Vehicles towed for parking violations or insurance shall be released to the tow operator. A tow sheet shall be provided to the tow operator.

SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phones, prescriptions) that are not considered evidence or contraband.

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

PRIVATE PROPERTY

A vehicle legally parked on private property may be towed only under the following conditions:

- The vehicle has been reported stolen.
- The vehicle is involved in a crime.

Officers shall advise parties seeking tows from private property for illegally parked vehicles that they must make their own arrangements with a private towing service.

Allegations of Misconduct

Effective Date: 01/01/2026

PURPOSE

The purpose of this policy is to inform all personnel and members of the public of the procedures for reporting, receiving, investigating, and resolving misconduct complaints regarding licensed peace officers employed by the Windom Police Department. The provisions of this policy are applicable to the investigation and disposition of allegations of administrative misconduct. This policy does not apply to criminal investigations.

POLICY

It is the policy of the Windom Police Department to accept and to fairly and impartially investigate all complaints of misconduct to determine the validity of allegations; and to impose any corrective action that may be justified in a timely and consistent manner.

DEFINITIONS

Administrative Investigation: means an internal investigation conducted in response to a complaint with the goal of determining whether a peace officer engaged in misconduct.

Chief Law Enforcement Officer (CLEO): has the same meaning given to it in MN Administrative Rule 6700.0100, subpart 8.

Complainant: means a person who submits a complaint to the agency or CLEO alleging misconduct by a peace officer.

Complaint: means a statement alleging behavior that constitutes misconduct.

Discipline: means any of the following or a combination thereof:

- oral reprimand,
- written reprimand,
- suspension,
- demotion, and/or
- discharge.

Exonerated: means a fair preponderance of the evidence established that either:

- the peace officer named in the complaint was not involved in the alleged misconduct, or
- the act(s) that provided the basis for the complaint occurred; however, the investigation revealed that such act(s) were justified, lawful, or proper.

Member: means all voluntary and compensated personnel of the agency.

Misconduct: means 1) a violation of an agency policy or procedure governing peace officer conduct or 2) conduct by a peace officer that would be a violation of the POST Standards of Conduct per MN Administrative Rule 6700.1600.

Not Sustained: means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint

Policy Failure: means that the complaint revealed a policy failure. The allegation is factual, but the peace officer followed the agency's proper policy/procedure. The policy/procedure is proven to be deficient.

Policies and Procedures: refers to the administrative rules adopted by the agency regulating the conduct of agency personnel.

Receiving Authority: means the entity who receives and is required to investigate the complaint when the subject of the complaint is a CLEO.

Respondent*:* means an individual who is the subject of a complaint investigation.

Sustained: means a fair preponderance of the evidence obtained in the investigation established that the peace officer's actions constituted misconduct.

Unfounded: means there is no factual basis for the allegation. The act or acts alleged did not occur.

PROCEDURE

ACCEPTANCE AND FILING OF COMPLAINTS

Complaint forms must be made available to members of the public through agency personnel, at designated public facilities, and online. Complaints may be received in person, by telephone, in writing, or via the internet. A complainant may remain anonymous but should be advised that remaining anonymous may affect the investigation of the complaint. A complainant may be accompanied by an attorney or other representative at the time a complaint is filed or at any other stage of the process. Personnel must provide assistance to individuals who express the desire to lodge a complaint. The complainant must be advised of the procedures for submitting the complaint and be provided with a copy of their submitted complaint. The complainant should be asked to verify and attest that their complaint is complete and accurate to the best of their knowledge by signing the complaint form. If the complainant elects not to sign, this fact shall be documented and the complaint processed according to department policy. The CLEO will forward a copy of the written complaint to the respondent only after it is determined that the complaint does not allege a criminal violation. A CLEO or Receiving Authority may delegate the duties and responsibilities required of a CLEO by this policy to an appropriate designee(s).

Any complaint made against a chief of police must initially be made to the city administrator, manager, or mayor. Any complaint made against a sheriff must initially be made to the county attorney, the county administrator, or the board of county commissioners. The city administrator, manager, mayor, county attorney, county administrator, or board of county commissioners must refer investigations of alleged misconduct against a CLEO to a neutral, external investigative entity such as another law enforcement agency or a private investigative firm/organization. The external investigative entity shall not have a discernible conflict of interest.

INVESTIGATION OF A COMPLAINT

Upon receipt of the complaint, the CLEO must make an initial determination as to whether or not the facts alleged require an administrative investigation. The CLEO's determination needs to be based on current agency policies and MN Administrative Rule 6700.1600. If the CLEO decides that an investigation is not required, the disposition of the complaint must be cleared as "unfounded," "not sustained," or "exonerated." The complainant and the respondent will both be notified of this decision and the basis for the determination. If the complainant supplies additional information within thirty (30) days of that initial determination, the CLEO may re-review the complaint and choose to reverse the previous decision and order an administrative investigation.

If the CLEO determines an administrative investigation is required, an appropriate designee will be assigned to investigate the complaint. When the CLEO believes an external investigation is appropriate or when the CLEO is the subject of the complaint, the investigation will be assigned to a neutral, external investigative entity that has no discernible conflict of interest.

The complaint investigator must inform the complainant of his or her name, business phone number, and the status of the complaint as soon as possible after being assigned the investigation. The investigator must thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation. If the investigation reveals potential misconduct by another agency member, the investigator must report that fact to the CLEO or, in the case of a complaint against a CLEO, the appropriate city administrator, manager, mayor, county attorney, county administrator, or board of county commissioners. At the completion of the administrative investigation, the investigator shall prepare a report organized in the following manner:

Allegations*.* The "allegations" section of the report should be an itemized summary of the acts of misconduct alleged in the complaint. The summary must also include all/any rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations were to be sustained.
Investigation. The "investigation" section of the report should be a chronological summary of the investigation and include all pertinent facts obtained through interviews with the complainant, accused agency personnel, and all available witnesses. Written statements, descriptions, analysis of any physical evidence, and all other relevant information must be included in this section.
Conclusions. The "conclusions" section of the report should detail the investigator's findings and conclusions as to whether any misconduct occurred. If misconduct did occur, the report should state which provisions were violated and the underlying reasons for the investigator's findings and conclusions.

All agency personnel must cooperate with administrative investigations. When the respondent is a licensed peace officer, the investigation must comply with the requirements of MN Statute 626.89, the officers collective bargaining agreement, and any other applicable laws, administrative rules, or policies. The investigation must be completed within thirty (30) days of the filing of the complaint unless the CLEO or Receiving Authority determines there is good cause to grant an extension. The complainant and respondent must be informed of any extension given to the investigative process.

REVIEW AND DISPOSITION

Upon completion of the investigation, the investigator must submit the report, case file, and all investigative notes to the CLEO or Receiving Authority. The CLEO or Receiving Authority may make a request for additional investigative work or make one or more of the following determinations regarding the complaint:

- unfounded,
- exonerated,
- not sustained,
- sustained, and/or
- policy failure.

The CLEO or Receiving Authority may postpone making a decision until any related criminal charges are resolved. If a determination is postponed, the complainant and respondent must be informed of the decision.

If the decision is "unfounded," "exonerated," "not sustained," or "policy failure" the CLEO or Receiving Authority must notify the complainant and the respondent of the disposition as soon as practical. If the complaint is "sustained" the CLEO or Receiving Authority will:

- issue findings of fact including a summary of the acts constituting misconduct and the specific statutes, policies, regulations, and/or procedures violated,
- impose an appropriate remedial plan and/or disciplinary action, and
- advise the complainant of any public information regarding the disposition.

Prior to the implementation of any remedial and/or disciplinary action, the respondent must be provided with a copy of the findings of fact. The CLEO, Receiving Authority, and/or designee must review the findings of fact with the respondent and explain the reasons for the remedial and/or disciplinary action. When a “sustained” disposition is finalized, the respondent may appeal the disposition pursuant to the rules and law governing the accused member's employment.

An administrative complaint investigation may be re-opened by the CLEO or Receiving Authority at any time if substantial new evidence is discovered concerning the complaint.

MAINTENANCE AND DISCLOSURE OF DATA

The public disclosure of any data connected to an investigative complaint process created or received by the agency in connection with this policy and procedure is governed by the provisions of the MN Government Data Practices Act. All data collected, created, received, or maintained by the agency in connection with this policy must be retained in accordance with the agency’s “Record Retention Schedule.” Likewise, the placement of the disposition report or other data related to the complaint investigation in an employee’s personnel file must be governed by the agency’s personnel policy. The access to data collected, created, received, or maintained in connection with this policy may only be authorized by the CLEO, the “Responsible Authority,” the “Minnesota Government Data Practices Act,” or by a valid court order.

POST BOARD REPORTING REQUIREMENTS

According to MN Administrative Rule 6700.1610, a licensed peace officer must self-report any Standards of Conduct violations to the POST Board. The rule also states that an unlicensed person with knowledge of peace officer misconduct constituting grounds for action under MN Statute, chapter 14, or MN Administrative Rule 6700.1600, may report the violation to the Board.

According to Administrative Rule 6700.1615, subpart 2, when a CLEO confirms that a peace officer employed by the agency has violated a board-required policy or the Standards of Conduct, the CLEO must report the violation to the POST Board in a timely manner.

MN Statute 626.8457, subdivision 3, requires CLEOs to report to the POST Board any confirmed allegations of misconduct by a peace officer of their agency. CLEOs must report the incident to the board as soon as a determination has been made that a violation occurred. CLEOs must update the information submitted to the board within 30 days after the final disposition of a complaint or investigation has been issued. Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in MN Statute 626.8457, subdivision 3, paragraph (b) to the POST Board. Any such confidentiality agreement is void as to the requirements of this section.

MN Statute 626.8457, subdivision 4, requires CLEOs to cooperate with the POST Board after receiving written notification from the board that it is investigating an allegation of misconduct within its regulatory authority. Cooperation includes providing an individual peace officer’s public and private data related to the allegation(s) of misconduct when requested by the board.

STATUTORY REFERENCES

MN STATUTE 626.8457 – Professional Conduct of Peace Officers
MN STATUTE 626.89 – Peace Officer Discipline Procedures Act
MN STATUTES; CHAPTER 14 – Administrative Procedure
ADMINISTRATIVE RULE 6700.1600 – Standards of Conduct
ADMINISTRATIVE RULE 6700.1610 – Reporting Obligations and Cooperation
ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies
ADMINISTRATIVE RULE 6700.2200 – Development of Written Procedures
ADMINISTRATIVE RULE 6700.2300 – Affirmation of Compliance

ADMINISTRATIVE RULE 6700.2400 – Copies of Procedures
ADMINISTRATIVE RULE 6700.2500 – Documentation of Complaints
ADMINISTRATIVE RULE 6700.2600 – Processing of Complaints

Lighting Exemption of Law Enforcement Vehicles

Effective Date: 01/01/2026

POLICY

It is the policy of the Windom Police Department to provide a uniform guideline for all personnel to use when operating a department vehicle without headlights, taillights, or marine navigational lighting while functioning as a peace officer.

DEFINITIONS

Illumination Devices: means the headlights, taillights, and watercraft lights vehicles are required to be equipped with and use according to statute.

Vehicle: means every self-propelled vehicle and every watercraft that is owned, leased, or otherwise the property of this agency and used in the performance of an officer's law enforcement duties.

PROCEDURE

A peace officer shall operate a vehicle with its illumination devices on as described and guided by statute when:

- on an interstate highway,
- traveling at speeds greater than what is reasonable and prudent under existing weather, road, and traffic conditions,
- traveling faster than the posted speed limit, and
- the peace officer is an active participant in the pursuit of a motor vehicle in violation of MN Statute 609.487- Fleeing Peace Officer; Motor Vehicle; Other.

When the circumstances described above do not apply, a peace officer may apply the lighting exemption statute (MN Statute 169.541) and stop or interrupt the use of their vehicle illumination devices if:

- the peace officer does so in the performance of their duties,
- the conduct is reasonable, and
- the peace officer reasonably believes that turning off a vehicle's illumination devices is necessary under the circumstances to investigate a criminal violation or suspected criminal violation.

The types of violations being investigated may be state laws, rules, orders or local laws, ordinances, or regulations.

STATUTORY REFERENCES

MN STATUTE 84.87 – Operation; Regulations by Political Subdivisions
MN STATUTE 84.928 – Operation Requirements; Local Regulation
MN STATUTE 86B.511 – Lights
MN STATUTE 169.48 – Vehicle Lighting
MN STATUTE 169.541 – Lighting Exemption for Law Enforcement; Standards
MN STATUTE 169.65 – Specifications for Lighting and Other Devices
ADMINISTRATIVE RULE 6110.1200 – Navigation of Watercraft on the Waters of the State; Safety Equipment

Missing and Endangered Persons

Effective Date: 01/01/2026

POLICY

Windom Police Department personnel shall respond to and investigate all reports of missing and endangered persons as defined in MN Statute 299C.52, subdivision 1(c) and (d) (Minnesota Missing Children and Endangered Persons Program or Brandon's Law). This policy addresses investigations of persons who are missing and endangered, and includes the procedures required by MN Statute 299C.52.

The Windom Police Department recognizes there is a critical need for immediate and consistent response to reports of missing and endangered persons. The decisions made and actions taken during the preliminary stages may have a profound effect on the outcome of the case. This agency has established the following responsibilities and guidelines for the investigation of missing and endangered persons. All peace officers, employed by this agency, will be informed of and comply with this policy.

DEFINITIONS

Child: has the meaning given it in MN Statute 299C.52, subdivision 1(a).

DNA: has the meaning given it in MN Statute 299C.52, subdivision 1(b).

Endangered: has the meaning given to it in MN Statute 299C.52, subdivision 1(c). Any of the following circumstances indicate that a missing person is at risk of physical injury or death, and therefore endangered:

- Missing because of a confirmed abduction, or under circumstances that indicate that the person's disappearance was not voluntary.
- Missing under known dangerous circumstances.
- Missing more than 30 days.
- Under the age of 21 and at least one other factor in this paragraph is applicable.
- Evidence the person needs medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication.
- Does not have a pattern of running away or disappearing.
- Mentally impaired (has an intellectual disability or substantial psychotic disorder).
- Evidence the person may have been abducted by a noncustodial parent.
- Has been the subject of past threats or acts of violence.
- Evidence the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate, effective investigation and search and rescue efforts are critical.

Any other factor this agency has determined indicates the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered (this may include information that the missing person suffers from anxiety, depression, PTSD, mental impairment, or an active addiction to or abuse of alcohol, prescribed medications, or controlled substances.

MMBWG: refers to the Missing and Murdered Black Women and Girls Office of the Minnesota Department of Public Safety.

MMIR: refers to the Missing and Murdered Indigenous Relatives Office of the Minnesota Department of Public Safety.

Missing: has the meaning given to it in MN Statute 299C.52, subdivision 1(d).

Missing Person Networks: are databases or computer networks available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the National Center for Missing and Exploited Children (NCMEC), the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, and the Minnesota Crime Alert Network.

Unmanned Aerial Vehicles or UAV: has the same meaning given to it in MN Statute 626.19, subdivision 1(a)(3).

PROCEDURE

This agency will respond according to the following six types of general procedures (when relevant):

- Initial Response
- Initial Investigation
- Investigation
- 30-day Benchmark
- Prolonged Investigation
- Recovery / Case Closure

INITIAL RESPONSE

As required by MN Statute 299C.53, subdivision 1(a), “A law enforcement agency shall accept without delay any report of a missing person” when the report is made in person. An agency may also accept reports by telephone or other electronic means to the extent the reporting is consistent with the agency’s policies or practices. A report shall be accepted regardless of where the person was last seen, where the person resides, or any question of jurisdiction. When taking a missing person report, officers shall complete the tasks listed below as applicable.

- An officer shall conduct a preliminary investigation to determine whether the person is missing and/or endangered.
- When necessary, obtain interpretative services.
- Interview the person who made the initial report. If that person is a child, interview the child’s parent(s) or guardian(s).
- Determine when, where, and by whom the missing person was last seen.
- Interview the individual(s) who last had contact with the missing and/or endangered person.
- Obtain a detailed description of the missing and/or endangered person, abductor, vehicles, etc., and ask for a recent photo of the person and any other persons or items of importance.
- Obtain cell phone number(s) for the missing person and suspect(s).
- Collect and preserve the missing and/or endangered person’s cellphone(s), tablet(s), and computer(s).
- Broadcast an “Attempt to Locate” (ATL) or similar alert if the person is under the age of 18 years and/or there is evidence that the missing person is endangered, and the broadcast would not further endanger the missing person. The alert should be broadcast as soon as is practical but in no event more than one hour after determining the missing person is under the age of 18 years or may be endangered.
- Immediately enter the missing person’s complete descriptive and critical information into the appropriate category of the National Crime Information Center’s (NCIC) Missing Person File.
- As required by 34 U.S.C. 41307, law enforcement shall, as soon as possible, enter missing children less than 21 years of age into the NCIC and NamUs databases.
- As required by MN Statute 299C.53, subdivision 1(b), if the person is determined to be missing and endangered, the agency shall as soon as possible enter identifying and descriptive information about the person into the NCIC.
- Enter complete descriptive information regarding suspects/vehicle in the NCIC system.
- If needed, request investigative and supervisory assistance as soon as practical.

- Update additional responding personnel.
- Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. Use the International Justice & Public Safety Network (Nlets), the Minnesota Crime Alert Network, and MNJIS KOPS Alert to alert regional, state and federal law enforcement agencies.
- Notify the family of services available through the Minnesota Missing/Unidentified Persons Clearinghouse.
- Secure the crime scene and/or last known location of the missing person and attempt to identify and interview persons in the area at the time of the incident.
- Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
- Activate protocols for working with the media (AMBER Alert, Minnesota Crime Alert Network).
- As required by MN Statute 299C.53, subdivision 1(b), consult with the Minnesota Bureau of Criminal Apprehension (BCA) if the missing person is determined to be endangered. Request assistance as necessary.

Implement multi-jurisdictional coordination/mutual aid plan when:

- the primary agency has limited resources,
- the investigation crosses jurisdictional lines, or
- jurisdictions have pre-established task forces or investigative teams.
- Based on the preliminary investigation, determine whether a physical search is required.

INITIAL INVESTIGATION

During the initial investigation, an investigator or officer should be assigned to the case for the purposes of coordinating and overseeing the investigation/search. The investigator or officer shall ensure the following steps are taken.

- Seek assistance from the BCA, Missing and Murdered Black Women and Girls Office, Missing and Murdered Indigenous Relatives Office or other state agencies.
- Seek assistance from culturally based community organizations.
- Assign an investigator as a family liaison and primary point of contact for the family and create a communication plan for keeping the family updated.
- Provide general information to the family/reporting party or designee about the investigation; only to the extent that disclosure would not adversely affect locating and protecting the missing person, apprehending a suspect, and future prosecution.
- Conduct a canvass of the neighborhood and of vehicles in the vicinity.
- Send emergency phone subpoenas to phone providers for the missing person's and suspect's phone(s).
- Arrange for news media and social media coverage.
- Maintain records of all communications/messages.
- Ensure that everyone at the scene is identified and interviewed separately.
- Search the home/building/property where the incident took place, and conduct a search of all surrounding areas. Obtain consent or a search warrant as necessary.

INVESTIGATION

If the missing and/or endangered person is not located during the initial investigation, the investigator or officer overseeing the investigation shall ensure the following steps are taken (as applicable).

Set up the command post/operation base in an appropriate location (i.e., away from the person's residence). assign responsibilities to personnel such as Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communication Officer, and Support Unit Coordinator. Consider appointing two liaison officers; one will remain at the command post and one at the victim's residence. The role of the liaison officer at the victim's residence will include facilitating support and advocacy for the family.

- Establish the ability to "trap and trace" all incoming calls.
- Set up a tip line (phone line, website, app, etc.) for developing and investigating leads.

- Attempt to determine the missing person's location through GPS-enabled devices and any social media accounts they may have.
- Establish a geo-fence at any potential last known time and location points or crime scene to identify any devices that were in that geographic area during that time.
- Identify, secure, and collect all home/business/public surveillance video from last known location and crime scene sites.
- Compile a list of known sex offenders in the region.
- In cases of infant abduction, investigate claims of home births made in the area.
- In cases involving children, obtain child protective agency records for reports of child abuse.
- Review records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
- Obtain the missing person's medical and dental records, fingerprints, and DNA when practical or within 30 days.
- Create a Missing Person Profile with detailed information from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.
- Update the NCIC file with any additional information regarding the missing person, suspect(s), and/or vehicle(s).
- Interview delivery personnel, utility company employees, taxi drivers, post office personnel, sanitation workers, etc.
- For persons under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
- If the missing person is believed to be a Black female, contact the Missing and Murdered Black Women and Girls Office for assistance and to utilize their available resources.
- If the missing person is believed to be an Indigenous person, contact the Missing and Murdered Indigenous Relatives Office for assistance and to utilize their available resources.
- Determine if outside help is needed and utilize local, state, and federal resources related to specialized investigative needs including:
- available Search and Rescue (SAR) resources,
- investigative resources,
- interpretative services,
- telephone services (traps, traces, triangulation, etc.), and
- media assistance (local and national).
- Secure electronic communication information such as the missing person's cell phone number, email address, and social networking accounts.

MISSING FOR OVER 30 DAYS

If the person is still missing 30 days after being entered into NCIC, the local law enforcement agency will be contacted by the BCA Missing and Unidentified Persons Clearinghouse to request the following information (if not already received):

- DNA samples from family members and, if possible, from the missing person,
- dental information and x-rays,
- additional photographs and video that may aid the investigation or identification,
- fingerprints, and
- other specific identifying information.

This information will be entered into the appropriate databases by BCA personnel. If the person is still missing after 30 days, the case file shall be reviewed to determine whether any additional information received on the missing person indicates that the person is endangered, then update the record in NCIC to reflect the status change.

PROLONGED INVESTIGATION

During a prolonged missing and/or endangered person investigation, the primary investigator or officer assigned shall, when practical, do the following to maintain transparency and further develop the investigation.

