City of Virginia **Police Department** **Policy Manual**	**Date:** **10-23-2025**	**Number** **134**
	Retention	**Approval** **Chief Mattson**
	To: **All Licensed Officers**	
	Subject: **Use of Force**	

PURPOSE

The Virginia Police Department values and respects the sanctity of every life and identifies our role as a lifesaving organization. When officers are engaged in law enforcement activities, there is an immense responsibility that comes with the authority to use reasonable force, including deadly force, in overcoming resistance and/or protecting the public. As such, we have policies, procedures, and training which encourages tactics and strategies to gain voluntary compliance. It is the Virginia Police Department's expectation that officers will make tactically sound, reasonable use of force decisions which demonstrate our value of every life.

DEFINITIONS

Definitions related to this policy include:

Bodily* Harm*: means physical pain or injury.

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

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

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

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

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

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

Authorized Device*:* a device an officer has received permission from the agency to carry and use in the discharge of that officer's 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.

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.

POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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. Sworn law enforcement 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 or deadly force shall be evaluated from the perspective of a reasonable 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 is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.

This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

It is the policy of the Virginia Police Department to provide officers with guidelines for the use of force and deadly force in accordance with:

- MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE; POLICIES AND INSTRUCTION REQUIRED.
- MN STAT 626.8475 DUTY TO INTERCEDE AND REPORT
- MN STAT 609.06 AUTHORIZED USE OF FORCE.
- MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; and
- MN STAT 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS.

This policy applies to all peace officers engaged in the discharge of official duties.

PROCEDURE (General Provisions)

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.

2. 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.

3. 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.

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

Officers shall only use the 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.

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

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

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

Nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force. However, this policy does recognize that a tactical retreat may be reasonable given the totality of the circumstances.

Before carrying 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.

Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the officer or the public requiring the use of a device or object that has not been authorized to counter such a threat.

DUTY TO INTERCEDE

(1) a duty for peace officers to intercede when present and observing another peace officer using force that is clearly beyond what is objectively reasonable under the law and the particular circumstances of the case, and in a position to do so.

(2) a duty for peace officers to report any illegal use of force by another peace officer to the officer's chief law enforcement officer; and

(3) a duty for peace officers to only use deadly force including techniques that are restricted by section 609.06, subdivision 3, as authorized in section 609.066. However, even in those circumstances, the policy must require that less lethal measures be considered first by the officer.

(4) Regardless of tenure or rank, a peace officer must intercede when:

(a) present and observing another peace officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and

(b) physically or verbally able to do so.

(5) A peace officer who observes another employee or 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 peace officer.

(6) A peace officer who breaches a duty established in this subdivision is subject to discipline by the board under Minnesota Rules, part 6700.1600.

(7) Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

DE-ESCALATION:

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

2. 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 commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

USE OF OTHER THAN DEADLY FORCE

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

   a. effecting a lawful arrest; or

   b. the execution of legal process; or

   c. enforcing an order of the court; or

   d. executing any other duty imposed upon the public officer by law; or

   e. defense of self or another.

USE OF CERTAIN TYPES OF FORCE

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

a. Chokeholds,

b. Tying all of a person's limbs together behind a person's back to render the person immobile, or;

c. Securing a person in any way that results in transporting the person face down in a vehicle.

Less than lethal measures must be considered by the officer prior to applying these measures.

USE OF DEADLY FORCE

1. 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;

a. To protect the peace officer or another from death or great bodily harm, provided that the threat:

   i. can be articulated with specificity

   ii. is reasonably likely to occur absent action by the law enforcement officer; and

   iii. must be addressed through the use of deadly force without unreasonable delay; or

b. 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 officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (a), items (i) to (iii), unless immediately apprehended.

2. An officer shall not use deadly force against a person based on the danger the person poses to self 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 the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (1a), items (i) to (iii).

3. Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

4. In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.

TRAINING

1. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.

2. In addition, training shall be provided on a regular and periodic basis and designed to

    a. Provide techniques for the use of and reinforce the importance of de-escalation.

    b. Simulate actual shooting situations and conditions; and

    c. Enhance officers' discretion and judgement in using other than deadly force in accordance with this policy

3. 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.

4. Before carrying an authorized device all officers shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.

5. Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the officer requiring the use of a device or object that has not been authorized to counter such a threat.

6. With agency approval officers may modify, alter, or cause to be altered an authorized device in their possession or control.

RECORDKEEPING REQUIREMENTS

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

SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

NOTIFICATION TO SUPERVISORS

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

a. The application caused a visible injury.

b. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

c. The individual subjected to the force complained of injury or continuing pain.

d. The individual indicates intent to pursue litigation.

e. Any application of a TASER (TM) device or control device.

f. Any application of a restraint device other than handcuffs, shackles, or belly chains.

g. The individual subjected to the force was rendered unconscious.

h. An individual was struck or kicked.

i. An individual alleges any of the above has occurred.

MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

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

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

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

SUPERVISOR RESPONSIBILITY

Supervisors should respond to a scene where the use of force is likely.

When a supervisor is notified of an application of force, the supervisor is expected to:

a. Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

b. Ensure that any injured parties are examined and treated.

c. Ensure all injuries are documented and/or photographed.

d. Ensure witnesses not already included in related reports are identified.

e. Review and approve all related reports.

f. Evaluate the circumstances surrounding the incident and notify the Chief of Police if necessary.

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

<table>
<tr><td rowspan="4">City of Virginia

Police Department

Policy Manual</td><td>Date:

07-24-2025</td><td>Number

173</td></tr>
<tr><td>Retention</td><td>Approval

Chief Nicole Mattson</td></tr>
<tr><td colspan="2">To:

All Department Employees</td></tr>
<tr><td colspan="2">Subject:

Public Assembly and First Amendment Activity</td></tr>
</table>

1) PURPOSE

The First Amendment to the Constitution of the United States of America states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

The Bill of Rights in Article 1 of the Minnesota Constitution addresses the rights of free speech and the liberty of the press. However, neither the state nor federal constitutions protect criminal activity or threats against citizens, businesses, or critical infrastructure.

The Virginia Police Department supports all people's fundamental right to peaceably assemble and their right to freedom of speech and expression.

The purpose of this policy is to provide guidelines to the Virginia Police Department personnel regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment Activity.

2) POLICY

The Virginia Police Department will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority required to address a crowd management or crowd control issue

The policy of the Virginia 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. Department personnel must not harass, intimidate, or discriminate against or unreasonably interfere with people engaged in the lawful exercise of their rights.

This policy concerning crowd management, crowd control, crowd dispersal, and police responses to violence and disorder applies to spontaneous demonstrations, crowd event situations, and planned demonstration or crowd events regardless of the permit status of the event.

This policy is to be reviewed annually.

3) DEFINITIONS

A. Chemical Agent Munitions: Munitions designed to deliver chemical agents from a launcher or hand thrown.

B. Control Holds: Control holds are soft empty hand control techniques as they do not involve striking.

C. Crowd Management: Techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.

D. Crowd Control: Techniques used to address unlawful public assemblies.

E. Deadly Force: Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm.

(Reference: Virginia Police Department Use of Force Policy, MN Statutes **609.06** **and** **609. 066)**

F. Direct Fired Munitions: Less-lethal impact munitions that are designed to be direct fired at a specific target.

G. First Amendment Activities**:** First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the Minnesota State Constitution. The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

H. Great Bodily Harm*:* Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm. (Reference: Virginia Police Department Use of Force Policy, MN Statutes **609.06** **and** **609. 066)**

I. Legal Observers – Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities. The following may be indicia of a legal observer: Wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.

J. Less-lethal Impact Munitions. Impact munitions which can be fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing significant potential of causing death.

K. Media: Media means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the press.

4) Law Enforcement Procedures

A. Uniform: All officers responding to public assemblies must at all times, including when wearing protective gear, display their agency name and a unique personal identifier in compliance with this department's uniform policy. The chief law enforcement officer must maintain a record of any officer(s) at the scene who is not in compliance with this requirement due to exigent circumstances.

B. Officer conduct:

1. Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against officers does not constitute a reason for an arrest or for any use of force against such individuals.
2. Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
3. Officers must not take action or fail to take action based on the opinions being expressed.
4. Officers must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity.
5. Officers must not use a weapon or munition unless the officer has been trained in the use and qualified in deployment of the weapon/munition.
6. This policy does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

5. Responses to Crowd Situations

A. Lawful assembly. Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering.

B. Unlawful assembly

1. The definition of an unlawful assembly has been set forth in Minnesota Statute §609.705.
2. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly.
3. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
4. Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or officers are threatened with dangerous circumstances.
5. Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or

crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

C. Declaration of Unlawful Assembly

1. If the on-scene supervisor/incident commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) must be recorded. The declaration and dispersal order must be announced to the assembly. The name(s) of the officers announcing the declaration should be recorded, with the time(s) and date(s) documented.
2. The dispersal order must include:

    a) Name, rank of person, and agency giving the order

    b) Declaration of Unlawful Assembly and reason(s) for declaration

    c) Egress or escape routes that may be used

    d) Specific consequences of failure to comply with dispersal order

    e) How long the group has to comply

3. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officers must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.
4. Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements must be made from different locations when the demonstration is large and noisy. The dispersal announcements should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements must also specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced.