- Maintain contact with the family and/or the reporting party or designee.
- Use truth verification devices with parents, spouse, and other key individuals.
- Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videos, re-interview key individuals and re-examine all physical evidence collected.
- Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified during the investigation.
- Periodically check pertinent sources of information about the missing person for any activity such as phone, bank, internet, or credit card activity.
- Develop a timeline and other visual exhibits.
- Critique the results of the on-going investigation with appropriate investigative resources.
- Arrange for periodic media coverage.
- Utilize rewards and crime-stoppers programs.
- Update NCIC Missing Person File information.
- Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.

RECOVERY/CASE CLOSURE

Alive. When a missing and/or endangered person is located and alive, personnel shall ensure the following steps are taken when applicable.

- Verify that the located person is the reported missing person.
- If appropriate, arrange for a comprehensive physical examination of the person.
- Conduct a careful interview of the person, document the results of the interview, and involve all appropriate agencies.
- Notify the family/reporting party that the missing person has been located. (In adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family/reporting party may be informed of this information.)
- Consider the need for reunification assistance, intervention, counseling, or other services for either the found person or family/reporting party.
- Cancel alerts (Minnesota Crime Alert, AMBER Alert, etc.); remove case from NCIC (as required by MN Statute 299C.53. subdivision 2), NamUs and other information systems; and remove posters and other publications from circulation.
- Perform a constructive post-case critique. Assess the procedures used and update the department's policy and procedures as appropriate.

Unidentified Persons. Agency personnel investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves shall ensure the following steps are taken when applicable.

- Obtain a complete description of the person.
- Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- Use available resources, such as those related to missing persons, to identify the person.

Deceased. When an unidentified or potential missing and/or endangered person is recovered and deceased, agency personnel shall ensure the following steps are taken when applicable.

- Secure the crime scene.
- Contact the coroner, medical examiner, or forensic anthropologist to arrange for body recovery and

examination.

- Collect and preserve any evidence at the scene.
- Consider the need for intervention, counseling, or other services for the family/reporting party or designee.
- Cancel alerts and remove the case from NCIC, NamUs and other information systems, and remove posters and other publications from circulation.
- Perform constructive post-case critique. Assess the procedures used and update the department's policy and procedures as appropriate.

UNMANNED AERIAL VEHCILES

UAVs may be used without a search warrant during a search for a missing and/or endangered person so long as one of the exceptions listed in MN Statute 626.19, subdivision 3 applies to the circumstances of the case.

TRAINING

All personnel shall receive training on this agency's missing and endangered persons policy and procedures during field training (or upon initial hire) and as updates occur.

STATUTORY REFERENCES

MINNESOTA MISSING PERSONS ACT
MN STATUTE 299C.51 – Citation
MN STATUTE 299C.52 – Minnesota Missing Children and Endangered Persons Program
MN STATUTE 299C.53 – Missing Persons Report; Duties of Commissioner and Law Enforcement Agencies
MN STATUTE 299C.535 – Request for Additional Information on Missing Person
MN STATUTE 299C.54 – Missing Children Bulletin
MN STATUTE 299C.55 – Training
MN STATUTE 299C.56 – Release of Medical Data
MN STATUTE 299C.565 – Missing Person Report
MN STATUTE 299C.5655 – Missing Persons; Standardized Reports and Procedures
MN STATUTE 390.25 – Unidentified Deceased Persons
MN STATUTE 626.8454 – Manual and Policy for Investigating Cases Involving Children Who are Missing and Endangered
MN STATUTE 626.19 – Use of Unmanned Aerial Vehicles
ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies
34 U.S.C. 41307 – Reporting Requirements for Missing Children

Mobile Computer Use

Effective Date: 1/01/2013

POLICY

This policy establishes the acceptable use of mobile computer (MC) technology used by the Windom Police Department. As in the case with all department-owned equipment MC's are provided to enhance the capabilities of employees in the furtherance of department goals and objectives. The MC accesses records from the State of Minnesota, Bureau of Criminal Apprehension (BCA) databases. Employees using the MC shall comply with all appropriate federal and state rules and regulations.

MOBILE COMPUTER USE

The MC shall be used for official police communications only. Messages that are of a sexual, racist or offensive nature or are otherwise critical of any member of the department are strictly forbidden. MC use is subject to the City of Windom Acceptable Use Agreement for Electronic Mail and Internet Access.
Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.
Only authorized department employees shall be allowed access to MC's.

Employees will not:

- Install any software on MC's without prior permission from the Chief of Police or Computer Technology staff. All software will be installed by Computer Technology staff or an authorized member of the department.
- Use another employee's ID to gain access to department computers.
- Transmit or receive violent, threatening, obscene, illegal or immoral materials unless required to do so as part of an ongoing criminal investigation.
- Use the MC's for personal business while on or off duty including using the internet to access personal email accounts and social media unless specifically authorized to do so by a supervisor for official purposes.

Use While Driving

Use of the MC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read message that are likely to contain information that is required for immediate enforcement, investigative or safety needs.
Short transmissions, such as a license plate check, are permitted if it reasonable appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

Community Notification of Predatory Offender Registrant

Effective Date: 01/01/2026

POLICY

It is the policy of Windom Police Department to protect the public by disclosing information on predatory offenders residing in the agency's community. This agency will decide what information to disclose and who to disclose it to, based on the predatory offender's assigned risk level and the relevant state statute.

DEFINITIONS

Immediate Household: has the meaning given to it in MN Statute 244.052, subdivision 1(2).

Likely to Encounter: has the same meaning given to it in MN Statute 244.052, subdivision 4(c).

Predatory Offender or Offender: means a person who is required to register as a predatory offender under MN Statute 243.166.

Predatory Offender Registration and Community Notification: refers to the Minnesota law that requires certain predatory offenders to register with the Minnesota Department of Public Safety Predatory Offender Unit. The law also provides for community notification about certain adult predatory offenders who have been incarcerated by the Minnesota Department of Corrections (DOC) or confined by the Minnesota Department of Human Services (DHS).

Primary Address: has the meaning given to it in MN Statute 243.166, subdivision 1a(k).

Offender Risk Level: means the risk assessment score a predatory offender is assigned by the end-of-confinement review committee which indicates the presence of identified predictive risk factors that may contribute to re-offending in a same or similar fashion. The three risk levels a predatory offender can be assigned are:

- Level 1
- Level 2
- Level 3

Note: Some offenders who are required to register as predatory offenders are not assigned a risk level because their sentence was completed prior to predatory offender legislation or because they have not spent time in state or federal prison. These offenders are not subject to community notification, with the exception of designated healthcare facilities (MN Statute 243.166, subdivision 4(b)).

Registrant: means the predatory offender or offender subject to registration.

Risk Assessment Scale: means the scale the Commissioner of Corrections uses to assign weights to the various risk factors listed in MN Statute 244.052, subdivision 3(g), and specifies the risk level to which offenders with various risk assessment scores shall be assigned.

PROCEDURE

REGISTRATION

When an individual arrives to register with this agency, officers should ask what state the offense was committed in and if the individual has previously registered elsewhere. Officers shall verify that the individual is at the correct location to complete their registration - meaning that the registrant's primary address, work address, or school address are within this agency's jurisdiction. officers can review the list of registrable offenses on the BCA's website or by referring to MN Statute 243.166, subdivision 1b. In some cases, the agency may have received prior notice from the commissioner of corrections that a predatory offender would be coming to the agency to complete their registration.

If the individual is required to register, contact the BCA POR UNIT or login to the POR LE/ES portal to determine whether the individual has already registered and submitted a DNA sample. If the individual is already registered, complete a *Change of Information Form*. If the individual is not registered, complete a *Predatory Offender Registration Form*. If the individual is from or registered with another state, contact the state the individual is registered in and request a copy of the offender's original registration form, criminal complaint, and sentencing documents. All documents and photos can be downloaded and/or submitted via the BCA's MN Predatory Offender Registry Electronic Submissions (POR ES) portal.

Link: https://dps.mn.gov/divisions/bca/bca-divisions/investigative-services/specialized- investigative-services/predatory-crimes/predatory-crimes-law-enforcement/por- information-law-enforcement

This agency strongly encourages its officers to verify the addresses of registrants living in this jurisdiction. MN Statute 243.166 requires predatory offenders to register a new primary address at least 5 days before the person starts living at a new location. The statute also requires registrants to provide written notice to the assigned corrections agent or to the law enforcement authority that has jurisdiction over the person's primary address that the person is no longer living or staying at an address, immediately after the person is no longer staying there. Statute requires the predatory offender to submit these written notices in person. Homeless registrants within this agency's jurisdiction, or any agency's jurisdiction, are required to check in/register with law enforcement on a weekly basis.

If an officer finds that a registrant is not living at their registered primary address, contact the BCA POR UNIT or login to the POR ES portal to determine whether a *Change of Information Form* was submitted. If it was not, the registrant may be charged with failure to notify authorities of a change in residence. To make this charge, contact the BCA POR UNIT to request a prosecution packet. Submit the packet to the county attorney's office to file formal charges. Prior to submitting any formal charging paperwork, officers shall verify that the registrant is no longer residing at his/her last address. If possible, officers should collect evidence of the registration violation in the form of a formal statement from friends, co-workers, neighbors, caretakers, etc. of the registrant.
For questions concerning predatory offender registration refer to the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration via the link above for detailed information or contact the Predatory Offender Unit (BCA POR UNIT) by calling (651) 793-7070 or 1-888-234-1248.

COMMUNITY NOTIFICATION

Law enforcement agencies receive information from the BCA and DOC regarding the assigned risk level of predatory offenders. The duty of law enforcement to provide notification depends on the risk level assigned as described below. Public notification must not be made if a registrant is placed or resides in one of the DOC licensed residential facilities (halfway houses) such as those operated by RS-Eden, Alpha House, 180 Degrees, Damascus Way, or Bethel Work Release (contact the DOC RA/CN unit for a current list of designated halfway houses). If a predatory offender or registrant leaves a DOC licensed facility, [*officers*] shall not disclose any information until the law enforcement agency is notified the registrant will move to a residential location within the agency's jurisdiction. If public notice (level 2 or 3) is required on an unhoused registrant, that notice should include as much specificity as possible, for example, "in the vicinity of *(location, landmark, intersection)*."

Level 1 Notification. This agency and its officers may disclose the information it maintains on level 1 predatory offenders to other law enforcement agencies. The agency may disclose registrant information received from the DOC to any victims of or witnesses to the offense committed by the registrant. This agency and its officers shall disclose registrant information to the victims of the offense committed by the registrant who have made a disclosure request for enhanced notification as well as the adult members of the registrant's immediate household. For more information regarding level 1 offender notification, refer to MN Statute 244.052, subdivision 4(b) (1).

See Appendix A: Confidential Fact Sheet - For Law Enforcement Agency Use Only

Level 2 Notification. This agency and its officers may make the same disclosures for a level 2 predatory offender as a level 1. Registrant information may also be disclosed to agencies and groups that the registrant is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies/groups include the staff members of public and private education institutions, day care establishments, and establishments that primarily serve individuals likely to be victimized by the registrant. officers shall make notification determinations based on the registrant's pattern of offending or victim preferences as documented in the information provided by the DOC or DHS. Level 2 predatory offender information may also be provided to property assessors, property inspectors, code enforcement officials, and child protection officials who are likely to visit the registrant's home while carrying out their work duties. For more information regarding level 2 predatory offender public notifications, refer to MN Statute 244.052, subdivision 4(b)(2).

See Appendix B: Fact Sheet - Notification of Relocation in Minnesota

Level 3 Notification. This agency shall disclose level 3 predatory offender information to the individuals and organizations that are eligible for disclosure for level 1 and 2 registrants. This agency shall also disclose level 3 registrant information to members of the community whom the registrant is likely to encounter, unless this agency determines that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim. For more information regarding level 3 registrant public notification, refer to MN Statute 244.052, subdivision 4(b)(3).
The agency must make a good faith effort to complete the disclosure on a level 3 predatory offender within 14 days of receiving documents/notice from the DOC. The process of notification will be determined by this agency.

HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender without a supervising agent has been admitted to a health care facility in its jurisdiction, law enforcement shall provide a fact sheet to the facility administrator with the following information: name and physical description of the offender; the offender's conviction history, including the date of conviction; the risk level assigned to the offender, if any; and the profile of likely victims.

VICTIM NOTIFICATION

This agency shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and augment their safety planning efforts. The victim is not required to live within this agency's jurisdiction to receive notification. The DOC will provide victim contact information to the law enforcement agency when there is a victim/witness who has requested enhanced notification. Law enforcement personnel may directly contact the victim/witness. Community based victim advocacy resources may also be available to assist with locating a victim and with providing notification. Assistance is also available from the DOC RA/CN and Victim Services staff.

See Appendix C: Victim Survivor Notification

OUT OF STATE PREDATORY OFFENDERS AND OFFENDERS RELEASED FROM FEDERAL FACILITES SUBJECT TO NOTIFICATION

If an officer with this law enforcement agency learns that a person under its jurisdiction is subject to registration and desires consultation on whether or not the person is eligible for notification, the agency, or officer, must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this agency that it may proceed with community notification in accordance with the level assigned by the other state. If DOC determines that the governing law in the other state is not comparable, community notification by this agency may be made consistent with that of a level 2 registrant.

If an officer or other member of this agency believes that a risk level assessment is needed, the agency may request an end-of-confinement review by the DOC. This agency shall provide the DOC any necessary documents required for assessing the predatory offender and assigning a risk level.
Note:

- Neither this agency nor its officers shall disclose the identity or any identifying characteristics of the victims of or witness to a predatory offender's offense(s).
- A registrant who is the subject of a community notification meeting may not attend the meeting.
- This agency shall disclose information on a registrant as required by statute for as long as the offender is required to register under MN Statute 243.166.
- When a registrant for whom notification was made no longer resides, is employed, or is regularly found in this agency's jurisdiction, the agency shall inform the
- entities and individual initially informed of the registrant's status.

For questions regarding community notification or the risk level assigned, contact the Risk Assessment/Community Notification Unit of the Department of Corrections (DOC RA/CN Unit) at 651-361-7340 or at notification.doc@state.mn.us. The DOC is also available to assist agencies with conducting public notification meetings when a registrant who is subject to notification moves into a law enforcement jurisdiction.

STATUTORY REFERENCES

MN STATUTE 243.166 – Registration of Predatory Offenders
MN STATUTE 243.167 – Registration Under Predatory Offender Registration Law for Other Offenses
MN STATUTE 244.10 – Sentencing Hearing; Deviation from Guidelines
MN STATUTE 244.052 – Predatory Offenders; Notice
MN STATUTE 244.053 – Notice of Release of Certain Offenders
MN STATUTE 253D.32 – Scope of Community Notification
MN STATUTE CHAPTER 13 – Government Data Practices
ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Professional Conduct of Peace Officers

Effective Date: 1/01/2026

POLICY

It is the policy of the Windom Police Department to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate. A criminal conviction is not required for the agency to impose disciplinary action on [*an officer*] who engages in conduct prohibited by this policy.

PROCEDURE

This policy applies to all agency personnel engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted, this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota State Constitution, and all applicable laws, ordinances, and rules enacted or established by a legal authority. Peace officers must understand and obey the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them. Peace officers shall obey the same laws they are entrusted to enforce.

- Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence; except when permitted in the performance of duty under proper authority.
- Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the constitutions and laws of the United States and the State of Minnesota.
- Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.
- Peace officers will not, according to MN Statute 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty, or responsibility reserved by law for a peace officer.

PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system. Community cooperation with the police is a product of its trust that peace officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

- Peace officers shall carry out their duties with integrity, fairness, and impartiality.
- Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic, or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

- Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- Peace officers must obey lawful orders, but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.
- Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to an immediate supervisor who shall forward the information to the CLEO. If the peace officer's immediate supervisor committed the misconduct the peace officer shall report the incident to the immediate supervisor's supervisor.

PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination. Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status regarding public assistance, disability, sexual orientation, or age.

- Peace officers shall provide every person in our society with professional, effective, and efficient law enforcement services.
- Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status regarding public assistance, disability, sexual orientation, or age.

PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community. A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the peace officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

- Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform.
- Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.
- Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
- Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper procedures.
- Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting obscene behavior, except as permitted by department policy.
- Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic

abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.

- Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

PRINCIPLE FIVE

Peace officers shall treat all members of the public courteously and with respect. Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

- Peace officers shall exercise reasonable courtesy in their dealings with the public, other peace officers, superiors, and subordinates.
- No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving, or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial, or political gain. For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

Peace officers shall not use their official position, identification cards, or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.

- Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
- Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit peace officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- Peace officers shall not authorize the use of their names, photographs, or titles in a manner that identifies them as an employee of this agency in connection with advertisements for any product, commodity, or commercial enterprise.
- Peace officers shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity.
- Peace officers shall not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit peace officers from expressing their views on existing, proposed, or pending criminal justice legislation in their official capacity.

PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists. For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies [*officers*] must avoid taking or influencing official actions where those actions would or could conflict with the officer's appropriate responsibilities.

- Unless required by law or policy, a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
- Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
- A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers. Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

- Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses, or complainants.
- Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN Statute 626.89 and MN Rules 6700.2000 to 6700.2600.

STATUTORY REFERENCES

MN STATUTE 609.43 – Misconduct of Public Officer or Employee
MN STATUTE 626.8457 – Professional Conduct of Peace Officers
MN STATUTE 626.863 – Unauthorized Practice
MN STATUTE 626.89 – Peace Officer Discipline Procedures Act
ADMINISTRATIVE RULE 6700.1600 – Standards of Conduct
ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies
ADMINISTRATIVE RULE 6700.2000 – Definitions
ADMINISTRATIVE RULE 6700.2100 – Scope
ADMINISTRATIVE RULE 6700.2200 – Development of Written Procedures
ADMINISTRATIVE RULE 6700.2300 – Affirmation of Compliance
ADMINISTRATIVE RULE 6700.2400 – Copies of Procedures

ADMINISTRATIVE RULE 6700.2500 – Documentation of Complaints
ADMINISTRATIVE RULE 6700.2600 – Processing of Complaints

Property and Evidence

Effective Date: 01/01/2013

POLICY

This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

EVIDENCE ROOM SECURITY

The evidence room shall maintain secure storage and control of all property, including, but not limited to, controlled substances, currency, computers and computer equipment, firearms, found property, physical evidence pertaining to a gross misdemeanor or felony crime, or property taken for safe keeping. The evidence room shall consist of a temporary storage room and permanent storage area.

PROPERTY HANDLING

Any officer who comes into possession of property fitting the evidence room criteria, shall place the property in an intake locker located in the temporary storage area. The item shall have an evidence barcode placed on the evidence bag after entering the item in the records management system.
The item shall then be locked in the intake locker until an evidence officer becomes available to move the item to permanent storage.
Special Precautions

Explosives: Officers who encounter a suspected explosive divide shall promptly notify the Chief of Police/Assistant Chief of Police of the situation. A Bomb Squad will be called to handle explosive- related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives. Explosives will not be retained in the evidence room. Fireworks that are considered stable and safe, road flares or similar signaling devices may be stored in evidence but shall be stored in proper containers and in an area designated for the storage of flammable materials.

Perishable Items: All perishable items will be kept in an appropriate refrigerated storage area within the evidence area.

Biological Evidence: All biological evidence will be clearly marked as a biohazard prior to any officer placing an item in the evidence storage area. Needles and Syringes shall be stored in specifically designed Sharps transport tubes.

Electronic Media Devices: All electronic media devices should be stored in an area free from magnetic fields or an environmental condition that may damage the device. A faraday bag or similar device should be used when possible to protect data.

Currency, Drugs, Valuable Jewelry: The two-person rule will be used when counting, opening or transferring any of these items. Currency shall have a cash count listed by denomination and total, specifically noting any counterfeit bills or buy funds.

Firearms: Firearms will be unloaded before submitting to the evidence room and tagged as inspected and unloaded.

Toxic, Flammable, or Hazardous Materials: Alternate arrangements by a supervisor will be made for these items to be kept at an alternate site.

Alcoholic Beverages: A suspected alcoholic beverage in its original container shall be properly inventoried when it is evidence of any crime.

The original container and its contents shall be inventoried in the condition which they were recovered.

EVIDENCE OFFICER STAFFING

The department supervisor will designate two specific officers who will serve as Evidence Officers. Their duties may include receiving, documenting, storing, securing, preserving, disposing and tracking the chain of custody for the property and evidence under the custody of the department. Evidence Officers will also be responsible for the general housekeeping of the evidence area.

Officers assigned as Evidence Officers are the only personnel, except supervisory staff, who have access to the Permanent Evidence Room and are the only Officers who shall have access to the keys to the Permanent Evidence Room. Patrol Officers may enter the evidence room if instructed to do so by a Supervisor and accompanied by a Supervisor.

After notification that an item has been placed in a temporary storage locker, when practical and during the normal duty hours of the Evidence Officer, evidence room personnel will:

- Remove the item from temporary storage and verify that it is packaged and identified properly.
- Place the item in a permanent evidence location and document its location in the evidence management system.

DISPOSITION OF PROPERTY

Evidence Officers shall dispose of items held in the property and evidence room in a legal and timely manner.

Evidence room personnel shall review evidence records quarterly to determine if there are any items ready for final disposition.

All department officers shall notify the Evidence Officer(s) of any final disposition of a case or a change in the legal status of the property (i.e. Convictions, Appeals, etc.)

AUTHORIZATION FOR DISPOSITION

No disposition of administratively forfeited property should be made until certification is received from the County Attorney
In all other cases, the signature of the investigating officer and/or prosecutor, or a court order, shall be obtained prior to disposition.

CURRENCY

Currency shall be placed into the currency/evidence safe. Notice of deposit shall be given to a supervisor. Large amounts of currency should be counted (when possible) by two (2) officers.

UNCLAIMED/ABANDONED PROPERTY

Unclaimed or abandoned property will be kept for a period of 60 days. If unclaimed by owner within 60 days, the item will be disposed of or sold at public auction according to city ordinance.
It the owner is known; evidence officers will make at least two attempts to contact the owner prior to the end of the 60-day waiting period.
These items will be kept in a separate area of the permanent evidence storage for ease of retrieval.

STOLEN PROPERTY RETURNED TO OWNER

Consistent with State Statute, once an offender is convicted, recovered stolen property must be returned to the owner.
Property may be returned to the owner under the conditions listed in State Statute 609.523 s.1-4.

SALE OF PROPERTY

All items of value shall be sold at public auction. Sale of forfeited items is prohibited to officers, the officer's relatives, or an employee of this department. After items are sold at public auction the Evidence Officers shall be provided with proof of sale and a receipt from the appropriate entity showing deposit of the sale proceeds.

DESTRUCTION OF PROPERTY

Both evidence officers will oversee any destruction of property. A supervisor may do random inspections of drug packages prior to destruction. Any items destroyed at a destruction site need to have a confirmation of destruction from the destruction site.

PROPERTY HELD AS EVIDENCE

Following any applicable state statues, all property held as evidence shall be held until after trial and the expiration date for all associated appeals, unless otherwise specified in a court order. Generally, a criminal defendant has 90 days after sentencing to appeal a felony or gross misdemeanor sentence or conviction and 30 days to appeal a misdemeanor or petty misdemeanor case, but this may be extended by 30 days. After the trial and the expiration date of all associated appeals the property must be returned to the owner, any person entitles to possess it, destroyed, or otherwise disposed of under the direction of the court.
Any Biological Evidence relating to the identification of a defendant used to secure a conviction in a criminal case must be retained until expiration of sentence, unless authorized by court order. Only the portion of the evidence that contains the biological sample must be retained.

PROPERTY RETAINED FOR AGENCY USE

Forfeited property, except for money, can be retained by the department if it is to be used for official law enforcement purposes.

STATUTE OF LIMITATIONS

Evidence Officers should be aware of any evidence brought in that may potentially be part of a criminal case where charges may be pressed at a later date. Officers should refer to State Statute 628.26 regarding the Statute of Limitations to determine when such evidence may be disposed.

REVIEWS AND AUDITS

Unannounced inspections may be made at the discretion of the Chief or Asst. Chief of Police.

Yearly inspections will be conducted to confirm compliance with evidence room access security and procedures for disposing of property and evidence.
A review shall be performed anytime a new Evidence Officer is appointed, a new Chief of Police, or information suggesting a security or procedure breach has occurred
A review or inspection may be conducted by the Chief or Asst. Chief of Police.

Reviews may include:

- Inspecting the access logs for compliance with access control procedures.
- Conducting and inventory of keys and a review/audit of the key log and monitoring that keys were changed when warranted.
- Randomly selecting case files and tracing items from the files through the tracking system

- to the current location of the items.
- Randomly selecting items in the property and evidence room and tracing the items back through the case files to verify the documentation for the items.
- Tracing items in the enhanced security area back through the case files to verify the documentation for the items.
- Selecting a closed or inactive files and tracing items from the file through the tracking system to the location of the property, or if final disposition of the property has occurred, verifying the documentation about the property's disposition.
- Reviewing the cleanliness and inventory level of the property and evidence room.
- Reviewing compliance with packaging and safety requirements.
- Reviewing property disposition files for accuracy, legality and timeliness.

An annual inventory is required of the permanent storage area. If a complete inventory of the evidence room is not possible, an inventory will be conducted of a select area (specific shelf or area) and compare the list with the property/evidence reports.

Police Pursuit

Effective Date: 1/1/2026

POLICY

The primary purpose of this policy is to ensure officers and any member of the Windom Police Department respects the sanctity of life when making decisions regarding vehicle pursuits. Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The intent of this policy is to provide officers with guidance in balancing the safety of the public, safety of other officers and themselves, and law enforcement's duty to apprehend violators of the law, while minimizing the potential for pursuit related crashes.

GUIDING PRINCIPLES

A decision to pursue should be based upon the totality of information and circumstances reasonably known to the officer at the time the decision is made, recognizing that law enforcement must often make immediate decisions with partial information.

The safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue (Minn. Stat. § 626.8458 Sub. 2 (1).

No officer will be disciplined for terminating a pursuit.

Officers, when responding to an emergency call or pursuing a fleeing vehicle shall, when approaching a stop sign or red light, slow down as necessary for safety, but may proceed cautiously if they sound a siren or display at least one red light to the front (Minn. Stat. §169.03(2).

The speed limitations do not apply to an authorized emergency vehicle responding to an emergency call or vehicle pursuit, although this does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others (Minn. Stat. §169. 177). Officers should consider reducing their speeds and ensuring that the way is clear before proceeding thru an intersection or other locations where there is an increased likelihood of a collision with another vehicle or pedestrian. Evaluation of vehicle speeds should take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

DEFINITIONS

Pursuit: An active attempt by a sworn member operating a patrol unit or specialty unmarked unit to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer directing said driver to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer (Minn. Stat. §609.487).

Termination of a Pursuit: A pursuit is terminated when the pursuing officer(s) notify dispatch, turn off their emergency lights and sirens, and reduce speed to the posted speed limit.

Divided Highway: Any highway that is separated into two or more roadways by:

A physical barrier, or a clearly indicated dividing section constructed so as to impede vehicular traffic.

Channeling: To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.

Compelling Path: The use of channeling technique with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver or any vehicle traveling the path has an exit option at the narrowed end.

Pursuit Intervention Technique (PIT): A driving maneuver designed to stop a fleeing motorist by applying precision vehicle-to-vehicle-contact resulting in a predictable spin of the suspect's vehicle, bringing it to a stop.

Flee: The term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, refuse to stop the vehicle, or use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle (Minn. Stat. § 609.487 Subd. 1).

Primary Unit: The law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.

Support Units: The primary responsibility is to remain in close proximity to the pursuing vehicle(s) so that officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. Support officers may also assume responsibility for radio traffic, and do not take over/assume control of the pursuit.

Other Assisting Units: Units not actively involved in the pursuit itself but assisting by deploying stop sticks, blocking intersections, compelling paths, or otherwise working to minimize risk.

Ramming: The deliberate act of impacting a fleeing offender's vehicle with another vehicle to functionally damage or otherwise force the violator to stop.

Portable Tire Deflation Device: A device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.

Blocking or vehicle intercept: A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.

Boxing-in: A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Paralleling: The practice of non-pursuing squad vehicles driving on streets nearby to the active pursuit, in a manner parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws. Minn. Stat. § 169.14, subd. 1.

PROCEDURE

Pursuit Considerations – Minn. Stat §626.8458 Subd. 2 (2).

Pursuit is justified when the need for immediate apprehension or the risk to public safety outweighs the risk created as a result of the pursuit.

Factors to be considered when weighing risks:

- Severity of the offense (in cases of non-violent offenses, officers should consider terminating the pursuit).
- Speed of the pursuit
- Area of the pursuit (including the geographical area, time of day, amount of vehicular and pedestrian traffic)

- Divided highways and one-way roads (Minn. Stat. § 169.03 Subd. 3)
- Approach to intersections that are controlled by traffic signals, signs, or other location where there is an increased likelihood of a collision (Minn. Stat. §169.03)
- Environmental conditions (weather, visibility, road surface conditions)
- Special hazards (school zones, road construction, parades, special events)
- The ability to identify the offender at a later time
- Age of the suspect and occupants
- Other persons in or on the suspect vehicle

Standards applied to the ongoing evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following considerations:

- The immediate need to apprehend the offender outweighs the risk created by the pursuit.
- The dangers created by the pursuit exceed the dangers posed by allowing the offender to escape.
- Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

Procedures & Tactics for an Officer Engaging in a Pursuit– Minn. Stat. § 626.8458 Subd. 2 (3)

Emergency vehicles shall be driven in a safe manner and with due regard for public safety.

Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations, when necessary, as long as the operator continues to exercise due care in vehicle operation.

Responsibilities of the Primary Unit – Minn. Stat. § 626.8458 Subd. 2 (4)

The driver of the primary unit shall notify dispatch of the pursuit and shall provide at least the following critical information to dispatch when possible:

- Travel direction/location/traffic and road conditions
- Reason for initial contact (specific violations)
- Identity of fleeing driver, if known
- Plate number, if available, and/or vehicle description
- Speed of fleeing vehicle

Provide relevant evolving information to dispatch

No officer will intentionally make vehicle-to-vehicle contact unless this action is in conformance with agency policy on use of force (see agency policy on use of force)

Roadblocks must conform to the agency’s policy on use of force

Only law enforcement vehicles with emergency lights and siren will be used as pursuit vehicles

Unmarked and low-profile agency vehicles may engage in pursuits until a marked vehicle can take over as the primary vehicle. Officers shall not become engaged in pursuits while operating a non-departmental (private) motor vehicle or departmental vehicles not equipped with required emergency equipment.

Procedures & Tactics for support units

Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.

When possible, non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, obeying all non-emergency traffic laws.

All participating units should operate under emergency conditions.

Supervision of Pursuit Activities

The use of a detached supervisor that is not directly involved in the pursuit, when available, should be considered.

Based on the known information the supervisor, when available, shall monitor the pursuit in order to take appropriate action to continue or terminate the pursuit (Minn. Stat. §626.8458 Subd. 2 (4).

Procedures regarding control over pursuit activities should include:

- Verbally acknowledge they are monitoring the pursuit.
- Assess critical information necessary to evaluate the continuation of the pursuit. Evaluate and ensure pursuit is within policy.
- Direct that the pursuit should be discontinued if it is not justified to continue under the guidelines of this policy or for any other reason.
- Communicate to all involved units if the pursuit should be terminated

Options to keep in mind during a pursuit include, but are not limited to:

- Parallel pursuits
- Channeling techniques
- Creating a compelling path
- Air support
- Spike strips or other tire deflation device
- Pursuit Intervention Techniques (PIT)
- Blocking or Vehicle Intercept
- Boxing-in
- Other apprehension or GPS tracking methods - Minn. Stat. §626.8458 Subd 2 (3)

Post-pursuit chain of command notifications are required and shall be identified in each agency's policy.

Dispatch Responsibilities

Upon notification that a pursuit has been initiated, Dispatch will be responsible for the following (Minn. Stat. § 626.8458 Subd. 2 (4):

- Coordinate pursuit communications of the involved units and personnel.
- Notify and coordinate with other involved or affected agencies as practicable.
- Ensure that a supervisor, if available, is notified of the pursuit.
- Assign an incident number and log all pursuit activities.
- Broadcast pursuit updates as well as other pertinent information as necessary.

Factors Influencing the Termination of a Pursuit:

The driver of the primary unit and the supervisor shall continually evaluate the risks and likelihood of a successful apprehension of the suspect and shall consider terminating the pursuit under the following conditions.

- The officer deems the conditions of the pursuit too risky for the safe continuation of the pursuit.
- A supervisor orders it terminated.
- Information is communicated that indicates the pursuit is out of compliance with policy.

- Communication is broken.
- Visual contact is lost for a reasonable period of time or the direction of travel cannot be determined.
- The suspect is known and could be apprehended later, and delaying apprehension does not create a substantial known risk of injury or death to another.

Interjurisdictional Pursuit – Minn. Stat. § 626.8458 Subd. 2 (5).

The primary unit shall update critical information to the dispatcher before leaving its jurisdiction.

The primary law enforcement vehicle shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers its authority to another jurisdiction.

Upon receiving notification the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.

When a pursuit enters this law enforcement agency's jurisdiction:

- The dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the law enforcement agency.
- The controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5).

If a pursuit from another agency enters the Department's jurisdiction, Dispatch should update the on-duty supervisor. No pursuit will continue into another state unless permission is received from a supervisor, if available and as soon as is practical. Prior to, or as soon as possible after crossing the state line, the dispatcher will notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications.

Fresh pursuit outside state boundaries

Subject to the conditions identified under H.5. above the officer may continue the pursuit across state lines with those states, which grant reciprocity. This would include North Dakota, South Dakota, Iowa, and Wisconsin (Minn. Stat. §626.65, Uniform Law on Fresh Pursuit; Reciprocal.)

Air Support

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (4)). The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

Pursuit Summary Report

The primary officer and the supervisor shall file a pursuit summary report.

To ensure compliance with Minn. Stat. § 626.5532, the chief law enforcement officer shall ensure the completion of the State pursuit report form and forward it to the Commissioner of Public Safety within 30 days following the pursuit.

As required in Minn. Stat. §626.5532, the report must contain the following elements:

- the reason(s) for, and the circumstances surrounding the pursuit;
- the alleged offense;
- the length of the pursuit in distance and time;
- the outcome of the pursuit;
- any injuries or property damage resulting from the pursuit; and
- any pending criminal charges against the driver.
- other information deemed relevant by the Commissioner of Public Safety.

Care and Consideration of Victims

If during a pursuit an officer observes or is made aware of an injury to an individual, the officer shall immediately notify the dispatcher to have the appropriate emergency units respond. Rendering assistance includes, but is not limited to: Minn. Stat. §626.8458 Subd. 2 (6)

- Calling an ambulance
- Rendering first aid until the officers are no longer needed at the injury scene
- Summoning additional units to the scene for assistance with the injured persons and/or traffic control

Use of Firearms

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not discharge firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

Capture of Suspects

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects shall be consistent with the agency use of force policy and Minn. Stat. §609.06.

Evaluation and Critique

After each pursuit, the supervisor and law enforcement agency units involved with the pursuit will evaluate the pursuit and make recommendations to the chief law enforcement officer on ways to improve the agency's pursuit policy and tactics.

Training

In accordance with POST requirements, all sworn members shall be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle operation tactics.

In accordance with Minn. Stat. §626.8458, the chief law enforcement officer shall provide in-service training in emergency vehicle operations and in the conduct of police pursuits to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines may be involved in a police pursuit given the officer's responsibilities.

This training shall comply with learning objectives developed and approved by the board and shall minimally consist of at least eight hours of classroom and skills-based training every five years. Continual training should also be considered for those officers authorized to use the PIT maneuver, tire deflation device deployment, GPS tracking, and related pursuit intervention procedures, tactics, and technologies.

If the chief law enforcement officer determines an officer will not be involved in police pursuits, the CLEO must notify POST of the officer's exemption status.

Push Bumpers

Effective Date: 1/01/2013

PURPOSE

The department has incorporated push bumpers into the marked fleet of vehicles. Not all vehicles will be equipped with these devices, but this policy establishes guidelines regarding their use.

POLICY

The push bumpers are only to be used for pushing disabled vehicles that are on a public highway or roadway causing, or likely to cause, obstructions of traffic. Prior consent of the owner/operator is desired, however, may be optional in situations when the removal of the vehicle is considered an emergency.

PROCEDURE

Only Non-commercial passenger vehicles will be pushed via the push bumper

Push Bumpers will not be used to push start vehicles

Officers should not push a vehicle if they determine the driver is not capable of operating the vehicle to be pushed

Officers will adhere to the following when utilizing push bumpers:

- Have the motorist complete the Push Bumper Permission/Waiver Form before moving the vehicle, unless circumstances dictate the vehicle should be moved without delay. In these instances, the officer will make every effort to have the motorist complete the form after the vehicle has been moved.
- Activate emergency lights while rendering assistance to disabled vehicles.
- Ensure traffic is clear, or stopped if necessary, and push the disabled vehicle to the nearest shoulder or closest safe location.
- The following instructions will be given to the person operating the vehicle being pushed:
- Place the vehicle in neutral
- Keep foot off the brake while the actual push is underway, and the vehicles are touching
  NOTE: Drivers should be advised that loss of power may affect power steering and brakes
- Signal when ready to be pushed by raising their hand
- Explain that they will feel a slight bump when the push bumper contacts the vehicle
- Steer the vehicle to the predetermined location agreed upon by the driver and officer.
- Make extremely slow contact with the disabled vehicle, then check for proper alignment of the vehicles; the push bumpers should be contacting the bumper squarely and have plenty of clearance up and down so the push bars don't ride up and crush the trunk lid.
  NOTE: Officers should be aware of trailer hitches, as they can make push bumper use not advisable.
- Do not exceed 10 M.P.H. during push, as faster speeds may activate the airbag(s).
- Disengage the push if the vehicle begins to turn.

Report any damage to either vehicle sustained during a push to their immediate supervisor.

If the disabled vehicle sustains damage as a result of the push, the officer will notate the damage in the comment section of the Push Bumper Permission/Waiver Form and take a picture of the vehicle's damage.

An Accident Report will not be completed.

Firearms -- Qualification

Effective Date: 01/01/2013

POLICY

Safe handling of a firearm and the officer's proficiency with that weapon are paramount concerns of the Firearms Training program. Insufficient performance in the use of a weapon cannot be permitted. It is the object of this policy to increase the skill level of each officer with his/her weapon thereby increasing the probability of surviving an armed encounter. Secondarily, the increase in familiarity with a firearm will result in safer utilization of that weapon for the benefit of the officer, the department, and the community.

QUALIFICATION

Firearms qualifications will be held at various times throughout the year. There will be certain qualifications whereby attendance is required.
Substandard performance, as identified by the firearms instructor, will require the officer to complete a remedial training session. This remedial qualification must be satisfactorily completed within thirty (30) days of the original qualification shoot. Failure to complete the remedial training session and/or reach a level of performance of sufficient accuracy as to be deemed "qualified to carry a handgun" by the firearms instructor will automatically classify the officer as "not qualified to carry a handgun" and subject that officer to possible suspension from duty. Each officer requiring remedial training will be required to make his/her own arrangements with the department's Firearms Instructor for such training. This remedial training session will be conducted during the on-duty time of the Firearms Instructor. The department will provide the necessary ammunition, supplies, and equipment. The officer will schedule this session to be held during their off duty time, unless approved in advance as an on-duty exercise by the Chief of Police.

Each officer will qualify with the weapon which the officer carries on duty.

After each qualification shoot, the Firearms Instructor will provide the Chief of Police with a written list of officers in attendance, names of those officers that met or exceeded the minimum performance level, the names of those officers recommended for remedial training and the names of officers failing to attend the required qualification shoots.
At least once per year, the Firearms Training Officer will schedule training time on a combat styled course with each officer utilizing the police shotgun and tactical rifle.

All Officers are entitled to a hearing test each year at the expense of the City of Windom.

DISCIPLINE

Whereas firearms proficiency is a necessary skill for a police officer to possess, failure of a non- qualifying officer to complete the required remedial training within the specified time - except when otherwise authorized, in advance, by the Chief of Police - will result in disciplinary action against such officer.

- Step One - ORAL REPRIMAND - a contract, listing the goals and an action plan mutually agreed upon for acceptable future performance will be drawn up.
- Step Two - WRITTEN REPRIMAND - This will follow Step One for non-compliance and may also include Step Three.
- Step Three - SUSPENSION - Whether with or without pay, suspension could result until such time as said officer qualifies according to this policy.
- Step Four - TERMINATION - Termination of employment could result in continuing non- performance/non-compliance with this policy.

NOTE: The purpose of this policy is to ensure compliance and successfully prepare the officers for armed encounters. It is not the sole purpose of this policy to punish non-compliant officers, but to allow them every opportunity to improve performance for their own safety. However, non-compliance, for the officer's own safety, the safety of all members of the department and the safety of the public in general, cannot be tolerated.

RANGE RULES

In order to provide the safest environment possible for firearms training and qualification, to ensure that discipline with potentially dangerous tools utilized by police officers is learned and becomes instinctive, and to provide for efficient and manageable training and qualifications, the implementation of specific range rules is a necessity.

- No one shall remove their weapon from its holster while at the range unless and until being instructed to do so by the range officer(s) FOR ANY REASON.
- Weapons may not be unloaded and/or reloaded while at the range unless and until being instructed to do so by the range officer(s).
- Officer not actually firing the course shall remain in a place designated by the range officer(s).
- Officers shall report to the range promptly as scheduled unless official police duties and/or responsibilities prevent them from being there on time.
- All officers on the course shall wear protective and/or prescription eyewear, and hearing protection
- No horseplay will be permitted at the range during organized departmental shoots.

Only the gear and equipment carried or worn while on-duty shall be worn during a training or qualification shoot. Qualification with off-duty firearms will be arranged with the Firearms Instructor.
The Range Officer has the authority to make occasional modifications to these rules as circumstances and/or course of shooting dictate.

AUTHORITY

The Firearms Instructor(s) will have the authority to recommend to the Chief of Police a level of discipline commensurate with any or all infractions of this policy.
The Firearms Instructor(s) are granted the authority to remove any officer, regardless of rank, from the range area if said officer fails to comply with the directions of the Instructor in matters of firearms handling and/or training.
Any infractions of these rules will subject the violator to disciplinary action as befits the violation. This may include any or all the steps identified in Section II of this policy.

COURSE OF TRAINING

The Chief of Police, in consultation with the Firearms Training Officer, will determine if a particular training site or course meets the needs and requirements of the department.

Criminal Conduct on School Buses

Effective Date: 01/01/2026

POLICY

Windom Police Department personnel shall respond to and investigate allegations of criminal conduct occurring on school buses within our jurisdiction. Personnel shall work and consult with school officials, transportation personnel, parents, and students when responding to these incidents, while being focused on student safety and appropriate enforcement of the law. Personnel shall work in cooperation with any other law enforcement agency that also has jurisdiction. This policy is not intended to interfere with or replace school disciplinary policies relating to misconduct on school buses.

PROCEDURE

Agency personnel shall:

- respond to calls for assistance from any citizen, school, or bus transportation company official regarding criminal conduct on a school bus.
- investigate reports of crimes committed on school buses by using procedures like those followed in other criminal investigations as appropriate for juveniles and/or adults.
- issue citations, release suspects pending further investigation, or apprehend and transport suspects who were engaged in criminal activity while on a school bus.
- submit investigative reports for review, approval, and consideration of charges as required by law and agency policy.
- conduct follow-up investigative work when requested by someone with proper authority within the agency or from the prosecutor's office.
- provide the appropriate school with information regarding the incident, as required or authorized by law.