D. Crowd Dispersal

1. Crowd dispersal techniques should not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements have been made, asking members of the crowd to voluntarily disperse, and informing them that, if they do not disperse, they will be subject to arrest.
2. Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with officer commands before action is taken.
3. If negotiations and verbal announcements to disperse do not result in voluntary movement of the crowd, officers may employ additional crowd dispersal tactics, but only after orders from the on-scene supervisor/incident commander. The use of these crowd dispersal tactics shall be consistent with the department policy of using the minimal officer intervention needed to address a crowd management or control issue.
4. If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly, and a new declaration of unlawful assembly has been made.

6. Tactics and Weapons to Disperse or Control a Non-Compliant Crowd

Nothing in this policy prohibits officers' abilities to use appropriate force options to defend themselves or others as defined in the Virginia Police Department Use of Force policy.

A. Use of Batons

1. Batons must not be used for crowd control, crowd containment, or crowd dispersal except as specified below.

2. Batons may be visibly displayed and held in a ready position during squad or platoon formations.

3. When reasonably necessary for protection of the officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.

4. Officers must not strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or jab with force to the armpit unless the person has created an imminent threat of great bodily harm to another.

5. Batons shall not be used against a person who is handcuffed except when permissible under this department's Use of Force policy and state law.

B. Restrictions on Crowd Control and Crowd Dispersal

1. Canines. Canines must not be used for crowd control, crowd containment, or crowd dispersal.

2. Fire Hoses. Fire hoses must not be used for crowd control, crowd containment, or crowd dispersal.

3. Electronic Control Weapons (ECWs) must not be used for crowd control, crowd containment, or crowd dispersal.

4. Motorcycles and police vehicles must not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.

5. Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) may be used as a last resort if other crowd dispersal techniques have failed or have been deemed ineffective.

6. Direct Fired munitions may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.

a) Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of Direct Fired munitions. Direct Fired munitions must be used only against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to them self, officers, or the general public; or is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.

b) Officers shall not discharge a Direct Fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.

c) When circumstances permit, the on-scene supervisor/incident commander must make an attempt to accomplish the policing goal without the use of Direct Fired munitions as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.

7. Aerosol Hand-held Chemical Agents must not be used in a demonstration or crowd situation or other civil disorders without the approval of the on-scene supervisor/incident commander.

a) Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.

b) Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.

c) When possible, persons should be removed quickly from any area where handheld chemical agents have been used. Officers must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent.

d) A subject who has been sprayed with a hand-held chemical agent shall not be left lying on their stomach once handcuffed or restrained with any device.

8. Chemical munitions use in a crowd situation is subject to the following:

a) Chemical munitions must be used only when:

1) a threat of imminent harm or serious property damage is present, or other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,

2) sufficient egress to safely allow the crowd to disperse exists, and

3) The use of chemical munitions is approved by the on-scene supervisor/incident commander, and

b) When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions.

c) Deployment of chemical munitions into a crowd must be avoided to prevent unnecessary injuries.

d) CN chemical munitions are prohibited.

e) The use of each chemical munition must be recorded (time, location), and the following information must be made available by the department on request :

1) the name of each chemical munition used in an incident,

2) the location and time of use for each munition deployment,

3) access to the safety data sheet (SDS) for chemical munition

f) Where extensive use of chemical munitions would reasonably be anticipated to impact nearby residents or businesses, agencies should consider proactively notifying impacted individuals of safety information related to the munitions use as soon as possible, even if after the event.

g) When chemical munitions are used, an emergency responder will be on standby at a safe distance near the target area when feasible.

h) Chemical munitions are subject to the same procedural requirements as outlined in the Virginia Police Department Use of Force policy.

C. Arrests

1. If the crowd has failed to disperse after the required announcements and sufficient time to disperse, officers may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests.
2. Persons who make it clear (e.g., by non-violent civil disobedience) that they seek to be arrested may be arrested and must not be subjected to other dispersal techniques, such as the use of batons or chemical agents. Persons refusing to comply with arrest procedures may be subject to the reasonable use of force.
3. Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of soft empty hand control holds.
4. Officers must document any injuries reported by an arrestee, and as soon as practical, officers must obtain professional medical treatment for the arrestee.
5. Juveniles arrested in demonstrations shall be handled consistent with department policy on arrest, transportation, and detention of juveniles.
6. Officers arresting a person with a disability affecting mobility or communication must follow the department policy on arrest, transportation, and detention of persons with disabilities.

6. Handcuffs

A. All persons subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with department policy, orders, and training bulletins.