STATUTORY REFERENCES

MN STATUTE 121A.28 – Law Enforcement Records
MN STATUTE 260B.171 – Records
MN STATUTE 169.448 – Other Buses
MN STATUTE 169.4581 – Criminal Conduct on School Bus
MN STATUTE 169A.31 – Alcohol-related School Bus or Head Start Bus Driving
ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Seatbelt and Child Restraint Usage

Effective Date: 01/01/2013

POLICY

As an active participant in the Towards Zero Deaths Campaign, this policy has been developed to afford each member of the department the highest level of protection possible while performing their assigned duties. The purpose of this policy is to assure maximum operator and passenger safety, thus minimizing the possibility of death or injury as a result of motor vehicle crashes. This policy will apply to all personnel operating or riding, as front seat passengers, in department vehicles, leased or rented vehicles, and private/personal vehicles when operated by on-duty personnel. Note: Portions of this policy have been taken from the IACP Model Seat Belt Policy

PROCEDURE

USAGE

All members of this department, while on duty, shall use the safety belts, installed in the vehicle, properly adjusted, and securely fastened when operating, or riding as a front seat passenger, in any vehicle so equipped. Usage of safety belts is exempt in vehicles (where usage is not required by statute) is encouraged by not required.

When transporting a prisoner, as a front seat passenger, the operator shall be responsible for ensuring compliance by the passenger.

When arriving at an emergency call or making a vehicle traffic stop, the operator may remove the safety restraint just prior to stopping for quick exit. Caution should be exercised to insure that during the traffic stop the violator is in fact going to stop. This prevents becoming involved in a pursuit without the use of a safety belt.

NONCOMPLIANCE:

Whenever noncompliance with this policy is displayed, appropriate corrective or disciplinary action may be taken.

ENFORCEMENT:

Officers are encouraged to enforce the M.S. 169.686, Seat Belt Usage and M.S. 169.685 Seat Belts and Passenger Restraint Systems for Children whenever possible. Enforcement levels (written warning or citation) are a decision that is to be determined by each officer after evaluating the incident relative to the severity of the situation.

RECOMMENDATION:

In addition to the on-duty requirement, it is strongly recommended that seat belts be used by department members while off-duty also.

Sexual Assault Investigation

Effective Date: 01/1/2026

POLICY

It is the policy of the Windom Police Department to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. When investigating incidents of sexual assault, peace officers shall utilize investigative techniques that are victim centered. Officers should strive to protect the dignity and autonomy of victims by giving them choices, whenever possible, and by helping them to better understand the criminal justice system and its processes. Officers shall coordinate and work cooperatively with the prosecutor's office and assist in conducting any necessary follow-up investigations when directed to do so by the prosecuting attorney or a supervisor.

This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, immigration status, or national origin.

DEFINITIONS

Child or Minor: a person under the age of 18.

Consent: has the meaning given to it in MN Statute 609.341.

Criminal Sexual Conduct: a person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statutes 609.342 to 609.3451.

Family or Household Member: has the same meaning given to it in MN Statute 518B.01, subdivision 2(b).

Medical Forensic Examiner: the health care provider conducting a sexual assault medical forensic examination.

Mentally Incapacitated: has the meaning given to it in MN Statute 609.341, subdivision 7.

Physically Helpless: has the meaning given to it in MN Statute 609.341, subdivision 9.

Sexual Assault: refers to an act of sexual abuse in which an individual touches another in a sexual manner without consent or by coercion.

Sexual Assault Medical Forensic Examination: means an examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

Victim Advocate: refers to a Sexual Assault Counselor defined by MN Statute 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by MN Statute 595.02, subdivision 1(l) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist with locating a local victim advocacy agency for the purposes outlined in this policy.

Victim Centered Approach: refers to an investigative approach which prioritizes the safety, privacy, and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victim's input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

Vulnerable Adult: has the meaning given to it in MN Statute 626.5572, subdivision 21.

PURPOSE

This policy provides peace officers important guidelines and information for responding to reports of sexual assault and affirms the authority and responsibility peace officers have to conduct thorough investigations and to make arrest determinations in accordance with established probable cause standards.

PROCEDURE

RESPONDING TO A SEXUAL ASSAULT CALL

When responding to a sexual assault call, officers shall respond without delay and follow standard incident response procedures. Upon arrival, officers should determine whether the victim needs medical attention as well as the location/jurisdiction in which the assault took place. If the assault took place outside of the agency's jurisdiction, the responding officer should assist the victim in contacting the appropriate law enforcement agency and provide any services or assistance requested by the victim. If the victim is unsure of where the assault took place or another jurisdiction cannot be determined, the officer should take the report. Agency personnel shall treat victims of sexual assault with dignity and respect. Agency personnel should also recognize that victims of traumatic incidents may not be willing or able to immediately assist with the criminal investigation.

During initial contact, the responding Officer should explain the investigative process to the victim. This explanation should include a description of the various tasks and roles the first responder, investigator, and anyone else with whom the victim will likely interact. Officers are encouraged to connect the victim with local victim advocates as soon as possible. Personnel should inform the victim that there are confidential victim advocates available to address any need they might have and to support them through the criminal justice process. These advocates may be present to support the victim during any interviews that take place. The victim should be provided with contact information for the local victim advocate and officers are encouraged to contact local victim advocates on the victim's behalf with their permission. Victim advocates are not, without the consent of the victim, allowed to disclose any opinion or information received from or about the victim.

INVESTIGATION

During a sexual assault investigation, peace officers shall ensure the following tasks are completed.

- The responding officer shall collect the victim's preferred contact information.
- Officers shall ask about and document any signs and/or symptoms of injury- including strangulation.
- Officers shall ensure the victim knows they can go to a designated facility for a forensic medical examination. Officers may arrange for transportation for the victim or transport the victim themselves.
- If the victim seeks medical attention or elects to have a forensic medical examination completed, officers shall attempt to obtain a signed medical release form from the victim.
- Officers shall identify and attempt to interview any potential witnesses to the sexual assault and/or anyone the victim may have told about the assault.
- Officers shall collect any evidence related to the assault, including, but not limited to, clothing, bedding, electronic data, and security footage.

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question-and-answer interviewing format with questioning being as nondirective as possible to elicit spontaneous responses. In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following points.

Officers are encouraged to offer to have a confidential victim advocate present as additional support for the victim during the process.

- Officers should conduct the victim interviews in person in a comfortable and welcoming environment to the extent possible.
- Officers should let the victim share details of the event at their own pace.
- Officers should be mindful of the fact that victims may have difficulty remembering incidents in a linear fashion and may remember details in the days and weeks following the assault.

Depending on the victim, additional interviews may be needed to gather any additional necessary information. In some instances, the victim may not have wanted to provide an initial statement at all. Therefore, after the initial interview or interview attempt, the officer or investigator may need to reach out to the victim to conduct a follow-up interview. Personnel should consider reaching out to the victim within a few days of the incident, or minimally, after one sleep cycle to allow the victim to process the event. The details officers and/or investigators should attempt to discern through victim interviews includes the following:

- Does the victim know the suspect?
- How long has the victim known the suspect?
- What type of relationship does the victim have (past or present) with the suspect?
- Were drugs or alcohol involved in the incident?
- Were there any behaviors or actions that altered the encounter? (i.e., Did the encounter start off consensual and then change based on the behaviors of one or more of the individuals involved?)
- What, if any, specific statements, actions, and/or thoughts did the victim and/or suspect have prior, during, and after the assault?
- What, if any, digital communication exists between those involved? (i.e., Are there social media messages, text messages, or emails between the parties that may be of evidentiary value?)

Evidence Collection. Peace officers investigating a sexual assault shall follow standard evidence collection procedures and any other procedures mandated by this agency. When collecting evidence, officers should consider the following points.

- Officers should collect evidence or document information regarding the environment in which the assault took place, including indications of isolation and soundproofing.
- Officers should document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.
- In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, drug paraphernalia, or other related items.
- If the victim has declined a medical examination or a medical forensic examination will not be conducted, the officer should obtain victim consent and take photographs of visible physical injuries, including any healing or old injuries. Victim should be instructed on how to document any bruising or injury that becomes apparent in the hours or days after the altercation. Officers are encouraged to follow-up with the victim a day or two after the reported event to take additional photos if the victim consents.

Sexual Assault Medical Forensic Examinations. Prior to a sexual assault medical forensic examination, the investigating officer should do the following:

- Ensure the victim understands the purpose of the sexual assault medical forensic examination and its importance to both their general health and wellness and to the investigation. Officers should inform the victim that forensic medical examinations are completed at zero cost to them.
- Provide the victim general information about the procedure and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or victim advocate. Officers and investigators shall not deny a victim the opportunity to have an exam.
- Officers should be aware and, if necessary, relay to victims who do not want to undergo an exam that there

may be additional treatments or medications they are entitled to even if they do not want to have an examination completed. Victims can get additional information on these other treatments from a health care provider or a victim advocate. If possible, law enforcement should transport or arrange transportation of the victim to the designated medical facility.

- Ask the victim to sign a medical release form to gain access to any medical records related to the examination.

Officers should not be present during any part of the examination, including during the medical history. Following the examination, the evidence collected shall be handled according to agency policy and MN Statute 299C.106.

Minors and Vulnerable Adults. This agency recognizes that victims are better served by utilizing interview techniques and strategies that eliminate the need for multiple interviews. Members of this agency will be alert for victims who would be best served by the use of specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should limit their actions to the following:

- ensuring the safety of the victim,
- ensuring the scene is safe,
- safeguarding evidence where appropriate,
- collecting any information necessary to identify the suspect, and
- addressing the immediate medical needs of individuals at the scene.

Essentially, initial responding officers should not attempt to interview the victim in these situations. Instead, officers should attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and what crime(s) may have occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

Officers responding to victims with special considerations must comply with the mandated reporting requirements of MN Statutes 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations are encouraged to coordinate these investigations with human services. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to human services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian pursuant to MN Statute 260E.22 can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under MN Statute 260E.06 should assess the impact on the victim and the investigation if parents/guardians were notified before involving them.

Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident, they should listen to them but not question them as this may influence any future statements.

Officers responding to a report of sexual assault committed against a family and/or household member must follow the requirements/guidelines of this policy as well as those in the agency's domestic abuse policy.

Suspect Contact and Interviews. When circumstances allow, officers should review the suspect's criminal history record before initiating contact. When reviewing the record, officers should pay special attention to qualified domestic abuse related offenses and other accusations or charges related to criminal sexual conduct. Initial and subsequent interviews with a suspect should, whenever possible, be conducted in person and recorded. If the suspect does not deny having sexual contact with the victim, but denies the encounter was non-consensual, officers should:

- collect evidence of past communication, including but not limited to all relevant interactions on social media, through text message, and through any other mediums between the suspect and victim, and
- gather additional details regarding the events that transpired prior to, during, and after the assault in an effort to identify additional potential witnesses, crime scene locations, and evidence.

As part of their investigation, officers should collect evidence from the suspect- either by consent or with a search warrant. Sexual assault medical forensic examinations may be completed on a suspect by a medical professional. If a forensic examination is not conducted, the investigating officer should ensure the following evidence is collected:

- DNA (that of the suspect and any obtainable that may be from the victim, possibly via fingernail scrapings),
- biological trace evidence (if applicable),
- the suspect's clothing worn during the assault, and
- injury photographs.

Officers should also document the suspect's appearance, the presence of any scars/tattoos, piercings, and any other identifiable marks, features, or attributes.

For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence that may help identify the perpetrator.

VICTIM RIGHTS

Peace officers have a statutory obligation to inform domestic and sexual assault victims of their rights. Officers must provide victims of sexual assault, minimally, with the information included herein.

- MN Statute 611A.02, subdivision 2(b)(1-6), requires peace officers to provide victims an initial notice of their rights as a victim of a crime.
- MN Statute 629.341, subdivision 3 requires peace officers to inform victims whether a shelter or other services are available in their community. Under this provision, officers shall also inform the victim of their legal rights and the remedies available to them.
- MN Statute 611A.27, subdivision 1, requires peace officers to release information regarding a sexual assault examination kit to the victim or their delegate upon request. Victims should be informed of their right to request this information.

As stated in MN Statute 611A.26, subdivision 1, no law enforcement agency or prosecutor shall require a victim, or complainant, of sexual assault to submit to a polygraph examination as a condition of proceeding with the investigation or prosecution of the crime. A victim may submit to a polygraph examination if the conditions described in MN Statute 611A.26, subdivisions 2-4 are met.

EVIDENCE PRESERVATION

When a victim calls to report a sexual assault and the assault was recent, dispatchers and/or peace officers should inform the victim of the following to ensure critical evidence is not lost:

- suggest to the victim that he or she not bathe or clean up,
- if the victim needs to urinate, suggest he or she collect the urine in a clean container for test and avoid wiping, and

- place any clothing, blankets, or linens worn or present during or after the assault in a paper bag unwashed.

If the assault happened more than 24 hours ago or the victim has already bathed or washed their clothing/bedding, officers should reassure the victim that other evidence may still be identified and recovered by other means.

STATUTORY REFERENCES

MN STATUTES CHAPTER 260E – Reporting Maltreatment of Minors
MN STATUTE 260C.175 – Taking Child Into Custody
MN STATUTE 260E.22 – Interviews
MN STATUTE 299C.106 – Sexual Assault Examination Kit Handling
MN STATUTE 518B.01 – Domestic Abuse Act
MN STATUTE 595.02 – Testimony of Witnesses
MN STATUTE 609.341 – Definitions
MN STATUTE 609.342 – Criminal Sexual Conduct in the First Degree
MN STATUTE 609.343 – Criminal Sexual Conduct in the Second Degree
MN STATUTE 609.344 – Criminal Sexual Conduct in the Third Degree
MN STATUTE 609.345 – Criminal Sexual Conduct in the Fourth Degree
MN STATUTE 609.3451 – Criminal Sexual Conduct in the Fifth Degree
MN STATUTE 609.3453 – Criminal Sexual Predatory Conduct
MN STATUTE 609.3458 – Sexual Extortion
MN STATUTE 609.3459 – Law Enforcement; Reports of Sexual Assaults
MN STATUTE 609.347 – Evidence in Criminal Sexual Conduct Cases
MN STATUTE 609.35 – Costs of Medical Examination
MN STATUTE 611A.02 – Notification of Victim Services and Victims' Rights
MN STATUTE 611A.26 – Polygraph Examinations; Criminal Sexual Assault Conduct Complaints; Limitations
MN STATUTE 611A.27 – Victim Rights to Sexual Assault Evidence Information
MN STATUTE 626.5572 – Definitions
MN STATUTE 626.8442 – Policies on Sexual Assaults
MN STATUTE 629.341 – Allowing Probable Cause Arrests for Domestic Violence; Immunity from Liability
ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Sexual/Racial Harassment

Effective Date 1/1/2013

POLICY

The City of Windom is an equal opportunity/affirmative action employer who prohibits any form of harassment because of race, creed, color, religion, ancestry, sex, national origin, age, disability, marital status, status with regard to public assistance, affectional or sexual preference, handicap, Vietnam era veteran, or disabled veteran status in compliance with Section 703 of Title VIII of the Civil Rights Act of 1964, as amended, 42 U.S.C. S2000e, et seq., and the Minnesota Human Rights Act, M.S. SS363.01-14.

It is the policy of the City of Windom to maintain a working environment that is free from sexual or racial harassment. All employees are expected to exhibit behavior that is free of:

- Acts of sexual or racial discrimination Racist and sexist language
- Sexist and racial harassment

The City prohibits sexual harassment or abuse of its employees in any form. Complaints, either formal or informal of sexual harassment and conduct found to constitute sexual harassment or abuse will result in disciplinary action up to and including dismissal.

SEXUAL HARASSMENT DEFINED

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated conduct or other verbal or physical conduct or communication of a sexual nature when:

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining an education.
- submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education.
- That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education creating an intimidating, hostile, or offensive employment or education environment.

Sexual harassment may include but is not limited to:

- Verbal harassment or abuse.
- Subtle pressure for sexual activity.
- Inappropriate patting or pinching.
- Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or education status.
- Demanding sexual favors accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or educational status.
- Any sexually motivated unwelcome touching.

RACIAL HARASSMENT

Any racially harassing conduct in any form by supervisory or non- supervisory personnel in the work environment controlled by the City is prohibited. Supervisors and Department Heads have the responsibility of maintaining a working environment free from racial harassment, intimidation, and insult. It is the responsibility of all employees to avoid using racist language, including derogatory jokes, remarks and publications, in all forms of communications.

Any employee who engages in racial harassment of any nature of another employee may be subject to disciplinary action up to and including dismissal.

Supervisors and Department Heads have the responsibility of maintaining a working environment free from sexual and racial harassment, intimidation, and abuse.

REPORTING PROCEDURES

If you are being harassed by your supervisor, another employee, or a non- employee, it is important to understand that the first step to take to correct the situation is to tell the person that his or her behavior is offensive and should stop. Because behavior that may offend you is often not intended as harassment, telling the individual that the behavior is offensive and to stop the behavior will often resolve the problem. If the matter is not settled between the two of you, you may proceed with the following procedures:

Any person who believes she or he has been the victim of sexual or racial harassment by an employee of the City, or any third person with knowledge of any sexual or racial harassment should report it promptly to an Immediate Supervisor or Department Head. In the event that the Immediate Supervisor or Department Head is the person responsible for the sexual or racial harassment, the report should be made directly to the City Clerk/Treasurer. In the event that the City Clerk/Treasurer is the person responsible for the sexual or racial harassment, the report should be made to the City Attorney.

The report of sexual or racial harassment may be made either verbally or in written form to the appropriate person as described above. If the report is made verbally, the person receiving the report shall reduce it to writing immediately and forward the written report to the City Clerk/Treasurer. If the report is initially made in written form; the person receiving the report shall forward that report to the City Clerk/Treasurer.

The City Clerk/Treasurer shall take the appropriate steps to ensure that the allegation of sexual or racial harassment is thoroughly investigated. The City Clerk/Treasurer will respect the confidentiality of the complaint and individual's against whom the complaint is filed as much as possible, consistent with the City's legal obligations and the necessity to investigate allegations of sexual and racial harassment and take disciplinary action once the conduct has occurred.

The allegations of sexual behavior and racial harassment shall be investigated, and the results of the investigation shall be summarized into a written report within ten working days, or as soon as possible thereafter from the date of the filing of the allegation. The results of the investigation will be provided to the complainant.

Upon receipt of a written report confirming that the complaint is valid, the City Clerk/Treasurer shall take such action as is appropriate based upon all of the facts and circumstances contained in the report. The City will discipline any individual who retaliates against any person who reports alleged sexual or racial harassment, or who retaliates against any person who testifies, assists, or participates in an investigation, proceedings or hearing relating to a sexual or racial harassment complaint. Retaliation includes, but is not limited to any form of intimidation, reprisal, or harassment.

Any City action taken pursuant to this policy will be consistent with requirements of any applicable Minnesota Statutes, and City Policies. The City will take such disciplinary action it deems necessary and appropriate, including warning, suspension, or immediate discharge to end sexual or racial harassment and prevent its reoccurrence.

Employee Speech and Social Media

Effective Date: 01/01/2013

PURPOSE

This policy is intended to address issues associated with employee use of social media sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Office. Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws.

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.

POLICY

Because public employees occupy a trusted position in the community their statements have the potential to contravene the policies and performance of this office and therefore the personal use of social media can have a bearing on departmental personnel in their official capacity. To achieve its mission and efficiently provide service to the public the Windom Police Department will carefully balance the individual employee's rights against the organizations needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

PERSONAL USE OF SOCIAL MEDIA GUIDELINES

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

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.

As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the mission, function, reputation or professionalism of the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.

Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment, which includes but is not limited to any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicle, equipment or other material that specifically identifies the Windom Police Department, without written permission from the Chief or supervisor.

For safety and security reasons, department personnel are cautioned not to disclose their employment with the department nor shall they post information pertaining to any other member of the department without their permission.

Soft Body Armor

Effective Date: 01/01/2013

POLICY

It is the policy of the Windom Police Department and of the City of Windom that all officers are provided with Soft Body Armor in an effort to improve safety and reduce the risks and hazards associated with law enforcement work.

BODY ARMOR

Soft Body Armor vests are issued to all licensed personnel because they have been shown to be effective in reducing deaths and serious injuries.

USE OF SOFT BODY ARMOR

The Department requires all on-duty Patrol Officers to wear soft body armor during field activities.

Field Activities include duty assignments or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities. When Officers are assigned to high-risk and/or tactical situations such as but not limited to search warrant executions, drug raids, initial crime scene response, and serving felony warrants they must wear protective vests. It is highly recommended that all supervisory officers wear a protective vest during their tour of duty. However, those Supervisory officers who choose not to wear their protective vest must have it immediately available at all times, during their tour of duty.

CARE AND MAINTENANCE

Officers shall routinely inspect the soft body armor for signs of damage and for general cleanliness. Soft body armor should be stored, cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor.

Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor.

Situations Requiring Supervisor Notification

Effective Date: 01/01/2013

PURPOSE

To facilitate effective and efficient communication between department personnel and to provide for assistance in the decision-making process on difficult and serious problems facing the department.

POLICY

The Chief of Police shall be notified, in each of the following situations, by the Assistant Chief of Police, by the senior patrol officer or by the dispatcher, regardless of the time of day, if or when any of the following situations arise.

- All homicides, suicides when some doubt exists, and any natural death of unusual circumstance.
- Any "in custody death or serious injury" to officer or citizen.
- The death of any department employee or member of his/her family.
- Any case of aggravated assault that results in "great bodily harm" to anyone.
- All serious felony level sexual assaults
- In any cases involving the use or threatened use of a firearm by an officer or against an officer.
- Fatal motor vehicle accidents or potentially fatal motor vehicle accident.
- In all cases of hostage, kidnap, or barricaded suspect situations.
- Bombs, bomb threats, major explosions, major fires and arson.
- Serious personal injury or property damage accident involving a department employee or department vehicle.
- Serious complaint against an employee of the department.
- Surprise notification that a V.I.P., foreign or domestic, will be visiting our City on a short notice.
- Strike situations where confrontation is immediately pending.
- Warnings and/or alerts of an impending natural disaster.

Method of Communication.
Chief of Police may be notified either in person or by phone.

In the absence of or inability to locate the Chief of Police, the Assistant Chief of Police should be contacted via appropriate means. If no supervisor is available, the most senior officer should be contacted.

TASER Energy Weapons Guidelines

Effective Date: 01/02/2026

PURPOSE AND SCOPE

The Axon Taser Energy Weapon (TEW) is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

POLICY

Personnel who have completed the approved training course may be authorized to use and carry the TEW.

Officers shall only use the TEW Device and cartridges that have been issued by the Chief. Trained and certified officers are provided with the department issued TEW handle, battery, cartridges, and magazine.

Uniformed officers who have been issued the TEW shall wear the device in an approved holster on their person.

- The TEW shall be carried on the side opposite the duty weapon.
- The TEW shall be yellow in color to distinguish it between other weapons carried by the officer.
- Officers shall be equipped with a TEW magazine that is equipped with 10 unexpired cartridges. If needed, additional cartridges can be acquired by the department's certified TEW instructor.
- Officers shall be responsible for ensuring that their issued TEW device is properly maintained and in good working order at all times.
- Officers shall perform a function test before each shift to verify that the TEW is in good working order.
- If the TEW is not in good working order, it shall be reported to a supervisor and the department's TEW instructor.
- Faulty TEW Devices shall be given to the TEW instructor for maintenance or to be shipped back to Axon for repair or replacement.
- Officers should never hold both a firearm and a TEW device at the same time..

VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TEW Device should precede its application, unless it otherwise endangers the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- Provide the individual with a reasonable opportunity to voluntarily comply.
- Provide other officers and individuals in the area with a warning that a TEW Device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to, display the TEW warning alert.

The aiming of the TEW laser should never be intentionally directed into the eyes of another as it may permanently impair or damage his/her vision.

The fact that a verbal and/or other warning was given or the reasons it was not given shall be documented by the officer that deployed the TEW Device.

USE OF THE TEW DEVICE

As with any law enforcement equipment, the TEW Device has limitations and restrictions requiring consideration before its use. The TEW Device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TEW Device is generally effective in controlling most individuals, officers should be alert to the potential for failure and be prepared with other options.

FACTORS TO DETERMINE REASONABLENESS OF FORCE

The application of the TEW Device is likely to cause intense, but momentary, pain and loss of motor skills. As such, officers should carefully consider and balance the totality of circumstances available prior to using the TEW Device including, but not limited to, the following factors:

- The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- Officer/subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subject(s)).
- Influence of drugs/alcohol (mental capacity).
- Proximity of weapons.
- The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- Time and circumstances permitting the availability of other options (what resources are reasonably available to the officer under the circumstances).
- Seriousness of the suspected offense or the reason for contact with the individual.
- Training and experience of the officer.
- Potential for injury to citizens, officers, and suspects.
- Risk of escape.
- Other exigent circumstances.

APPLICATION OF THE TEW DEVICE

Authorized personnel may use the TEW Device when circumstances known to the officer at the time indicate that such application is reasonable to control a person in any of the following circumstances:

- The subject is violent or physically resisting.
- A subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm officers, him/herself or others.

When practicable, the officer should give a verbal warning of the intended use of the TEW Device followed by a reasonable opportunity to voluntarily comply.

When practical, officers shall display a warning alert, showing the intended use of the TEW
The officer must be able to articulate a reasonable belief that other available options appeared ineffective, impractical or would have presented a greater danger to the officer, the subject, or others.

Absent meeting the application conditions set forth above, or a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officers shall not serve as good cause for the use of the TEW Device to apprehend an individual. Prior to using a TEW on a subject in flight the following should be considered:

- The severity of the crime at issue.
- Whether the suspect poses an immediate threat to the safety of the officer or others.
- The surface that the suspect is fleeing on.
- The officer has a reasonable belief that use of the TEW would not cause significant harm to the suspect fleeing unless use of deadly force would otherwise be permitted.

SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TEW Device should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the TEW Device:

- Pregnant females.
- Elderly individuals or young children.
- Individuals with low body mass.
- Individuals who are handcuffed or otherwise restrained unless necessary to prevent them causing serious bodily injury to themselves or others and if lesser attempts of control have been ineffective.
- Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise near any flammable material.
- Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles or machinery).
- On persons who might be in danger of drowning.

The TEW Device shall not be used to torture, psychologically torment, elicit statements, to punish any individual, or as a form of horseplay. Any officers caught using the TEW Device in these circumstances are subject to disciplinary action, investigation, and/or termination

TARGETING CONSIDERATIONS

While Axon generally recommends that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest, hands, feet, and groin, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the TEW Device's darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest, hands, feet, or groin until he/she is released to the care of Emergency Room staff or other medical personnel.

MULTIPLE APPLICATIONS OF THE TEW DEVICE

When using a TEW Device, officers should use it for one standard cycle (5 seconds) and pause to evaluate the situation to determine if subsequent cycles are necessary, officers should restrict the number and duration to only the minimum amount necessary to control and/or place the subject in custody under the existing circumstances.

Officers shall not exceed a TEW Device deployment that exceeds 15 seconds, unless deadly force is justified.

Officers should constantly reassess the need for further activations after each TEW cycle and should consider that exposure to multiple applications of the TEW may increase the risk of serious injury or death. This, however, shall not preclude any officer from deploying multiple, reasonable applications of the TEW on an individual.

REPORT OF USE

All TEW Device discharges shall be documented in the related incident report, the Windom Police Department Use of Force -TEW Report Form and the officer will immediately notify a supervisor of the nature of the incident.

Negligent discharges of a TEW Device cartridge will also be documented on the Windom Police Department Use of Force -TEW Report Form.

Any report documenting the discharge of a TEW Device cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

After a TEW Device cartridge deployment, when applicable, the officer shall dock their TEW's battery to upload the TEW's data onto Axon Evidence.com

Photographs of probe sites should be taken, the cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

MEDICAL TREATMENT

Certified Officers should carefully remove TEW cartridge darts from a person's body according to the methods described in training. Used TEW Device darts shall be considered a sharp biohazard, like a used hypodermic needle. Universal precautions should be taken accordingly.

All persons who have been struck by a TEW Device's darts or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by qualified medical personnel:

- The person is suspected of being under the influence of controlled substances and/or alcohol.
- The person may be pregnant.
- The person reasonably appears to be in need of medical attention.
- The TEW Device darts are lodged in a sensitive area (e.g., groin, female breast, hands, feet, neck, head, and face).
- The person requests medical treatment.
- The person has an obvious injury, which in the opinion of the officer, requires treatment.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, imperviousness to pain, who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio and/or video recording is made of the contact with the individual or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the TEW Device.

TRAINING

In addition to the initial of office-approved training that is required to carry and use a TEW Device, each person carrying a TEW Device shall demonstrate proficiency annually. A reassessment of an employee's knowledge and/or practical skill may be required at any time if deemed appropriate by the Chief of Police or TEW instructor.

The Chief of Police shall ensure that all training includes the following:

- A review of this policy.
- A review of the Use of Force Policy.
- Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest and groin.
- De-escalation techniques.

Officers training with the TEW Device, must also conduct training scenarios, utilizing Axon's HALT (Hook And Loop Technology) suit and cartridges or by using Axon's virtual reality training system.
During TEW training, officers will be subjected to safety checks. These checks are to ensure that no other weapons are allowed in the training area. Officers who refuse safety checks will not be certified to carry a TEW Device.

Training – Requirements

Effective Date: 01/01/2013

POLICY

Certain training sessions, courses and/or schools are mandated either by statute or Minnesota Peace Officer's Training Board **(**P.O.S.T.) requirements. This policy identifies those requirements and sets certain minimum training requirements.

MANDATORY COURSES

The following listed courses/training sessions are mandated under the P.O.S.T. or OSHA requirements and/or as department policy. These courses will be scheduled for all officers of the department annually, or as needed, at no cost to the officer. Each officer shall attend regardless of the number of P.O.S.T. credits accumulated.

- Firearms Qualifications
- Bloodborne Pathogens
- Hazardous Materials
- TASER
- Defensive Tactics
- Employee Right to Know/AWAIR
- Autism Awareness
- Lead Awareness
- Personal Protective
- Fire Extinguishers
- First Aid/CPR (scheduled as needed to recertify)
- Emergency Vehicle Operations Course/Vehicle Pursuits (Every 5 years)
- Use of Force/Use of Deadly Force (Due by Sept 1st)
- Hearing Protection
- Respiratory Protection
- Crisis intervention, conflict resolution, and diversity training.

Those areas, courses of study, informational schools, and items mandated through P.O.S.T. and legislative action will be scheduled periodically as is required by statute and/or department policy -see MN Statute 626.8469.

These courses will be offered to all members of the department and will be identified as "Mandatory Attendance."

Some course attendance may be mandated more than once per year. Certain mandatory courses may be offered on-line and may be completed during an officer's on-duty time at the officer's convenience.

Any officer who is unable to attend a required training session must contact the Chief or Assistant Chief prior to the scheduled session and make arrangements to receive the appropriate training session at an alternative site/date. All costs for attendance at an alternative site/date, above the cost of the originally scheduled session will be borne by the officer.

Failure to attend a scheduled "Mandatory" course could result in immediate disciplinary action. Failure to secure alternative training when the original mandatory course is missed could result in additional disciplinary action.

CONTINUING EDUCATION

Every officer must complete a minimum of forty-eight hours of continuing education within the three-year licensing period in order to maintain and renew their license. All sworn employees shall maintain a valid and active P.O.S.T. license as a condition of employment. Failure to maintain a valid and active P.O.S.T. license will result in an employee being relieved of enforcement duty and discipline, up to and including termination.

The Department is not obligated to provide for continuing education training beyond the mandatory courses listed above but will provide officers access to appropriate training as department needs and budget allows.

Use of Force

Effective Date: 01/01/2026

POLICY

It is the policy of this law enforcement agency to ensure officers respect the sanctity of human life when making decisions regarding use of force. Peace officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.

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

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

The decision by an officer to use force shall be evaluated from the perspective of a reasonable peace officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.

This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties. This policy is to be reviewed annually. Any questions or concerns should be addressed with the immediate supervisor for clarification.

DEFINITIONS

Authorized Device: a device an officer has received permission from the agency to carry in the performance of their duties, and for which the officer has:
obtained training in the technical, mechanical and physical aspects of the device; and
developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

Bodily Harm: has the meaning given to it in MN Statute 609.02, subdivision 7.

Choke Hold: has the meaning given to it in MN Statute 609.06, subdivision 3(b).

Deadly Force: has the meaning given to it in MN Statute 609.066, subdivision 1.

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

Exigent Circumstances: refers to circumstances that would lead a reasonable peace officer to believe that a particular action is immediately necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence to individuals or law enforcement's efforts.

Great Bodily Harm: has the same meaning given to it in MN Statute 609.02, subdivision 8.

Imminent: means something is ready to take place or is impending. Imminent does not mean instantaneous.

Less-lethal Force: refers to any use of force other than that which is considered deadly force that involves the physical effort to control, restrain, or overcome the resistance of another person.

Objectively Reasonable: means the use and level of force used by a peace officer, given the totality of the circumstances and information known by the peace officer at the time the force was used, is in alignment with what any other reasonable and prudent peace officer would do in the same or similar situation. Objective reasonableness is not evaluated using hindsight.

Totality of the Circumstances: refers to all the facts and circumstances known to a peace officer at the time, taken as a whole, when a use of force determination is made. This includes the conduct of the peace officer and subject leading up to any use of force.

PROCEDURE

An officer shall use de-escalation techniques and other alternatives to force consistent with their training whenever possible and appropriate before resorting to force. Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or the commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

In general, when using force, officers should consider or ensure the following:

- Use of physical force should be discontinued when resistance ceases or when the incident is under control.
- Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.
- Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care, consistent with his or her training, to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

Except in cases where deadly force is authorized as articulated in MN Statute 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from:

- using chokeholds,
- tying all of a person's limbs together behind their back to render the person immobile (i.e., a hog tie), or
- securing a person in any way that results in transporting the person face down in a vehicle.

All uses of force shall be documented and investigated pursuant to this agency's policies.

LESS-LETHAL FORCE

When de-escalation techniques are not effective or appropriate, an officer may consider the use of force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved force techniques and equipment in the following circumstances:

- effecting a lawful arrest,
- executing a legal process,
- enforcing an order of the court,
- executing any other duty imposed upon the peace officer by law, and/or
- defending oneself or another.

DEADLY FORCE

An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply:

- To protect the peace officer or another from death or great bodily harm, provided that the threat:
- can be articulated with specificity,
- is reasonably likely to occur absent action by the law enforcement officer, and
- must be addressed through the use of deadly force without unreasonable delay; or
- To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the peace officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria listed above unless immediately apprehended.

An officer shall not use deadly force against a person based on the danger the person poses to themselves if an objectively reasonable officer would believe, based on the totality of the circumstances, that the person does not pose a threat of death or great bodily harm to the peace officer or another.

When feasible, the officer shall identify themselves as a law enforcement officer and warn of their intent to use deadly force.

DUTY TO INTERCEDE AND REPORT

Regardless of tenure or rank, a peace officer shall intercede when 1) they are present and observe another peace officer use force in violation of MN Statute 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances and 2) they are physically or verbally able.

A peace officer who observes another peace officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting officer. This report shall be made even if the peace officer observed using excessive force is not employed by this agency.

TRAINING

All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates. Throughout the year, this agency will provide its officers de-escalation, simulation, and scenario-based trainings focused on use of force to aid officers in use of force situations and determinations.

Before being authorized to carry a firearm, all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency's policies and state statutes with regard to such force. Such training and instruction shall continue on an annual basis.

Before carrying an authorized device, all officers shall receive training and instruction on the use of the device including training as it relates to use of force situations. Such training and instruction shall continue on an annual basis. Officers shall only carry and use authorized devices unless circumstances exist, which pose an immediate threat to the safety of the public or the officer that justify the use of a device or object, that has not been previously authorized, to counter such a threat. With agency approval, officers may modify, alter, or cause to be altered an authorized device in their possession or control.

The chief law enforcement officer shall maintain records of the agency's compliance with use of force training requirements.

STATUTORY REFERENCES

MN STATUTE 609.02 – Definitions
MN STATUTE 609.06 – Authorized Use of Force
MN STATUTE 609.065 – Justifiable Taking of Life
MN STATUTE 609.066 – Authorized Use of Force by Peace Officers
MN STATUTE 626.5534 – Use of Force Reporting; Independent Investigations Required
MN STATUTE 626.8452 – Deadly Force and Firearms Use; Policies and Instruction Required
MN STATUTE 626.8475 – Duty to Intercede and Report
ADMINISTRATIVE RULE 6700.1610 – Reporting Obligations and Cooperation
ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Weapons and Ammunition

Effective Date: 01/01/2013

ON DUTY WEAPONS

No member of the Department shall carry any weapon and/or ammunition not approved by the Chief of Police. The department issued weapon will be carried on duty. No other weapon will be carried on duty, unless specifically authorized by the Chief of Police and as outlined in this Policy.

The Firearms Training Officer will issue to each officer, annually, the appropriate rounds of ammunition in kind and quantity. These and only these issued rounds will be carried while on duty.

BACK UP WEAPONS

On duty, back-up weapons will be permitted only when the officer has received the written permission of the Chief of Police. Back-up weapons shall be of any caliber of equal or less ballistics to the Department issued ammunition, with make, model, and/or size approved by the Chief of Police. Ammunition must be approved by the firearms Training Officer or the Chief of Police.

Back-up weapons used by the officer carrying them, when the request is made to carry same to the Chief of Police, shall specify make, model, serial number and ammunition type/style and/or make.

Officers carrying back-up weapons shall be required to qualify with those weapons annually in a course of fire set forth in writing by the Firearms Training Officer and shall consist of firing one loading of ammunition at a target approved by the Department and at a range consistent with the capability of the weapon(s).

All such qualifications for back-up weapons shall be recorded by the Firearms Training Officer and conducted at his/her discretion and direction.

All police shotguns utilized by the Department shall be 12 gauge and the ammunition will be Tactical Buckshot. Field loads issued by the Department are to be available in each of the squad cars for use in destroying diseased and/or dangerous animals in lieu of other ammunition for safety reasons and are to be replaced upon using them for that specified purpose.

All tactical rifles utilized by the Department shall be an AR rifle platform with .223.

OFF DUTY WEAPONS

The carrying of off duty weapons is not mandatory and may be done only when the requirements of this policy are met and documented.

Officers electing to carry off duty weapons must comply with the following.

- If the on-duty weapon is to be carried off duty, the Department issued ammunition is to be carried, thus requiring nothing further than the requirements listed in Section E of this policy.
- The off-duty weapon and ammunition, if other than above, must be approved by the Chief of Police.
- Every officer must qualify with their off-duty weapon as required by the Firearms Training Officer. Such qualification will be a course of fire as determined by the Firearms Training Officer.
- Every officer electing to carry an off-duty weapon will be required to obey all local and State laws governing the carrying of a weapon.

Officers shall not be under the influence of alcohol while carrying a firearm off duty.

IMPROPER HANDLING

Officers are to be responsible for the handling of their weapon in order to prevent the unintentional discharge of a weapon through carelessness, whether on or off duty.

Officers are to unload all firearms when cleaning and/or inspecting the firearm.

Dry firing a weapon is to be done with the same care and precautions as if handling a loaded weapon. Dry firing should be restricted to locations not normally occupied or accessible to the general public.

Officers will be responsible for securing their weapons, whether on duty or off duty, to a reasonable extent, to prevent its use by unauthorized persons

.
When not on duty, Duty Weapons, shall be secured in a Gun Locker or Vault or have a gun lock attached while being stored at home at all times.

INSPECTIONS

Each officer shall have the responsibility of registering his/her handgun with the Firearms Training Officer. Said registration shall include make, model and serial number.

Supervisory staff or the Firearms Instructor shall conduct inspections on a periodic basis to ensure compliance with this directive.

AUTHORITY

The Firearms Instructor will have the final authority in matters relating to qualification and/or disqualification, firearms handling and range control. All officers, regardless of rank, are bound by the decision of the Firearms Instructor in these matters.

Social Media Posts

Effective Date: 05/01/2014

The Windom Police Department uses social media outlets such as Facebook and Twitter as another format to communicate with residents of the community. The purpose of this activity is to provide education, information, and assistance to the citizens of Windom.

ACCEPTABLE CONTENT

Public Service Announcements from Federal, State and Local governments in video or written format is deemed acceptable for posting. Announcements from private agencies committed to public service such as D.A.R.E. and Mothers Against Drunk Driving are also approved.

Notifications of Windom Police Department activities such as the annual Citizen's Academy, Night to Unite, Child Fingerprinting and other community oriented policing actions.

Official Department press releases and notifications made via Nixle.

SUPERVISORY APPROVAL

All other postings will require supervisory approval.

Less Lethal Bean Bag Policy

Effective Date: 05/01/2014

PURPOSE AND SCOPE

The purpose of this policy is to ensure that each officer of the Windom Police Department has a guideline for the use and application of less-lethal kinetic impact devices.

LESS-LETHAL FORCE PHILOSOPHY

Mission accomplished with less chance of death or injury.
A concept of planning and force application, which meets the operational objectives, with less potential for causing death or serious physical injury than traditional police firearms tactics.

SAFETY PRIORITIES

The Department safety priorities are established as follows:

- Hostages
- Involved non-suspects civilians
- Police Officers
- Suspects

POLICY

It is the policy of the Windom Police Department that all officers will be trained in the deployment of the less-lethal kinetic impact device (12 ga., 37 mm, or 40 mm) prior to being allowed to use it. Officer using the less-lethal projectiles will not intentionally discharge them at the head, neck, upper torso, heart, groin, or spine of the suspect, unless deadly force is allowed under MN State Statute.

An Officer may use the less-lethal projectiles where the escalation of force is necessary and less-lethal force may still be appropriate.

When Officers use these projectiles, the goal is to remove the threat and take the suspect into custody. The level of force being applied is greater than OC spray, Taser Energy Weapon (TEW), or Pepperball, but less than deadly force. Multiple rounds may be required to remove the threat or take the suspect into custody.

USE OF LESS-LETHAL PROJECTILES

Officers may use the less-lethal projectiles in the following situations:
As an alternative in deadly force situations.

- Suicide prevention.
- Suspect armed with a blunt instrument.
- Selective intervention in civil unrest situations.
- Selective incapacitation of intoxicated or mentally disturbed persons.
- Any other intervention in a Use of Force situation where the escalation of force is necessary and less- lethal force may still be appropriate.

GUIDELINES FOR USE

The Department has designated, “less lethal” labeled, orange stocked shotguns for the deployment of the 12 ga. Projectiles. These designated shotguns should be used exclusively unless special circumstances dictate otherwise. Less-lethal projectiles are generally most effective when used between 5 and 20 yards; however, some situations may require a closer distance (example: small enclosed room area, etc.).

The effectiveness of the projectile is determined in part by:
- Distance between the Officer and suspect.
- Heavy clothing worn by the suspect.
- The influence of drugs and alcohol.
- The suspects' mental state or mind.
- Psychological Effects:
- 12 ga. Shotgun intimidation.
- Loud report and muzzle flash.
- Seeing other suspects being hit by the projectiles.
- When possible, the Officer deploying the less-lethal will make sure that all personnel on the scene are aware that less-lethal rounds are involved in the event. They can be done verbally in person or through the dispatch center and should be done prior to the deployment.
- The Officer deploying the less lethal should direct/control the verbalized efforts to affect the surrender from the suspect/subject.
- If multiple Officers are using the projectiles, they should, where feasible, communicate this to each other ahead of time.