B. Officers should be cognizant that flex-cuffs may tighten when arrestees hands swell or move, sometimes simply in response to pain from the cuffs themselves. When arrestees complain of pain from overly tight flex cuffs, officers must examine the cuffs and ensure proper fit.

C. Arrestees in flex-cuffs must be monitored to prevent injury.

D. Each unit involved in detention and/or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available.

7. Media.

A. The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums.

B. The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble.

C. Officers will not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity.

D. The media must not be targeted for dispersal or enforcement action because of their media status.

E. Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

8. Legal Observers

A. Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen.

B. Legal observers and monitors must comply with all dispersal orders unless the on-site supervisor/incident commander chooses to allow such an individual legal observers and monitors to remain in an area after a dispersal order.

C. Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

9. Documentation of Public Assembly and First Amendment Activity

A. The purpose of any visual documentation by the Virginia Police Department of a public assembly or first amendment activity must be related only to:

1) Documentation of the event for the purposes of debriefing,

2) Documentation to establish a visual record for the purposes of responding to citizen complaints or legal challenges, or

3) Creating visual records for training purposes.

B. If it is the policy of the Virginia Police Department to videotape and photograph, it must be done in a manner that minimizes interference with people lawfully participating in First Amendment activities. Videotaping and photographing of First Amendment activities must take place only when authorized by the on-site supervisor/incident commander.

C. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers, or speakers.

D. Unless evidence of criminal activity is provided, videos or photographs of demonstrations shall not be disseminated to other government agencies, including federal, state, and local law enforcement agencies. If videos or photographs are disseminated or shared with another law enforcement agency, a record should be created and maintained noting the date and recipient of the information.

E. If there are no pending criminal prosecutions arising from the demonstration or if the video recording or photographing is not relevant to an Internal Affairs or citizen complaint investigation or proceedings or to civil litigation arising from police conduct at the demonstration, the video recording and/or photographs shall be destroyed in accordance with department policies.

F. This directive shall not prohibit department members from using these videos or footage from such videos as part of training materials for officers in crowd control and crowd dispersal techniques and procedures.

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

<table>
<tr><td rowspan="4">City of Virginia

Police Department

Policy Manual</td><td>Date:

07-24-2025</td><td>Number

170</td></tr>
<tr><td>Retention</td><td>Approval</td></tr>
<tr><td colspan="2">To:

All Department Employees</td></tr>
<tr><td colspan="2">Subject:

Eyewitness Identification Policy</td></tr>
</table>

POLICY:

Officers shall adhere to the procedures for conducting eyewitness identifications set forth in this policy, in order to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eyewitness identification protocols. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration.

Purpose:

It is the purpose of this policy to establish guidelines for eyewitness identification procedures involving show-ups, photo arrays, and line-ups. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

Definitions:

Show-up: The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

Line-up: The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

Photo Array: A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

Administrator: The law enforcement official conducting the identification procedure.

Blinded Presentation: The administrator may know the identity of the suspect but does not know which photo array member is being viewed by the eyewitness at any given time.

Confidence Statement: A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

Filler: A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

Sequential: Presentation of a series of photographs or individuals to a witness one at a time.

Simultaneous: Presentation of a series of photographs or individuals to a witness all at once.

Procedure:

1. Show-ups

The use of show-ups should be avoided whenever possible in preference to the use of a lineup or photo array procedure. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.

a. Document the witness's description of the perpetrator prior to conducting the show up.

b. Conduct a show-up only when the suspect is detained within a reasonably time frame after the commission of the offense and within a close physical proximity to the location of the crime.

c. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.

d. If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by officers, unless safety concerns make this impractical.

e. Caution the witness that the person he or she is about to see may or may not be the perpetrator—and it is equally important to clear an innocent person. The witness should also be advised that the investigation will continue regardless of the outcome of the show-up.

f. Do not conduct the show-up with more than one witness present at a time.

g. Separate witnesses and do not allow communication between them before or after conducting a show-up.

h. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.

i. Do not present the same suspect to the same witness more than once.

j. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.

k. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.

l. Ask the witness to provide a confidence statement.

m. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.

n. Videotape the identification process using an in-car camera or other recording device when feasible.

o. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

Line-up and Photo Array Procedures

2. Basic Procedures for Conducting a Line-up or Photo Array

a. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.

b. Whenever possible, a blind presentation shall be utilized. In cases where a blind presentation is not feasible for a photo array, a blinded presentation should be used. Live line-ups must be conducted using a blind presentation.

c. The line-up or photo array should consist of a minimum of six individuals or photographs. Use a minimum of five fillers and only one suspect.

d. Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.

e. Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

f. Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.

g. If there is more than one suspect, include only one in each line-up or photo array.

h. During a blind presentation, no one who is aware of the suspect's identity should be present during the administration of the photo array. However, during a line-up, the suspect's attorney should be present.

i. Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.

j. Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.

k. The witness shall be given a copy of the following instructions prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.

- *You will be asked to look at a series of individuals.*
- *The perpetrator may or may not be present in the identification procedure.*
- *It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.*
- *I do not know whether the person being investigated is included in this series.*
- *Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat or other changes in appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.*
- *You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.*
- *The individuals are not configured in any particular order.*
- *If you make an identification, I will continue to show you the remaining individuals or photos in the series.*
- *Regardless of whether you make an identification, we will continue to investigate the incident.*
- *Since this is an ongoing investigation, you should not discuss the identification procedures or results.*

l. The line-up or photo array should be shown to only one witness at a time; officers should separate witnesses so they will not be aware of the responses of other witnesses.

m. Multiple identification procedures should not be conducted in which the same witness views the same suspect more than once.

n. Officers should scrupulously avoid the use of statements, cues, casual comments, or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.

o. Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.

p. The administrator shall ask the witness to complete and sign an Eyewitness Identification Procedure Form.

q. Line-up and photo array procedures should be video, or audio recorded whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording shall be documented. In the case of line-ups that are not recorded, agents shall take and preserve a still photograph of each individual in the line-up.

3. Photographic Arrays

a. Creating a Photo Array

1. Use contemporary photos.

2. Do not mix color and black and white photos.

3. Use photos of the same size and basic composition.

4. Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.

5. Do not include more than one photo of the same suspect.

6. Cover any portions of mug shots or other photos that provide identifying information on the subject – and similarly cover other photos used in the array.

7. Where the suspect has a unique feature, such as a scar, tattoo, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.

8. Fillers should not be reused in arrays for different suspects shown to the same witness.

b**. Conducting the Photo Array**

1. The photo array should be preserved, together with full information about the identification process as part of the case file and documented in a report.

2. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures.

a. Place the suspect and at least five filler photos in separate

folders for a total of six (or more depending on the number of fillers used).

b. The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that he or she cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.

c. The administrator should position himself or herself so that he or she cannot see inside the folders as they are viewed by the witness.

3. The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.

4. If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.

4. Line-ups

a. Conducting the Line-up.

1. Live line-ups shall be conducted using a blind administrator.

2. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.

b. The primary investigating officer is responsible for the following:

1. Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.

2. Ensuring compliance with any legal requirements for transfer of the subject to the line-up location if he or she is incarcerated at a detention center.

3. Making arrangements to have persons act as fillers.

4. Ensuring that the suspect's right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspect's right to counsel.

5. Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line-up and to observe the manner in which the line-up is conducted.

References:

Eyewitness Identification Procedure Form

Sequential Photo Display Form

See below forms.

STATUTORY REFERENCES

- MN STATUTE 626.8433 **– Eyewitness Identification Policies Required**
- ADMINISTRATIVE RULE 6700.1615 **– Required Agency Policies**

SEQUENTIAL PHOTO DISPLAY FORM

(Witness Side)

Dept.: ________ C.N.: _____________ OFFENSE: __________ Lineup 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 lineup I was shown consisted of ___ photos.

☐ I am unable to select any photo as being the person(s) who _____________.

☐ I 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: ___________________ Lineup ID # _________________ Administrator ☐ does ☐ does not know identity of suspect.

Instructions to administrator (READ BEFORE SHOWING PHOTO DISPLAY):

A sequential photo lineup 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 to any photograph during the photo display (note photo #):

(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 lineup 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 pi

<table>
<tr><td rowspan="4">City of Virginia
Police Department
Policy Manual</td><td>Date
07-24-2025</td><td>Number
109</td></tr>
<tr><td>Retention</td><td>Approval</td></tr>
<tr><td colspan="2">To:
All Licensed Officers</td></tr>
<tr><td colspan="2">Subject:
Allegations of Misconduct</td></tr>
</table>

I. POLICY

It is the policy of the Virginia Police Department that any person who believes that an employee of the Virginia Police Department has acted improperly may bring a complaint to the chief law enforcement officer's attention pursuant to the following procedure. 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.

II. DEFINITIONS

For the purpose of this policy, the terms set forth below are defined as follows:

A. *Chief Law Enforcement Officer* means the chief of police, sheriff, state law enforcement director, or a designee. Within this model policy, the chief law enforcement officer will be referred to as CLEO.

B. *Complainant* means a person who submits a complaint to the CLEO alleging misconduct by an agency member.

C. *Complaint* means a statement, which is made to or by a CLEO in writing, which alleges misconduct.

D. *Member* means all voluntary and compensated personnel of the agency.

E. *Discipline* means:

1. oral reprimand,
2. written reprimand,
3. suspension,
4. demotion, or
5. discharge.