Officer should only use the number of projectiles reasonable required to achieve the desired effects, regardless of the number of Officers firing. Once the desired effects are observed, or at a point where a lower use of force may be applied (i.e. Taser Energy Weapon (TEW)), the Officers should discontinue the use of the projectiles.

TARGETING AREAS

Examples of the primary targeting areas would be:
- Front:
  - Arm below the elbow
  - Leg below the knee
  - Lower abdomen
  - Thigh
- Rear:
  - Arm below the elbow
  - Buttock
  - Leg below the knee
  - Thigh

SPECIAL CONSIDERATIONS

REMEMBER: A shot bag to the chest/solar plexus may be the only chance this suspect has for survival. Shot bag deployments to the neck and head should be avoided unless death is the desired result. The chest/solar plexus impacts have a potential for death/serious injury (and a high potential for incapacitation), while the head/neck impacts are very likely to cause death/serious injury.

AT NO TIME WILL LIVE AMMUNITION BE LOADED INTO THE LESS-LETHAL SHOTGUN (unless being done by an armorer for repair or testing).

MEDICAL TREATMENT

Suspects who are struck by a less-lethal projectile should be evaluated by Emergency Medical Services personnel at the scene (if safe to do so), and if necessary be transported to the hospital for examination.

STORAGE/MAINTENANCE

The Officers who are assigned the less-lethal shotguns will secure them in such a fashion as to eliminate access by unauthorized personnel. Less-lethal shotguns shall be stored with the chamber empty and less-lethal rounds in the magazine tube and in the stockholder.

PROJECTILE REPLACEMENT

An Officer shall promptly contact the duty supervisor and replace any expended projectiles.

REPORTING

In all cases where the kinetic impact less-lethal system is used, the incident shall be reported to the immediate supervisor. All Officers involved in a situation will include in an incident or supplemental report the circumstances surrounding its use.

CERTIFICATION

Each Officer will be required to successfully complete an annual re-certification.

Expandable Baton

Effective Date: 05/01/2014

POLICY

The Windom Police Department authorizes the use of the ASP Expandable Baton to be carried by members who are certified in its usage.

It is the policy of the Department that only reasonably necessary force is used by a police officer when it is required to affect a lawful objective or in the defense of oneself or others.

Where force is necessary, an officer should use the baton if lesser methods, such as verbalization or bodily force are not feasible, have failed, or would obviously futile or otherwise inappropriate. The baton can be used as a backup weapon, should usage of the Taser Energy Weapon (TEW) fail.

The baton should not be displayed or brandished as a threat unless its actual use in a situation would be proper. This does not prohibit an officer from having the baton readied, when it is reasonably anticipated that it may be required.

BASIS FOR DEPLOYMENT

- As a restraining or come-along tool
- As a defensive tool to ward off strikes
- As a defensive tool to deliver disabling defensive strikes to target areas of the body as a means to halt or deter a subject when all lesser means of applying non-deadly force have failed or would be considered futile.

An officer is justified in using this type of force under the following circumstances:

- To overcome violent resistance of an arrestee.
- To overcome an assault on an officer or third party.
- To deter persons engaged in riotous or violent conduct.

TRAINING

Windom Police Officers will receive yearly training in the use of the ASP baton.

K9

Effective Date: 7/1/2022

POLICY

It is the policy of the Windom Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to, effectively and reasonably, carry out legitimate law enforcement objectives.

PURPOSE AND SCOPE

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

ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Patrol Division to supplement and assist the Patrol Division Canine teams should function primarily as cover units when responding to incidents in which a canine is needed.

REQUESTS FOR CANINE TEAMS

Windom Officers are encouraged to request the use of a canine. Requests for a canine team will be evaluated by the handler for deployment. The Windom K9 team is encouraged to assist outside agencies when available and city coverage allow.

Off Duty Call Out Requests When the Windom K9 Unit is off duty, they will be typically contacted by either Cottonwood County Dispatch or a member of the Windom Police Department. The handler will evaluate and have authority to decline a request that the handler deems unsuitable or advise if unavailable, if reached.

Outside Agency Request All requests for canine assistance from outside agencies must be approved by a supervisor and, if unavailable, will be evaluated by the handler and are subject to the following:

Canine teams shall not be used for any assignment that is not consistent with this policy.
The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
It shall be the responsibility of the canine handler to complete all necessary reports or as directed.
In the event the handler is the only officer on duty, another officer will be contacted for coverage.
If the request is located beyond the surrounding counties, a supervisor should be contacted for approval

PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the handler. Scheduling is recommended to take place during a regularly scheduled shift of the handler when possible or otherwise approved by a supervisor.
The handler is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by a supervisor.

SCHOOL SNIFFS

All requests from schools for locker/property drug detection checks, will be approved by the handler and is encouraged to be scheduled during a regular shift if possible. Otherwise, is subject to approval by a supervisor.

APPREHENSION GUIDELINES

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

- There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.
- Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer without any of the above conditions shall not serve as the basis for the use of a canine to apprehend a suspect.
- Absent a change in circumstances that present an imminent threat to officers the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications once the suspect has been located and no longer reasonably appears to present a threat or risk of escape the handler should secure the canine as soon as it becomes reasonably practicable.
If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

PREPARATION FOR DEPLOYMENT

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

- The nature and seriousness of the suspected offense.
- Whether violence or weapons were used or are anticipated.
- The degree of resistance or threatened resistance, if any, the suspect has shown.
- The suspect's known or perceived age.
- Articulable belief of increased risk of injury to officers or the public caused by the suspect if the canine is not utilized.
- Any potential danger to the public and/or other officers at the scene if the canine is released.
- The potential for the suspect to escape or flee if the canine is not utilized.

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

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

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.
Assisting members should take direction from the handler in order to minimize interference with the canine.

WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If reasonably feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.
If a warning is not to be given, the canine handler when reasonably practicable should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

REPORTING DEPLOYMENTS, BITES, AND INJURIES

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

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

Immediate notification of a supervisor will be made if the subject of an unintended bite or injury was a member of the public, or in the case of a department member, if serious injury results. These incidents will be documented in an administrative report if an incident report is not required.

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

NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search/track or other non-apprehension operation the following guidelines apply:

- Absent a change in circumstances that present an immediate threat to officers the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- Assisting members should take direction from the handler in order to minimize interference with the canine.
- Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- Once the individual has been located, the handler should secure the canine as soon as reasonably practicable.

ARTICLE DETECTION

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

NARCOTICS DETECTION

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

- The search of vehicles, buildings, bags, and other articles.
- Assisting in the search for narcotics during a search warrant service.

Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.
If the K9 is requested by another officer for narcotics detection, it is the responsibility of the requesting officer to document the evidence and justification needed to have the K9 deployed. The handler shall have the authority to decline the request if deemed unsuitable.

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

HANDLER RESPONSIBILITIES

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

- Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to a supervisor as soon as possible.

When off-duty the canine shall be in a kennel provided and or approved by the City at the home of the handler.
The canine should be permitted to socialize in the home with the handler's family.

Under no circumstances will the canine be lodged at another location unless approved by a supervisor.

Whenever a canine handler is off-duty for an extended number of days it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to a supervisor so that appropriate arrangements can be made.

CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.
A canine shall not be left unattended in any area to which the public may have access.
When the canine vehicle is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure the unattended vehicle remains inhabitable for the canine.

CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured or there is an indication that the canine is not in good physical condition the injury or condition will be reported to supervisor as soon as practicable and appropriately documented.
All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian.

TRAINING

Before assignment in the field each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross Trained canine teams or those canine teams trained exclusively for the detection of narcotics and/ or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills. Each canine team shall thereafter recertify to a current nationally recognized standard or other recognized and approved certification standards on an annual basis.

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

Training Records All canine training records shall be maintained in the canine handler's and the canine's training file or applicable software.

TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the Windom Police Department may work with outside trainers/K-Handlers with the applicable licenses or permits.

CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with federal laws and if they comply with applicable state requirements (21 USC § 823(f)).
The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Windom Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes provided the controlled substances are no longer needed as criminal evidence.
As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Agency (DEA).
These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.
The training aids will remain sealed at all times in the training devices. The training devices will be stored in a secure area by the handler. A supervisor will periodically account for all drug training aids and location of them.

Video Recording Technology

Effective Date: 9-25-2023

POLICY

It is the policy of this department to authorize and require the use of department-issued Video Recording Technology (VRT) as set forth below, and to administer VRT data as provided by law.

SCOPE

This policy governs the use of VRT in the course of official duties. It applies to In-Car Video (ICV) systems, Body Worm Camera (BWC) systems, and Weapon Mounted Camera (WMC) systems. The chief or chief's designee may supersede this policy by providing specific instructions for VRT use to individual officers or providing specific instructions pertaining to particular events or classes of events, including but not limited to political rallies and demonstrations. The chief or designee may also provide specific instructions or standard operating procedures for VRT use to officers assigned to specialized details, such as carrying out duties in courts or guarding prisoners or patients in hospitals and mental health facilities.

DEFINITIONS

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

MGDPA or Data Practices Act refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.

Records Retention Schedule refers to the General Records Retention Schedule for Minnesota Cities.

Law enforcement-related information means information captured or available for capture by use of VRT that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.

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.

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.

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, or at least one person directs 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.

Unintentionally recorded footage is a video recording that results from an officer's inadvertence or neglect in operating the officer's VRT, provided that no portion of the resulting recording has evidentiary 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.

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.

USE AND DOCUMENTATION

Officers may use only department issued VRT in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department.

Officers who have been issued VRT shall operate and use them consistent with this policy. Officers shall conduct a function test of their issued VRT at the beginning of each shift to make sure the devices are operating properly. Officers noting a malfunction during testing or at any other time shall promptly report the malfunction to the Assistant Chief via email or phone call. The Assistant Chief shall take prompt action to address malfunctions.

Officers should utilize their VRT in the manner specified in training.

The BWC shall be worn at or above the mid-line of the waist in a position that maximizes the recording system's capacity to record video footage of the officers' activities.

Officers assigned a BWC shall wear and operate the system in compliance with this policy while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official

Officers must document VRT use, and non-use as follows:

- Whenever an officer makes a required recording, the existence of the recording shall be documented in the incident report or citation. Due to the automatic activation feature of the WMC, the fact that WMC data exists is required to be documented in the incident report relating to use of force involving the handgun.
- 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 their report. Supervisors shall review these reports and initiate any corrective action deemed necessary.

The department will maintain the following records and documents relating to VRT use, which are classified as public data:

The total number of ICV's, BWC's, and WMC's owned or maintained by the agency.

A daily record of the total number of ICVs, BWCs, and WMCs actually deployed and used by officers.

The total amount of recorded VRT data collected and maintained; and

This policy, together with the Records Retention Schedule.

GENERAL GUIDELINES FOR RECORDING

Officers shall activate their BWC's 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 as specified in the Use and Documentation guidelines section

ICV systems will be automatically set to begin recording whenever the emergency lights are activated. Officers may also manually activate the ICV during other activities likely to yield information having evidentiary value.

WMCs are automatically activated and begin recording when the officer removes their handgun from the WMC-equipped holster. The WMC automatically ceases recording when the handgun is holstered. Officers will not deliberately keep their handgun out of the holster for the sole purpose of continuing to record with the WMC.

Officers have discretion to record or not record general citizen contacts.

Officers have no affirmative duty to inform people that a BWC is being operated or that the individuals are being recorded.

Once activated, the ICV and the BWC should continue recording until the conclusion of the incident or encounter, or until it becomes apparent that additional recording is unlikely to capture information having evidentiary value. The officer having charge of a scene shall likewise direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. If the recording is discontinued while an investigation, response, or incident is ongoing, officers shall state the reasons for ceasing the recording on camera before deactivating their BWC. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value.

Officers shall not intentionally block the VRT's audio or visual recording functionality to defeat the purposes of this policy.

Notwithstanding any other provision in this policy, officers shall not use their VRT to record other agency personnel during non-enforcement related activities, such as during pre- and post-shift time in locker rooms, during meal breaks, or during other private conversations, unless recording is authorized as part of an administrative or criminal investigation.

SPECIAL GUIDELINES FOR RECORDING

Officers may, in the exercise of sound discretion, determine:

- To use their ICVs and BWCs 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.
- To use their BWCs to take recorded statements from persons believed to be victims of and witnesses to crimes, and persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness, or suspect.

Officers need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value. When responding to an apparent mental health crisis or event, BWCs shall be activated as necessary to document any use of force and the basis for it, and any other information having evidentiary value, but need not be activated when doing so would serve only to record symptoms or behaviors believed to be attributable to the mental health issue.

Officers shall use their ICV rear facing camera 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.

DOWNLOADING AND LABELING DATA

Each officer using a BWC is responsible for transferring or assuring the proper transfer of the data from his or her camera to Evidence.com 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 resulting in death or great bodily harm, an investigator shall take custody of the officer's BWC and assume responsibility for transferring the data from it.

ICV files will automatically upload to the police department's secure server when the patrol vehicle arrives at the police department. Each officer is responsible for ensuring that this process is functioning as intended. If an ICV fails to automatically upload, the officer shall notify the Assistant Chief via email or phone call.

Each officer using a WMC is responsible for notifying an Assistant Chief anytime their WMC captures a use of force incident. If the incident did not result in an actual shooting, the Assistant Chief shall manually upload the video to Watchguard.com and label it appropriately. If the incident did result in an officer involved shooting, an investigator shall take custody of the officer's weapon and WMC and assume responsibility for transferring the data from it.

All WMCs will be scheduled for manual download, by the Assistant Chief, on a bi-monthly basis to save all other non-evidentiary data. All non-evidentiary WMC data will be uploaded Watchguard.com and labeled as 'Not Evidence'. The Assistant Chief will monitor the volume of WMC data generated to determine if a more or less frequent download schedule is necessary.

Officers and/or Assistant Chief shall label the VRT 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. Officers should assign as many of the following labels as are applicable to each file:

- **Evidence—criminal/traffic:** The information has evidentiary value with respect to an actual or suspected criminal incident or charging decision.
- **Evidence—force:** Whether or not enforcement action was taken, or an arrest resulted, the event involved the application of force by a law enforcement officer of this or another agency.
- **Evidence—property:** Whether or not enforcement action was taken, or an arrest resulted, an officer seized property from an individual or directed an individual to dispossess property.
- **Evidence—administrative:** The incident involved an adversarial encounter or resulted in a complaint against the officer.
- **Evidence—other:** The recording has potential evidentiary value for reasons identified by the officer at the time of labeling.
- **Training:** The event was such that it may have value for training.
- **Not evidence:** The recording does not contain any of the foregoing categories of information and has no apparent evidentiary value. Recordings of general citizen contacts and unintentionally recorded footage are not evidence.

ADMINISTERING ACCESS TO BWC DATA

Data subjects. Under Minnesota law, the following are considered data subjects for purposes of administering access to BWC data:

- Any person or entity whose image or voice is documented in the data.
- The officer who collected the data.
- Any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording.

BWC data is presumptively private. BWC recordings are classified as private data about the data subjects unless there is a specific law that provides differently. As a result:

- BWC data pertaining to people is presumed private, as is BWC data pertaining to businesses or other entities.
- Some BWC data is classified as confidential (see below).
- Some BWC data is classified as public (see below).

Confidential data. BWC data that is collected or created as part of an active criminal investigation is confidential. This classification takes precedence over the "private" classification listed above and the "public" classifications listed below.

- When an individual dies as a result of use of force by a peace officer (see below)

Public data. The following BWC data is public:

- Data that records, describes, or otherwise documents the actions and circumstances surrounding the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous.
- Data that records, describes, or otherwise documents the actions and circumstances surrounding the use of force by a peace officer that results in substantial bodily harm.
- Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than a peace officer) who has not consented to the public release must be redacted. In addition, any data on undercover officers must be redacted.
- Data that documents the final disposition of a disciplinary action against a public employee.

However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. For instance, data that reveals protected identities under Minn. Stat. § 13.82, subd. 17 (e.g., certain victims, witnesses, and others) should not be released even if it would otherwise fit into one of the public categories listed above.

Access to BWC data by non-employees. Officers shall refer members of the media or public seeking access to BWC data to the Chief of Police or his or her designee, who shall process the request in accordance with the MGDPA and other governing laws. In particular:

An individual shall be allowed to review recorded BWC data about himself/herself and other data subjects in the recording, but access shall not be granted:

- If the data was collected or created as part of an active investigation.
- To portions of the data that the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minn. Stat. § 13.82, subd. 17.

Unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, but subject to the following guidelines on redaction:

- Data on other individuals in the recording who do not consent to the release must be redacted.
- Data that would identify undercover officers must be redacted.
- Data on other officers who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.
- Data that would are public, but portions of the data are clearly offensive to common sensibilities, may be redacted or the department may withhold access.

Notwithstanding any law to the contrary, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the following individuals, upon their request, to inspect all BWC data, redacted no more than what is required by law, documenting the incident within five days of the request, except as otherwise provided:

- the deceased individual's next of kin;
- the legal representative of the deceased individual's next of kin; and
- the other parent of the deceased individual's child.

The department may deny a request if the department determines that there is a compelling reason that inspection would interfere with an active investigation. If the department denies access, the chief law enforcement officer must provide a prompt, written denial to the individual who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82, subdivision 7;

When an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency shall release all BWC data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the chief law enforcement officer asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82, subdivision 7.

Access by peace officers and law enforcement employees. No employee may have access to the department's VRT data except for legitimate law enforcement or data administration purposes:

- Officers may access and view stored VRT video only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. 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.

- Agency personnel shall document their reasons for accessing stored BWC data by entering that reason in the notes section of the Call's for Service at the time of each access. This note shall become part of the official record and will also be logged in the audit trail. Agency 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 to public and social media websites.

- Employees seeking access to VRT data for non-business reasons may make a request for it in the same manner as any member of the public.

Other authorized disclosures of data. Officers may display portions of VRT 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 generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video. In addition,VRT data may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure.

VRT data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

DATA SECURITY SAFEGUARDS

The Windom Police Department utilizes two disparate data retention systems for the three types of VRT data.

BWC data is stored on a secure platform. By their role, officers can only view their own data. However, supervisors, investigations and records staff have access to view all videos in performance of their duties. BWC data is backed up daily.

WMC data is stored on the camera, which is password protected. Employees holding the rank of Sergeant or higher have passwords. When the data is downloaded, it will be stored on the secure server. The department's secure server is backed up daily.

ICV data is stored on the department's secure server. The data is wirelessly uploaded from the squad to the server via a secured access point. The system confirms that the data has been successfully transferred before removing it from the in-car recorder. By their role, officers can only view their own data. Data can be transferred from the server to a DVD, if required.   ICV data is backed up daily.

Access to VRT data from city or personally owned and approved devices shall be managed in accordance with established city policy.

Officers shall not alter, erase, or destroy any recording made with the VRT or data and metadata related to the recording prior to the expiration of the applicable retention period.

As required by Minn. Stat. § 13.825, subd. 9, as may be amended from time to time, this agency shall obtain an independent biennial audit of its BWC program.

AGENCY USE OF DATA

Supervisors will randomly review VRT usage by each officer to ensure compliance with this policy and to identify any performance areas in which additional training or guidance is required.

In addition, supervisors and other assigned personnel may access VRT data for the purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about officer misconduct or performance.

Nothing in this policy limits or prohibits the use of VRT data as evidence of misconduct or as a basis for discipline.

Officers should contact their supervisors to discuss retaining and using VRT data for training purposes. Officer objections to preserving or using certain data for training will be considered on a case-by-case basis. Field training officers may utilize BWC data with trainees for the purpose of providing coaching and feedback on the trainees' performance.

DATA RETENTION

All VRT data shall be retained for a minimum period of 90 days. There are no exceptions for erroneously recorded or non-evidentiary data.

Data documents the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous, must be maintained for a minimum period of one year.

The full, unedited, and unredacted BWC recording of a peace officer using deadly force must be maintained indefinitely.

Certain kinds of VRT data must be retained for six years:

- Data that documents the use of deadly force by a peace officer, the use of force that results in substantial bodily harm or force of a sufficient type or degree to require a use of force report or supervisory review.

- Data documenting circumstances that have given rise to a formal complaint against an officer.

- Other data having evidentiary value shall be retained for the period specified in the Records Retention Schedule. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable period.

Subject to section below, all other VRT footage that is classified as non-evidentiary, becomes classified as non-evidentiary, or is not maintained for training shall be destroyed after 90 days.

Upon written request by a VRT data subject, the agency shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 180 days. The agency will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received.

The department shall maintain an inventory of VRT recordings having evidentiary value.

The department will post this policy, together with its Records Retention Schedule, on its website.

COMPLIANCE

Supervisors shall monitor for compliance with this policy. The unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties

PepperBall

Effective Date: 7-1-2021

PURPOSE

To provide sworn members of the Windom Police Department with guidelines in the use of the PepperBall system

POLICY

It is the policy of the Windom Police Department that the use of the PepperBall system on a person(s) is in compliance with this protocol and the Windom Police Department's Use of Force Police.

DEFINITION

PepperBall: PepperBall projectiles are plastic spheres that are filled with powder or liquid Oleoresin Capsicum (OC). The projectiles, when delivered by an air-powered launching device, burst on impact, and release the OC.

PepperBall projectiles subdue the suspect(s) by inflaming the mucus membrane in their nose, lungs, and respiratory tract. When inhaled, PepperBall Projectile OC leads to coughing, shortness of breath, and involuntary closing of the eyes. Response to inhaling PepperBall Projectile OC Powder varies greatly among individuals. In most cases symptoms last a few (five to twenty-five) minutes.

The PepperBall System can deliver projectiles with enough kinetic energy to produce abrasions, bruises, and/ or welts.

Only Department issued PepperBall Delivery Systems and PepperBall Projectiles are to be used.

PROCEDURE

Use of the PepperBall Projectile shall be considered a use of force and must meet the requirements of all Department policies and procedures.

- Acceptable uses of the PepperBall Projectile may include but not limited to:
- Incapacitation of a combative or physically resistive person to the point where they can be controlled and taken safely into custody.
- Situations when its use is likely to prevent an officer or third person from being injured.
- To incapacitate a suicidal person who cannot be safely controlled with other force options.
- When necessary, in crowd control or riot situations.
-

Unless deadly force is warranted, an officer shall not intentionally deploy the PepperBall Projectile as followed:

- To the head, neck, or throat
- To a pregnant female, if the officer has knowledge of the pregnancy.

Officers shall communicate to other officers that they are about to discharge a PepperBall Projectile, if reasonably feasible where time and officer safety allow.

MEDICAL AID

Officers shall render appropriate medical aid, when feasible, after the use of the PepperBall System

REPORTING PROCEDURES

The use of the PepperBall System is considered a reportable use of force and a report shall be completed. Photos of impact areas should be taken when reasonably safe to do.

Confidential Informants

Effective Date: 01-01-2026

POLICY

The purpose of this policy is to inform Windom Police Department personnel of how the recruitment, control, and use of confidential informants must occur.

DEFINITIONS

Compelling Public Interest: refers to a situation in which a failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.

Confidential Informant or CI: refers to an individual who provides information about criminal activity to a law enforcement agency. In their capacity as a CI, individuals may:

- make controlled buys or controlled sales of contraband, controlled substances, or other items that are material to a criminal investigation;
- supply information about suspected or actual criminal activities to law enforcement; or
- provide information pertinent to ongoing criminal intelligence gathering or criminal investigative efforts.

Controlled Buy: means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen or participated in by law enforcement personnel with the knowledge of a confidential informant.

Confidential Informant File: means a file maintained to document all information that pertains to a confidential informant.

Controlled Sale: means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen or participated in by law enforcement personnel with the knowledge of a confidential informant.

Overseeing Agent: means the peace officer primarily responsible for the supervision and management of a confidential informant.

Target Offender: means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

PROCEDURES

INITIAL SUITABILITY DETERMINATION

An initial suitability determination and report must be completed on any individual who is being considered for a role as a CI. The report must be submitted to an individual who has proper delegated authority for determining whether a person may be a CI. The report must include sufficient detail regarding the risks and benefits of using the individual so that a sound determination may be made. The following information must be addressed in the report, when applicable:

- age, sex, and residence;
- employment status or occupation;
- affiliation with legitimate businesses and illegal or suspicious enterprises;

- extent to which potential information, associations, or other assistance could benefit a present or future investigation;
- relationship with the target of an investigation;
- motivation in providing information or assistance;
- risk of adversely affecting an existing or future investigation;
- extent to which provided information can be corroborated;
- prior record as a witness;
- criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged with a crime;
- risk to the public or as a flight risk;
- consultation with the individual's probation, parole, or supervised release agent, if any;
- consideration and documentation of the individual's diagnosis and history of mental illness, substance use disorder, traumatic brain injury, or disability;
- whether the individual has overdosed in the previous 12 months;
- relationship to anyone in law enforcement;
- risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement; and
- prior or current service as a CI with this or another law enforcement organization.

Prior to approving an individual as a CI, an individual with the proper delegated authority must review the initial suitability determination report. Any prospective or current CI must be excluded from engaging in a controlled buy or sale if the prospective or current CI:

- is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness, or
- is participating in a treatment-based drug court program or treatment court; except that the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.

Documentation and special consideration must be made of the risks involved in engaging a prospective or current CI in the controlled buy or sale of a controlled substance if the individual is known to have experienced, or has reported experiencing, a drug overdose in the previous 12 months. Any prospective or current CI who is known to abuse substances, or is at risk for abusing substances, should be provided referral to prevention or treatment services. Any prospective or current CI that has a physical or mental illness that impairs the ability of the individual to understand instructions and make informed decisions should be referred to a mental health professional or other appropriate medical professional, or a case manager/social worker from the county social services agency, or other substance abuse and mental health services.

Each CI's suitability must be reviewed every 6 months, at a minimum, during which time the CI's overseeing agent must submit a Continuing Suitability Report addressing the foregoing issues in this section as applicable. An initial suitability determination must be conducted on a reactivated CI regardless of the length of inactivity. Any information that may negatively affect a CI's suitability during the course of their use must be documented in the CI's file and forwarded to the appropriate authorized personnel as soon as possible. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of CIs periodically as part of the informant management process. If a supervisor is unable to attend a CI briefing, another agent or investigatory partner must attend the meeting so 2 agents/peace officers are present. When a CI is active for more than 12 consecutive months, a supervisory meeting with the CI must be conducted without the overseeing agent. CI contracts must be terminated, and the CI file placed in inactive status when the CI has not been utilized for 6 months or more.

Exigent Confidential Informants. When an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent, the initial suitability determination may be deferred. In these cases, the individual may be utilized as a CI for a period not to exceed 12 hours from the time of arrest. An exigent confidential informant may be used if all of the conditions listed below are met:

- the individual is not excluded from utilization as a CI per the conditions described in this policy;
- there is a compelling public interest or exigent circumstances exist that demand immediate utilization of the individual as a CI and any delay would significantly and negatively affect any investigation; and
- a supervisor has reviewed and approved the individual for utilization as a CI under these circumstances.

An initial suitability determination must be conducted after the 12-hour window if the CI decides to engage in any further investigative activities.

Special Confidential Informants. Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the agency's CLEO or their designee and the office of the prosecutor or county attorney should be consulted prior to the use of these individuals as CIs. The following individuals are considered "special" confidential informants and require additional review and approval prior to taking on a CI role:

- juveniles,
- individuals obligated by legal privilege of confidentiality, and
- government officials.

A juvenile under the age of 18 may only participate in a controlled buy or sale if his or her parent(s) or guardian(s) have provided the agency or overseeing [*officer*] written permission. The use of a juvenile CI may only be granted by the supervising authority when there is a compelling public interest. Juveniles who are wards of the State may not be used as a CI.

The use of any special CI identified in this policy requires special review and approval by the supervising authority and the prosecutor's/county attorney's office.

STATUTORY REFERENCES

MN STATUTE 626.8476 – Confidential Informants
ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Eyewitness Identification

Effective Date: 1-1-2026

POLICY

Officers shall adhere to the procedures for conducting eyewitness identifications set forth in this policy. This policy establishes guidelines for eyewitness identification procedures involving show-ups, photo arrays, and line-ups. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration.

PURPOSE

It is the purpose of this policy to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eyewitness identification protocols. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

DEFINITIONS

Administrator: means the law enforcement official conducting the identification procedure.

Blind Presentation: means the administrator conducting the identification procedure does not know the suspect's identity.

Blinded Presentation: means the administrator may know the identity of the suspect but does not know which photo array member is being viewed by the eyewitness at any given time.

Confidence Statement: means a statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

Filler: refers to a live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

Line-up: means the process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

Photo Array: is a means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

Show-up: means the in-person presentation of a single suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate the individual as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

Sequential: means the presentation of a series of photographs or individuals to a witness one at a time.

Simultaneous: means the presentation of a series of photographs or individuals to a witness all at once.

PROCEDURES

Generally, only one identification procedure should be used per witness per suspect and investigative event. This means that multiple identification procedures regarding the same witness and suspect should not be conducted. Witnesses should be separated when identifying suspects and should not share or be aware of the responses of other witnesses. Officers should carefully avoid the use of statements, cues, casual comments, or information that may influence the witness's decision making in any way during the identification process. After an identification has been made, the administrating officer shall ask the witness to provide a confidence statement and document the witness's response. Finally, the administrating officer shall ask the witness to complete and sign an Eyewitness Identification Procedure Form. All identification procedures should be video and/or audio recorded whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording documented. Additionally, still photographs used for the purpose of eyewitness identification shall also be documented and copies preserved with the case file documents.

The witness shall be given a copy of the following instructions prior to viewing a photo array or line-up. The administrator shall read the instructions aloud before the identification procedure.

"You will be asked to look at a series of individuals.
The perpetrator may or may not be present in the identification procedure.
It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.
I don't know whether the person being investigated is included in this series.
Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat or other changes in appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.
You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.
The individuals are not configured in any particular order.
If you make an identification, I will continue to show you the remaining individuals or photos in the series.
Regardless of whether you make an identification, we will continue to investigate the incident.
Since this is an ongoing investigation, you should not discuss the identification procedures or results."

PHOTOGRAPHIC ARRAYS

Photographic arrays are the preferred method/procedure of achieving an eyewitness identification of a suspect. When a photographic array cannot be done or a different method is more reasonable under the circumstances, an officer may use a line-up or show-up.

Creating a Photo Array. When using photographic arrays, officers should follow the basic guidelines described in this policy.

- Use contemporary photos.
- Do not mix color and black and white photos.
- Photo arrays should consist of six individuals- the suspect and five fillers.
- Use photos of the same size and basic composition.
- Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.
- Do not include more than one photo of the same suspect.
- Cover any portions of mug shots or other photos that provide identifying information on the subject – and similarly cover other photos used in the array.
- Where the suspect has a unique feature, such as a scar, tattoo, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.
- Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might

find it difficult to distinguish the suspect from the fillers.

- Fillers should not be reused in arrays for different suspects shown to the same witness.
- Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.
- If there is more than one suspect, include only one in each photo array.
- Place the suspect in different positions in each photo array for each witness.

Presenting a Photo Array. The primary investigating officer is responsible for ensuring these described procedures are followed.

- Inform the witness that the suspect may or may not be in the photo array.
- During a photo array presentation, no one who is aware of the suspect's identity should be present.
- Photo arrays should be presented by a blind administrator.

If a blind administrator is not available, a blinded administrator may present the photo array using the following procedures.

- Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used).
- The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that they cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.
- The administrator should position themselves so that they cannot see inside the folders as they are viewed by the witness.
- The photo array should be preserved, together with full information about the identification process, as part of the case file and documented in a report.
- The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
- If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.
- Witnesses should not be permitted to see or be shown any photos of the suspect prior to the photo array.

Appendix A: Sequential Photo Display Form

LINE-UPS

Creating the Line-up. When using a line-up, officers should follow the basic guidelines described in this policy.

- Live line-ups shall be conducted using a blind administrator.
- Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
- Line-ups should, minimally, consist of six individuals - the suspect and five fillers.
- Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.
- Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.
- If there is more than one suspect, include only one in each line-up.
- Place the suspect in different positions in each line-up for each witness.

Conducting the Line-up. The primary investigating officer is responsible for ensuring the procedures described herein are followed.

- Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.
- Ensuring compliance with any legal requirements for transfer of the subject to the line-up location if the individual is incarcerated at a detention center.
- Making arrangements to have persons act as fillers.
- That the witness was informed the suspect may or may not be in the line-up prior to the live line-up.
- Ensuring that the suspect's right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspect's right to counsel.
- Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line-up and to observe the manner in which the line-up is conducted.
- Only the suspect's attorney may be present for a line-up.
- Witnesses should not be permitted to see or be shown the suspects or their photos prior to the line-up.

SHOW-UPS

Conducting a Show-up. The use of show-ups should be avoided whenever possible. The use of a line-up or photo array procedure is preferred. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.

- Document the witness's description of the perpetrator prior to conducting the show-up.
- Conduct a show-up only when the suspect is detained within a reasonable time frame after the commission of the offense and within a close physical proximity to the location of the crime.
- Do not use a show-up procedure if probable cause to arrest the suspect has already been established.
- If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by [*officers*], unless safety concerns make this impractical.
- Caution the witness that the person he or she is about to see may or may not be the perpetrator—and it is equally important to clear an innocent person. The witness should also be advised that the investigation will continue regardless of the outcome of the show-up.
- Do not conduct the show-up with more than one witness present at a time.
- Separate witnesses and do not allow communication between them before or after conducting a show-up.
- If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.
- Do not present the same suspect to the same witness more than once.
- Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.
- Remind the witness not to talk about the show-up to other witnesses until law enforcement or prosecutors deem it permissible.
- Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

STATUTORY REFERENCES

MN STATUTE 626.8433 – Eyewitness Identification Policies Required
ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Appendix A

Sequential Photo Display Form

SEQUENTIAL PHOTO DISPLAY FORM
(Witness Side)

Dept.: ________ C.N.: _____________ OFFENSE: __________ Line-up ID# _____

WITNESS: ______________ DOB _________ ADMINISTRATOR: _______________

DATE: __________ TIME: _______ INVESTIGATOR ASSIGNED: _______________

READ TO WITNESS BEFORE PHOTO DISPLAY:
__ 1. I am about to show you a set of photos. The person who committed the crime [or: ______________________] may or may not be included.

(SELECT ONE OF THESE OPTIONS AND READ.)

___ 2. (IA) I do not know whether the person being investigated is included **OR**
___ 2. (FE) I do not know the order of the photos.
___ 3. Even if you identify someone during this procedure, I will continue to show you all photos in the series.
___ 4. Keep in mind that a photo may be an old one. Some things, like hair styles, can be changed, and skin colors may look slightly different in photographs.
___ 5. You should not feel you have to make an identification. It is just as important to clear innocent persons as it is to identify the guilty. Whether or not you identify someone, the investigation will continue.
___ 6. You will see only one photo at a time. They are not in any particular order. Take as much time as you need to look at each one. You should avoid discussing this procedure or the results with any other potential witness in the case.

Please initial here if you understand these instructions. ____
(WITNESS TO INITIAL)

TO BE COMPLETED BY WITNESS AFTER PHOTO DISPLAY:

The sequential photo line-up I was shown consisted of ___ photos.

__ I am unable to select any photo as being the person(s) who _____________.

__ have selected photo(s) # _____ as the person who ___________________.

(IF SELECTION MADE) How certain are you of your identification?

_____________________________________ Date: _____________ Time: _____
Witness signature
(Have witness sign and date any photo picked and attach to this report.)

SEQUENTIAL PHOTO DISPLAY FORM
(Administrator Side)

C.N. _______________ Witness: ___________________ Line-up ID # _________________
Administrator___ does ___ does not know identity of suspect.

Instructions to administrator (READ BEFORE SHOWING PHOTO DISPLAY):
A sequential photo line-up must either be presented by an *independent administrator* [IA] (a person who does *not* know the identity of the suspect) or, if unavailable, a *functional equivalent* [FE] method must be used. Functional equivalent means (1) that the administrator cannot see and does not know the order of the photos and (2) that the witness knows the administrator does not know the order. Before beginning the photo display, determine which of these two methods is used (IA or FE), select the appropriate instruction # 2 and cross out the inapplicable # 2.

Fill out the case information on the top of the form. Read instructions on reverse side to witness and have witness initial at end. Show photos one at a time. Only one photo at a time may be visible. As each photo is displayed, ask "Is this the person who [insert crime]?" If yes, ask, "How certain are you of your identification?" Even if identification is made, continue showing remaining photos. After all photos have been displayed, repeat display ONLY if witness requests it. In any repeat, ALL photos must be displayed in the same sequence, even if the witness only requests to see a particular photo or photos again.

Ask witness to complete witness portion of the form and sign it. If any selection is made, have the witness sign and date the photo (or photos) selected. The photo display used must be preserved. (Attach copy to this form.) BE CAREFUL NOT TO PROVIDE ANY FEEDBACK TO WITNESS ON EITHER IDENTIFICATION OR NON-IDENTIFICATION.

After witness has completed witness portion of the form, complete administrator portion of the form. This includes asking the certainty question, administrator observations and number of times display was shown. Departmental policy may also require a standard supplementary report.

To be completed during and after photo display:
Comments made by the witness about any photograph during the photo display (note photo number):

(If identification made) How certain are you of your identification?

Additional observations by administrator (e.g., any physical response or other comments by witness):
Sequential line-up was shown __once / _____ times

____________________________________ Date: ______________ Time: _________
Administrator's signature

Have witness complete front side. Attach copy of photo display used. Have witness sign and date any photo picked.

Unmanned Aerial System (UAS)

Effective Date: 7-1-2022

PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS (Minn. Stat. § 626.19).

DEFINITIONS

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled without the possibility of direct human intervention from within or on the aircraft (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means (Minn. Stat. § 626.19).

POLICY

Unmanned aerial systems may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights.

PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

PROGRAM COORDINATOR

The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Developing an operational protocol governing the deployment and operation of a UAS, including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain

of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of police.
- Developing protocols for reviewing and approving requests for use of the office UAS by government entities (Minn. Stat. § 626.19).
- Preparing and submitting the required annual report to the Commissioner of Public Safety (Minn. Stat. § 626.19).
- Posting the office policies and procedures regarding the use of UAV on the office website, as applicable (Minn. Stat. § 626.19).
- Reviewing the program and UAS use for compliance with Minn. Stat. § 626.19

USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.
Use of vision enhancement technology (e.g., thermal, and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

Members shall not use a UAS without a search warrant, except (Minn. Stat. § 626.19):

- During or in the aftermath of an emergency situation or disaster that involves the risk of death or bodily harm to a person.
- Over a public event where there is a heightened risk to the safety of participants or bystanders.
- To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
- To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.
- To conduct a threat assessment in anticipation of a specific event.
- To collect information from a public area if there is reasonable suspicion of criminal activity.
- To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
- Over a public area for officer training or public relations purposes.
- For purposes unrelated to law enforcement at the request of a government entity, provided the request is in writing and specifies the reason for the request and a proposed period of use.

DOCUMENTATION REQUIRED

Each use of a UAS should be properly documented by providing the following (Minn. Stat. § 626.19)

- A unique case number.
- A factual basis for the use of a UAS.
- The applicable exception, unless a warrant was obtained.

PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin,

religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.
- The UAS shall not be weaponized (Minn. Stat. § 626.19).

ADDITIONAL PROHIBITIONS

Unless authorized by a warrant, a UAS shall not be deployed with facial recognition or biometric matching technology (Minn. Stat. § 626.19).

Unless authorized by a warrant or for purposes of a permitted use outlined in this policy, a UAS shall not be used to collect data on public protests or demonstrations (Minn. Stat. § 626.19).

RETENTION OF UAS DATA

The Program Coordinator shall ensure that data collected by the UAS is disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19)

Public Assembly and First Amendment Activity

Effective Date 1-1-2026

The purpose of this policy is to provide Windom Police Department personnel written guidelines regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment activity. The Windom Police Department supports the individual rights of freedom of speech, expression, and peaceful assembly, which are protected by the United States Constitution and the Minnesota State Constitution. However, neither constitution protects criminal activity or threats against citizens, businesses, or critical infrastructure.

When dealing with First Amendment activity, officers shall ensure their actions are within the scope of the constitutions.

> The First Amendment to the Constitution of the United States of America states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."
>
> The Bill of Rights in Article 1 of the Minnesota Constitution addresses the rights of free speech and the liberty of the press.

POLICY

The Windom Police Department will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority reasonably required to address a crowd management or crowd control issue. The policy of the Windom Police Department regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a public assembly or First Amendment activity. Agency personnel must not harass, intimidate, or discriminate against or unreasonably interfere with persons engaged in the lawful exercise of their rights. This policy concerning crowd management, crowd control, crowd dispersal, and [*police*] responses to violence and disorder applies to spontaneous demonstrations, crowd event situations, and planned demonstrations or crowd events regardless of the permit status of the event. This policy shall be reviewed annually by all personnel.

DEFINITIONS

Chemical Agent Munitions: refers to munitions designed to deliver chemical agents from a launcher or when hand thrown.

Control Holds: refers to soft empty hand control techniques that do not involve striking.

Crowd Management: means techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.

Crowd Control: means techniques used to address unlawful public assemblies.

Deadly Force: has the meaning given to it in MN Statute 609.066, subdivision 1.

Direct Fired Munitions: refers to less-lethal munitions designed to be fired at a specific target.

First Amendment Activities: First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the Minnesota State Constitution.

The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

Great Bodily Harm: has the same meaning given to it in MN Statute 609.02, subdivision 8.

Legal Observers: refers to individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests, and other activities. The following may be indicia of a legal observer: wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.

Less-lethal Munitions: has the same meaning given to it in MN Statute 609.066, subdivision 1.

Media: means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge, or some distinctive clothing that identifies the wearer as a member of the press.

PROCEDURES

This policy does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

RESPONSE TO CROWD SITUATIONS

Operational Planning. For preplanned First Amendment events within this agency's jurisdiction, supervisory/command staff shall develop an operational plan. The plan shall be communicated to and should be followed by personnel involved in the operation. The operational plan, at a minimum, should include the following information:

- the event date, time, and location,
- the type of event and the groups involved (organizer information may be included, if available),
- a description of the anticipated weather conditions,
- agency personnel assignments,
- details regarding the equipment and additional resources available (including mutual support agencies), and
- any other operational information that would be helpful to involved personnel.
- For unplanned First Amendment events, the first responding officer should assess the event without interfering with attendees. From the assessment, the officer shall relay the following information, if it is

known, to dispatch and command staff:

- the location of the event,
- the approximate number of attendees,
- the purpose of the event,
- whether any indicators of unlawful activity are present, and
- the [officer's] predicted ability/need to continue monitoring the event.

Uniform. All officers responding to First Amendment assemblies must at all times, including when wearing protective gear, display their agency name and a unique personal identifier in compliance with this department's uniform policy. The chief law enforcement officer must maintain a record of any peace officer at the scene who is not in compliance with this requirement due to exigent circumstances.

Officer Conduct. All peace officers responding to public assemblies must be mindful of their personal conduct and remain professional.

- Officer shall avoid negative verbal engagement with members of the crowd. Verbal abuse against peace officers does not constitute a reason for an arrest or for any use of force against such individuals.
- Officer must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
- Officer must not act or fail to act based on the opinions being expressed.
- Officer must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity.

Lawful Assembly. Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting, and loitering.

Unlawful Assembly. According to MN Statute 609.705, an assembly is considered unlawful when three or more persons assemble 1) with the intent to commit an unlawful act by force; 2) with intent to carry out any purpose in a manner that will disturb or threaten the public peace; or 3) without an unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace. It is a misdemeanor for an individual to participate in an unlawful assembly.