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

1. the act, or acts complained of, did not occur.
2. the agency member named in the complaint was not involved in the alleged misconduct; or
3. the act(s) that provided the basis for the complaint occurred; however, the investigation reveals that such act(s) were justified, lawful or proper.

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

H. *Sustained* means a fair preponderance of the evidence obtained in the investigation established that the accused person's actions constituted misconduct.

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

J. *Respondent* means any agency member, whether full-time, part-time, temporary, or voluntary, against whom a complaint has been filed.

K. *Policies and Procedures* mean the administrative rules adopted by the agency regulating the conduct of agency members.

PROCEDURE

A. INITIATING COMPLAINT

1. Anyone who has personal knowledge of facts or who has reliable hearsay information may file a complaint. Any agency member who has personal knowledge of misconduct shall file a complaint according to the procedures stated herein. Complaints may be received either in person, over the telephone, in writing, or via the internet. A complainant may remain anonymous. The complainant should be advised that remaining anonymous may affect the investigation of the complaint.

2. Any agency member shall self-report to the CLEO and to the Peace Officer Standards and Training Board any action, inaction, or condition of that agency member which the agency member reasonably believes would constitute grounds for disciplinary action under any of the Peace Officer Standards and Training Board's regulatory provisions.

3. Upon receiving a complaint against a member within the agency, the CLEO receiving the complaint shall immediately have the complainant complete a Citizens Complaint Form (CCF) and assign an administrative case number.

4. If the person making a complaint sets forth specific believable facts supporting an allegation of misconduct, but wishes to remain anonymous, the CLEO receiving the complaint may, at the CLEO's sole discretion, permit the complainant to remain anonymous. In this instance the CLEO shall sign the complaint as the complainant. If the CLEO has reason to believe that the complaint is unfounded, the CLEO shall have the authority to require an anonymous complainant to identify himself/herself. If that complainant refuses to do so, the CLEO may refuse to accept a complaint and shall advise the anonymous person of that fact.

5. After a CCF is filed, the CLEO shall sign the document keeping a copy for the agency and giving or mailing a copy to the complainant. The CLEO will forward a copy of the document to the respondent, only after it is determined that the complaint does not allege a criminal violation and the notification will not impede a criminal investigation.

6. A complainant may be accompanied by an attorney or other appropriate representative at the time a complaint is filed or at any other stage of the process.

7. Any complaint made against a chief of police shall be initially be made to the city administrator, manager, or mayor. Any complaint made against a sheriff shall be initially made to the county attorney or the board of county commissioners. Upon receiving a complaint, the receiving authority shall immediately have the complainant complete a Citizens Complaint Form (CCF) and assign an administrative case number. The complaint will not be considered until the complainant signs the CCF.

8. The city administrator, manager, mayor, county attorney or board of county commissioners should refer investigations of alleged misconduct against a CLEO to an outside law enforcement agency or criminal justice agency.

B. THE INVESTIGATION OF A COMPLAINT

1. Upon receipt of the Citizen Complaint Form (CCF), the CLEO shall make an initial determination whether the facts alleged requires a formal investigation. If the CLEO decides that an investigation is not required, the disposition of the investigation is not required. The disposition of the complaint shall be either "not sustained" or "exonerated". The complainant and the respondent will be notified of this decision and the basis for determination. If the complainant supplies additional information within thirty (30) days of that initial determination, the CLEO may reverse this decision and order a formal investigation. The CLEO's determination needs to be based on current agency policies and MN Administrative Rule 6700.1600

2. If the CLEO determines that a formal investigation is required, an appropriate person will be assigned to investigate the complaint. When the CLEO believes an external investigation is appropriate and when the CLEO is the subject of the complaint, the investigation will be assigned to an external agency.

3. The CLEO may suspend a respondent with pay at any time during the investigation of a complaint.

4. The investigator shall, as soon as possible after being assigned the investigation, inform the complainant of his or her name, business phone number, and the status of the complaint.

5. The investigator shall thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered during the investigation. If the investigation reveals potential misconduct by another agency member, the investigator shall report that fact to the CLEO.

6. All agency members shall cooperate with the investigation. When the respondent is a licensed peace officer, the investigation shall comply with the requirements of MN Statutes, Section 626.89 and acts amendatory thereto.

2. Notification of a formal interview shall be in writing from someone in the involved employee's chain of command. This "Order to Appear" notifies the employee of the date, time, and location of the interview. Notification will advise the employee of their right to union or legal representation.