The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly.

The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.

Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or officers are threatened with dangerous circumstances.

Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

Declaration(s) of Unlawful Assembly. If the on-scene supervisor/incident commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) must be recorded. The declaration and dispersal order must be announced to the assembly. The name(s) of the officers announcing the dispersal order should be recorded, with the time(s) and date(s) documented. The dispersal order must include:

- the name and rank of the person and agency giving the order,
- a declaration of “unlawful assembly” and the reason(s) for the declaration,
- information regarding egress or escape routes that may be used by individuals to disperse,
- the specific consequences that will result due to a failure to comply with the dispersal order, and
- how long individuals have to comply with the dispersal order.

Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements must be made from different locations when the demonstration is large and noisy. The dispersal announcements should be repeated after commencement of the dispersal operation so that individuals who were not present for the original broadcast will understand that they must leave the area. The announcements must specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officer must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.

Crowd Dispersal. Crowd dispersal techniques should not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements have been made, asking members of the crowd to voluntarily disperse. The dispersal orders should have also informed individuals in the crowd of the specific consequences that will result due to a failure to disperse (i.e., arrest). Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with a peace officer’s commands before action is taken. If verbal announcements to disperse do not result in voluntary movement by the crowd, peace officers may utilize additional crowd dispersal tactics. Additional crowd dispersal tactics must be approved and ordered by the on-scene supervisor/incident commander before agency staff may deploy additional crowd dispersal tactics/tools. The use of these crowd dispersal tactics shall be consistent with department policy. Peace officers must use the minimal amount of intervention reasonably necessary to address a crowd management or control issue.

If a group or crowd subsequently participates in another assembly at a different geographical location after receiving a dispersal order, so the participants are not engaged in unlawful activity, the assembly cannot be dispersed. A secondary assembly may only be dispersed after a determination of unlawful assembly and new declarations and dispersal orders have been issued.

TACTICS AND WEAPONS TO DISPERSE OR CONTROL A NON-COMPLIANT CROWD

The purpose of this section is to provide officers guidance on use of force determinations when dealing with non-compliant crowds and/or crowd dispersals. Nothing in this policy prohibits an officer from using appropriate force in order to defend themselves or others as outlined by this agency’s Use of Force policy or MN Statute.

Contact Weapons. Contact weapons shall be used only when soft and hard empty hand controls have failed to bring the subject or situation under control, and it reasonably appears other such methods would be ineffective. Contact weapons may only be used in the manner described herein, unless the use of deadly force is warranted.

Batons may be visibly displayed and held in a ready position during squad or platoon formations.
When reasonably necessary for the protection of peace officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons or other contact weapons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.

- Contact weapons may be used to defend officers from an actively aggressive suspect.
- Contact weapons may be used to strike an actively aggressive suspect for the purpose of rendering that person temporarily incapacitated in order to bring the situation under control. Officer may only strike areas of the body identified in their training that result only in incapacitation.
- Intentionally striking an individual in the head or neck with a contact weapon is only justified in the use of deadly force.
- Indiscriminately swinging or striking individuals in a crowd is prohibited.

Direct Fired Munitions. Direct fired munitions may never be used indiscriminately against a group or crowd even if some individuals are involved in violent or disruptive behavior/criminal activity. A(n) officers use of direct fired munitions must be in alignment with this policy.

- Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of direct fired munitions.
- Officers using munitions must be trained and qualified in their use per department policy.
- Officers are authorized to deploy direct fire munitions in accordance with their training and manufacturer specifications.
- Officer shall not discharge direct fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force is justified.
- When circumstances permit, the on-scene supervisor/incident commander must attempt to accomplish the policing goal without the use of direct fired munitions as described above, and, if practical, an audible warning shall be given to a subject before deployment of the weapon.

Aerosol Chemical Agents. Aerosol chemical agents must be used during a crowd event in accordance with this agency's policies.

- Aerosol hand-held chemical agents shall be used in accordance with the [*officer's*] training and manufacturer specifications.
- High volume OC delivery systems, such as a MK9, are designed for and may be used during a crowd event against individuals and/or groups of individuals engaged in unlawful acts or endangering public safety and/or security.
- Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
- Officer shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
- When possible, persons should be removed quickly from any area where chemical agents have been used. Officer must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent. If/when possible, decontamination efforts must be made.
- Subjects who have been affected by chemical agents shall be placed in the recovery position if a seated or standing position cannot be achieved.

Chemical Munitions. Chemical munitions may be used for crowd control and dispersal when:

- a threat of imminent harm or serious property damage is present, or other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,
- sufficient egress exists to safely allow the crowd to disperse, and
- the use of chemical munitions is approved by the on-scene supervisor/incident commander.

When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions. Additionally, each chemical munition round deployed must be recorded. The information that shall be recorded for each chemical munition round deployed and be available to the public upon request includes:

- the name the chemical munition used,

- the location the munition was deployed,
- the time the munition was deployed, and
- the safety data sheets (SDS) for the type of chemical agent used.
- When chemical munitions are used and when feasible, an emergency responder will be on standby at a safe distance near the target area.
- Chloroacetophenone (CN) chemical munitions are prohibited.

Conducted Energy Weapons (CEWs). CEWs must not be used for the purposes of crowd control, crowd containment, or crowd dispersal.

MEDIA

The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums. The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble. Officer will not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity. The media must not be targeted for dispersal or enforcement action because of their media status. Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

LEGAL OBSERVERS

Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen. Legal observers and monitors must comply with all dispersal orders unless the on-site supervisor/incident commander chooses to allow individual legal observers and monitors to remain in an area after a dispersal order. Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

STATUTORY REFERENCES

FIRST AMENDMENT OF THE US CONSTITUTION
MINNESOTA CONSTITUTION
MN STATUTE 609.06 – Authorized Use of Force
MN STATUTE 609.066 – Authorized Use of Deadly Force by Peace Officers
MN STATUTE 609.705 – Unlawful Assembly
MN STATUTE 609.71 – Riot
ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Law Enforcement Emergency Vehicle Operations

Effective Date: 9-25-2023

PURPOSE

This policy provides guidance to officers in the safe and responsible operation of emergency vehicles. (Minn. Stat. § 626.8458, subd. 1). It does not encompass pursuit decisions or tactics.

POLICY

It is the policy of this agency to require that officers exercise sound professional judgment in the operation of emergency vehicles, mindful of our overarching duty to protect public safety. Emergency driving is sometimes necessary to meet urgent public safety needs, but it involves increased risks to persons and property. Officers must balance these risks against the need for a prompt response, while also driving with due regard for the safety of others. (Minn. Stat. § 169.17).

GUIDELINES

For the purposes of this policy, an emergency is a situation that, in the exercise of sound professional judgment, calls for arriving somewhere more promptly than could be accomplished by routine driving in order to protect life, safety, property, render medical assistance, or to apprehend one who has committed or is suspected of committing an offense.

Officers must discontinue an emergency response when:

- Circumstances indicate the risk created by emergency driving plainly outweighs the necessity of arriving quickly;
- The emergency situation has ceased to exist; or
- When directed by a supervisor to discontinue.

To operate in emergency status, the police vehicle must be sounding its siren or displaying at least one lighted red light to the front. (Minn. Stat. §§ 169.03, subd. 2; 169.17). Officers should use both lights and siren when doing so would enhance safety without hindering a law enforcement objective. The use of a siren might hinder a law enforcement objective when, for example, nearing the scene of a reported crime in progress.

Officers must exercise sound professional judgment in gauging their speed and manner of driving. There are multiple factors that bear on safety during emergency driving, including but not limited to road, traffic, weather, and lighting conditions, time of day, and the presence of pedestrians. Officers should take these and other relevant factors into account and respond in a manner that does not, given the urgency of the situation, unreasonably endanger others.

STATUTORY FRAMEWORK

The Minnesota traffic code provides specific exemptions for emergency vehicles that apply when an officer is responding to an emergency or is in immediate pursuit of an actual or suspected violator. These exemptions allow officers operating an emergency vehicle to:

- Proceed cautiously past a red light or stop sign after slowing down as necessary for safety (Minn. Stat. § 169.03, subd. 2);
- Travel faster than the speed limit (Minn. Stat. § 169.17);
- Enter against the run of traffic on a one-way street or highway to get to the place of the reported emergency (Minn. Stat. § 169.03, subd. 3); and
- Stop or park as necessary at the scene of an emergency, without regard to laws or ordinances that regulate

parking or stopping in traffic. (Minn. Stat. § 169.03, subd. 4).

However, driving conduct that is not specifically covered by an exemption may still be permissible when officers:

Are balancing the need for arriving quickly against the risks of the emergency response; and

driving with due regard for the safety of others.

TRAINING

Officers whom the Chief of Police determines may be involved in police pursuits are required to undergo the training specified by Minn. Stat § 626.8458 subd. 5 for pursuits and emergency vehicle operations. Other officers who operate vehicles in emergency status should receive in-service training in emergency vehicle operations as may be directed.

School Resource Officer

Effective Date: 1-1-2026

POLICY

The primary purpose of this policy is to provide guidelines which define the relationship between law enforcement agencies and the schools utilizing school resource officers (SRO). It will further facilitate the understanding of this relationship with regards to criminal matters and law enforcement situations, which will arise at the local school level. The goal of the SRO programs is to provide safe learning environments, provide valuable resources to school staff members, foster a positive relationship with students and develop strategies to resolve problems that affect our youth with the goal of protecting all children, so they can reach their fullest potential.

GUIDING PRINCIPLES

The SRO employed by Windom Police Department should be carefully selected, thoroughly trained, and appropriately equipped to fulfill their role within the school community. The SRO should actively engage in early prevention and early intervention educational programs that focus on and support student needs.

SROs shall be specially trained in the principles and standards identified in MN Statute 626.8482, subdivision 4 which recognize the unique role of an SRO to foster positive relationships, open communication and mentorship while providing a safe and constructive environment for students, staff and visitors in the school setting.

SROs are expected to recognize and consider alternatives to formal criminal referral such as diversion and restorative justice programs where possible and as appropriate for the incident, the involved students and families, victim(s) and the larger school community.

When a criminal incident also involves a violation of school rules, SROs should consider referral of the matter to school authorities in lieu of formal criminal referral, as appropriate for the incident, the students and families involved, the victim(s) and the larger school community.

Nothing in this policy should be construed as limiting any other duty or responsibility imposed on peace officers; the expectation that peace officers will exercise professional judgment and discretion to protect the health, safety, and general welfare of the public when carrying out their duties; or creates a duty for school resource officers to protect students, staff, or others on school grounds that is different from the duty to protect the public as a whole.

DEFINITIONS

School: means an elementary school, middle school, or secondary school, as defined in MN Statute 120A.05, subdivisions 9, 11 and 13.

School Resource Officer or SRO: refers to a licensed peace officer who is assigned to work in an elementary school, middle school, or secondary school during the regular instructional school day as one of the peace officer's regular responsibilities through the terms of a contract between the peace officer's employer and the designated school district or charter school.

Positive School Climate: refers to a school environment that makes students feel safe, supported and welcome.

Developmentally Appropriate Practices: means individualized, responsive care that is appropriate for the child's age, cultural context, disability status and personality.

Great Bodily Harm: has the same meaning given to it in MN Statute 609.02, subdivision 8.

Prone Restraint: has the same meaning given to it in [MN Statute 121A.58], subdivision 1(c).

Custodial Arrest: refers to the actual, physical restraint of a person and their subsequent detention. Custodial arrest may occur with or without a warrant depending on the circumstances.

De-escalation: refers to the methods and actions taken to decrease the severity of a conflict, whether physical or verbal in nature.

PROCEDURE

GENERAL CONTRACTUAL AGREEMENTS

The law enforcement agency's contract with a school district or charter school shall define the SRO duties in compliance with [MN Statute 626.8482], subdivision 2. Additionally, SRO contracts entered into by this agency:

- must address a mutually agreed upon policy regarding the use of plain clothes, modified uniforms, and other changes to SRO attire with the goal of fostering a positive school climate, facilitating the establishment of positive relationships with students, and promoting open communication,
- shall articulate the role, if any, of the school district in the selection, vetting and retention of the SRO,
- should address how the SRO will be informed of school district resources available to school staff to assist with de-escalation of conflicts in school, e.g. specialized crisis teams, mediation opportunities, etc., and
- shall establish a public notification process that an SRO will be present in the schools.

A school district or charter school may contract with the agency to perform duties that are in addition to those described above.

DUTIES AND TASKS

Fostering a Positive School Climate and Constructive Relationships. In order to facilitate a positive school climate and constructive relationships with students, SROs should:

- consider establishing a presence at times that allow opportunities to build connections and relationships,
- should establish connections based upon mutual trust and respect while encouraging communication, and
- act as a resource for educating students on what concerns should be reported to a responsible adult.

Collaboration and Campus Safety. SROs employed with this agency are expected to work in collaboration with the schools to provide campus safety training. In doing so, SROs should:

- use developmentally appropriate practices that take into consideration differences in culture, language, trauma and an individual's disabilities,
- use methods that help ensure school safety and security, focusing on safety over violence, and
- encourage students to ask questions about school safety.

Crisis Intervention and De-escalation. SROs are often required to make assessments of rapidly evolving situations, analyze potential responses, and act upon various levels of safety concerns. Crisis intervention and de-escalation strategies should be used whenever possible in response to crisis or safety situations. The safety of the individual, SROs, school staff, students, and others present should not be compromised during de-escalation tactics. To that end, SROs should understand and use developmentally appropriate principles of evidence-based crisis intervention and de-escalation strategies. These strategies include, but are not limited to:

- being empathetic and non-judgmental,
- respecting the personal space of others,

- using non-threatening nonverbal communication,
- avoiding complex questions, and
- giving individuals an appropriate amount of time to make decisions.

Use of Force. If an SRO must use force in the school, the force shall comply with the agency's use of force policy and all applicable Minnesota Statutes. When force is necessary, SROs should try utilizing special tactics and techniques, including de-escalation, to minimize the level of force required to render a situation safe. SROs shall also minimize the use and duration of physical restraints, including the prone restraint, on students whenever possible. When reasonable, SROs should use the least restrictive physical intervention techniques. To that end, SROs should only use the amount of force that reasonably appears necessary given the facts and circumstances perceived by the SRO at the time of the event to accomplish a legitimate law enforcement purpose.

When force is utilized on a student, as with any other use of force incident, SROs shall assess the condition of the student(s) and render aid as needed. This includes restoring the student to a non-prone or non-restrained position as soon as practical.

Use of force considerations for SROs in the schools include:
- the immediacy and severity of the threat or potential injury to the SRO and/or bystanders,
- the conduct of the individual being confronted, as reasonably perceived by the SRO at the time,
- the personal characteristics of a subject and SRO (such as age and/or maturity, physical size, and physical abilities),
- the subject's ability to understand and/or comply with SRO commands (is the student impaired by drugs/alcohol, experiencing reduced mental capacity, or is the student known to have an education plan or accommodations?),
- the presence or proximity of weapons or dangerous improvised devices,
- the degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained,
- the availability of other reasonable and feasible options and their possible effectiveness (seriousness of the suspected offense),
- the immediate need for intervention versus allowing time and distance for de-escalation,
- the training and experience of the SRO,
- whether the subject appears to be resisting, attempting to evade arrest by flight, or is attacking the SRO,
- the risk and foreseeable consequences of the subject's escape,
- whether the conduct of the subject being confronted no longer reasonably appears to pose an immediate threat to [*officers*] or others,
- prior contacts with the subject and knowledge of their propensity for violence, and
- any other exigent circumstances.

When a criminal incident also involves a violation of school rules, SROs should consider referral of the matter to school authorities in lieu of formal criminal referral, as appropriate for the incident, the students and families involved, the victim(s) and the larger school community.

SROs should exercise age-appropriate practices when interacting with children, and developmentally appropriate practices with youth and individuals known to have physical, mental health, developmental or intellectual disabilities recognizing that the individual's disability may affect their ability to understand or comply with commands from SROs.

Arrest Considerations. As much as is reasonably practical, SROs should utilize alternatives to formal criminal charges. These alternatives include, but are not limited to, diversion and restorative justice programs. Formal charge alternatives may be used when appropriate for the incident, the students and families involved, and for victim(s) as well as the larger school community.

Custodial arrests in school should be avoided if reasonably practical. If a custodial arrest is necessary due to exigent circumstances or other public safety concerns, if practical, the arrest should be made in a non-communal area away from the view of other students. When possible, appropriate school staff should be notified of custodial arrests prior to the arrest being conducted. If it is not possible to give school staff prior notice, the SRO should notify school staff as soon as practical after a custodial arrest has been made.

TRAINING

Except as provided for in bullet points below, beginning September 1, 2025, a peace officer assigned to serve as a school resource officer must complete a training course that provides instruction on the learning objectives identified in MN Statute 626.8482, subdivision 4 prior to assuming the duties of a SRO. Whenever practicable, it is preferable that a peace officer completes the training required under this section prior to filling the role of SRO.

A peace officer who has completed either the School Safety Center standardized Basic School Resource Officer Training or the National School Resource Officer Basic School Resource Officer course prior to September 1, 2025, must complete the training mandated by MN Statute 626.8482, subdivision 4, before June 1, 2027. A peace officer covered under this paragraph may complete a supplemental training course approved by the board pursuant to MN Statute 626.8482, subdivision 4, paragraph (b), to satisfy the training requirement.

If the agency is unable to provide the required training course to an officer prior to when they assume the duties of a school resource officer, the officer must complete the required training within six months of assuming the duties of a SRO. The officer is not required to perform the duties described in MN Statute 626.8482, subdivision 2, paragraph (a), clause (4) or (5), until the officer has completed the required training course. The officer must review any policy adopted by the agency pursuant to MN Statute 626.8482, subdivision 6 before assuming the other duties of a school resource officer.

An SRO will complete a refresher course at a minimum of once every three years. For each school resource officer employed by an agency, the chief law enforcement officer must maintain a copy of the most recent training certificate issued to the officer for completion of the training mandated under this section.

Substitute SROs. [*Officers*] serving as a substitute SRO for fewer than 60 student contact days within a school year are not obligated to complete the required training or perform the duties described in MN Statute 626.8482, subdivision 2 (a)(4-5). Substitute SROs, however, must review and comply with any policies adopted by the agency regarding SROs.

DATA PRACTICES

The contract between the school district and the law enforcement agency must address data practices policies and procedures. These procedures and policies shall identify the education records that can be shared with the law enforcement agency generally and with the SRO specifically and for what purposes. Law enforcement records that contain student and parent data that are maintained by the law enforcement agency shall be governed by the agency's data practices policy and in compliance with the requirements of the Minnesota Data Practices Act, MN Statutes, Chapter 13, and MN Rules 1205.0100 and 1205.2000.

STATUTORY REFERENCES

GOVERNMENT DATA PRACTICES ACT (CH 13)
MN STATUTE 609.06 – Authorized Use of Force
MN STATUTE 609.066 – Authorized use of Deadly Force by Peace Officers
MN STATUTE 626.8452 – Deadly Force and Firearms Use; Policies and Instruction Required
MN STATUTE 626.8475 – Duty to Intercede and Report
MN STATUTE 626.8482 – School Resource Officers; Duties; Training; Model Policy
ADMINISTRATIVE RULE 1205.0100 – How These Rules Apply
ADMINISTRATIVE RULE 1205.0200 – Definitions
ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Pursuit Intervention Technique

Effective Date: 1-1-2026

PROCEDURE

Officers shall consider using the PIT maneuver at the earliest opportunity in a pursuit, knowing that the opportunity may be short lived.

The PIT maneuver may be executed at speeds of 40 MPH or less on a straight roadway or 25 MPH or less in cornering situations. Speeds greater than listed above may be considered deadly force.

The PIT maneuver may only be performed by Officers who have received proper training in said PIT maneuver.

The PIT maneuver is not allowed in the following circumstances unless deadly force is authorized:

- On a vehicle with fewer than four wheels
- On a vehicle pulling a trailer
- On unconventional vehicle types to include, but not limited to straight trucks, recreational vehicles, off-highway vehicles, ATVs, ect.

- UPDATE LOG –

***Note: Log Started in 2022**

6/2022
Added Video Recording Technology
Added K9
Added PepperBall
Added Confidential Informant
Added Eyewitness Identification
Added Unmanned Aerial System (UAS) Operations; Use of Unmanned Aerial Vehicles Policy (DRONE)
Updated Use of Force
Updated Mandatory Training
Removed Mobile Video Recorder (replaced by VRT policy)
Changed wording in Weapons and Ammunition to remove specific department issued weapon
Changed wording in TASER to remove specific department issue TASER device
Various formatting and grammar update

8/20/22
Updated *Impartial Policing* to *Avoiding Racial Profiling* - language required by POST model policy
Wording changes in section II A.3, II B.5
Added section III and IV

8/23/22
Added Public Assembly and First Amendment Activity
Added Law enforcement Emergency Vehicle Operations
Updated VRT to the POST Model Policy and new statute language

2/6/24
Updated Pursuit Policy to POST Mandated

10/25/24
Updated Pursuit Policy to POST Mandated version 7-25-24

12/28/25
Changed formatting of all policies to match
Corrected miscellaneous spelling or formatting errors
Added and/or updated to the POST Mandated Model Policies for

- Use of Force
- Public Assembly First Amendment Activity
- Eyewitness Identification
- Allegations of Misconduct
- Professional Conduct of Peace Officers*Standards of Conduct)
- Domestic Abuse Response and Arrest
- Avoiding Racial Profiling
- Sexual Assault Investigations
- Missing and Endangered Persons
- Community Notifications of Predatory Offender Registrant
- Vehicle Pursuits
- Criminal Conduct on School Buses

- Lighting Exemption of Law Enforcement Vehicles
- Administrative Forfeiture
- Confidential Informants

1/8/26
Updated TASER Energy Weapon

1/13/26
Added Pursuit Intervention Technique (PIT)