3. Prior to interviewing the employee, the employee must read and be read the Garrity/Tennessen Advisory in its entirety. The Garrity portion of the advisory notifies the employee that they are required to provide all job-related information requested and that the information from the interview cannot be used in a criminal proceeding. (The statement is not voluntary, which prevents it from being used in a criminal proceeding.) Failure to answer the questions is considered gross insubordination and may result in disciplinary action up to and including termination. The Tennessen portion of the advisory informs the employee of the persons that may have access to the information provided during this compelled interview. The investigator is required to audio tape any formal statement taken.

4. The investigator shall prepare a report which will contain all relevant information organized into the following three (3) sections:

a) *allegations:* an itemized summary of the acts of misconduct alleged in the complaint. Reference shall be made to those rules, procedures, order, statutes, or constitutional provisions that would be violated if the allegations are taken as true.

b) *investigation:* a chronological summary of the investigation, including all pertinent facts obtained through interviews with the complainant, accused agency member and all available witnesses. Written statements, descriptions and analysis of any physical evidence, and all other relevant information shall be included.

c) *conclusions:* the investigator's findings, conclusions as to whether any misconduct occurred, and the underlying reasons for the finds and conclusions.

5. The investigation shall be completed within thirty (30) days of the filing of the complaint, unless for good cause the CLEO grants an extension. The complainant and respondent shall be informed of any extension of time granted.

C. ADDITIONAL INVESTIGATION, REVIEW, AND DISPOSITION

1. Upon completion of the investigation, the investigator shall submit the report, case file, and all investigative notes to the CLEO. The CLEO may require additional investigation or make one of the following decisions: “exonerated”, “not sustained”, or “sustained”.

2. The CLEO may postpone making a decision until any related criminal charges are resolved. The complainant and respondent shall be informed of this decision.

3. If the decision is “exonerated” or “not sustained”, the CLEO shall immediately notify the complainant and the respondent of the decision.

4. If the complaint is “sustained” the CLEO will:

a) issue findings of fact including a summary of the acts constituting misconduct and the specific statutes, policies, regulations, and procedures violated; and

b) take appropriate remedial and/or disciplinary action.

5. Prior to the implementation of remedial and/or disciplinary action, the respondent and the complainant will be provided with a copy of the findings of fact. The CLEO and/or appropriate person shall review the findings of fact with the respondent and explain the reasons for the remedial and/or disciplinary action.

a. The investigation may be re-opened by the CLEO at any time if substantial new evidence is discovered concerning the complaint.

b. When a “sustained” disposition is final, the respondent may appeal the disposition pursuant to the rules and law governing the accused member's employment.

c. CLEO’s will accept appeals from complainants as appropriate if received within twenty (20) days of final disposition.

D. MAINTENANCE AND DISCLOSURE OF DATA

1. Disclosure to the complaint and respondent of data collected, created, or received by the agency in connection with this policy and procedures shall be maintained in accordance with the agency’s “Record Retention Schedule”.

2. All data collected, created, or received by the agency in connection with this policy and procedure shall be maintained in accordance with the agency’s “Record Retention Schedule”.

3. The placement of the disposition report or other data in an employee’s personnel file shall be governed by the agency’s personnel policy.

4. Access to data collected, created, or received in connection with this policy and procedure may only be authorized by the CLEO or the agency’s Data Practices “Responsible Authority”, and as provided by Chapter 13, the “Minnesota Government Data Practices Act”, or valid court order.

E. POST BOARD REPORTING REQUIREMENTS

1. Under Minn. Rule 6700.1610, a licensed peace officer must self-report to the POST Board any violations of the Standards of Conduct for peace officers listed in Minn. Rule 6700.1600.

2. Any person with knowledge of peace officer misconduct constituting grounds for action under Minn. Stat. chapter 214, or Minn. Rules 6700.1600, may report the violation to the Board.

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

<table>
<tr><td rowspan="4">City of Virginia
Police Department
Policy Manual</td><td>Date:
07-24-2025</td><td>Number
103</td></tr>
<tr><td>Retention</td><td>Approval</td></tr>
<tr><td colspan="2">To:
All Department Employees</td></tr>
<tr><td colspan="2">Subject:
Professional Conduct</td></tr>
</table>

POLICY

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

A. PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

1. **Rationale:** Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. **Rules**

   a) Peace officers shall not knowingly exceed their authority in the enforcement of the law.

   b) Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.

   c) Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.

   d) Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.

e) Peace officers will not, according to MN 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

B. PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

1. Rationale: Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

Rules

a) Peace officers shall carry out their duties with integrity, fairness, and impartiality.

b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic, or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

c) Peace officers shall truthfully, completely, and impartially report, testify, and present evidence, including exculpatory evidence, in all matters of an official nature.

d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.

e) Peace officers must obey lawful orders, but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order, the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.

f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor, who shall forward the information to the Chief Law Enforcement Officer (CLEO). If the officer's immediate supervisor commits the misconduct, the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

1. **Rationale:** Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity, and perform their duties without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age.

2. Rules

a). Peace officers shall provide every person in our society with professional, effective, and efficient law enforcement services.

b). Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age.

D. PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.

1. Rationale: A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

Rules

a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty, except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in c).

b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.

c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.

d) Peace officers, while on duty/off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.

e) Peace officers shall not commit any acts, which as defined under Minnesota law, constitute sexual assault or indecent exposure. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.

g) Peace officers shall not, in the course of performing their duties, engage in any sexual contact or conduct constituting lewd behavior, including but not limited to, showering, or receiving a massage in the nude, exposing themselves or otherwise making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.

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

E. PRINCIPLE FIVE

Peace officers shall treat all members of the public courteously and with respect.

1. Rationale: Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

2. Rules

a) Peace officers shall exercise reasonable courtesy in their dealings with the public, fellow officers, superiors, and subordinates.

b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.

c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

Peace officers shall not compromise their integrity, or that of their agency or profession, by accepting, giving, or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments, or by using their status as a peace officer for personal, commercial, or political gain.

1. Rationale: For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

Rules

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

b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.

c) Peace officers shall refuse favors or gratuities, which could be reasonably interpreted as capable of influencing official acts or judgments.

d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting a walk-through of such establishments as part of their regularly assigned duties.

e) Peace officers shall not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity, or commercial enterprise.

f) 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.

g) 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 officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

G. PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, or that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. Rationale: For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies, officers must avoid taking or influencing official actions where the officer's actions would or could conflict with the officer's appropriate responsibilities.

Rules

a) A peace officer shall, unless required by law or policy, refrain from becoming involved in official matters, or influencing actions of other peace officers in official matters, impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.

b) A peace officer shall, unless required by law or policy, refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.

c) A peace officer shall not use the authority of their position as a peace officer, or information available to them due to their status as a peace officer, for any purpose of personal gain including, but not limited to, initiating, or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.

d) A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

H. PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

1. **Rationale:** Peace officers are entrusted with vast amounts of private and personal information, or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information, and to maintain public faith in the officer and agency's commitment to preserving such confidences.

Rules

a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.

b) Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses, or complainants.

c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN Statutes, Section 626.89, Peace Officer Discipline Procedures Act, and the law enforcement agency's policy on Allegations of Misconduct as required by POST Board Rules, *MN Rules,* Chapters 6700.2000 to 6700.2600.

<table>
<tr><td rowspan="4">City of Virginia
Police Department
Policy Manual</td><td>Date
04/29/2026</td><td>Number
152</td></tr>
<tr><td>Retention</td><td>Approval</td></tr>
<tr><td colspan="2">To:
All Licensed Officers</td></tr>
<tr><td colspan="2">Subject
Domestic Abuse Arrest
Minn. Stat. 629.342</td></tr>
</table>

POLICY

The Virginia Police Department recognizes domestic abuse as a serious problem in society. This agency aims to protect victims of domestic abuse by ensuring its peace officers understand domestic abuse statutes and approach domestic abuse situations with sensitivity and understanding. Peace officers will utilize this policy when responding to incidents of domestic abuse. This agency will aggressively enforce the laws without bias or prejudice.

DEFINITIONS

Child: has the meaning given to it in MN Statute 260C.007, subdivision 4.

Complainant: refers to an individual making a complaint or reporting a crime.

Domestic Abuse: has the meaning given to it in MN Statute 518B.01, subdivision 2(a).

Domestic Abuse No Contact Order (DANCO): refers to an order issued by a judge under MN Statute 629.75 in criminal court. DANCOs may be issued as a pretrial condition of release and/or as a condition of probation. Violating a DANCO is a crime.

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

Domestic Call: refers to a call for service or a request for service made to a law enforcement agency regarding a domestic disturbance.

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

Harassment: has the meaning given to it in MN Statute 609.749, subdivision 2(c).

Harassment Restraining Order (HRO): refers to an order issued by a judge under MN Statute 609.748 in civil court where a petitioner requests a court order prohibiting another person from having contact with them. The petitioner of an HRO does not have to be a family or household member to the respondent. Violating an HRO is a crime.

Order for Protection (OFP): refers to an order issued by a judge under [MN Statute 518B.01, subdivision 5], in civil court. Violating an OFP is a crime.

Petitioner: refers to an individual who initiates legal proceedings by filing a petition with the court.

Primary Aggressor: refers to the person who, based on the totality of the circumstances, is determined to be the primary perpetrator of domestic abuse, as opposed to a person who used force in self-defense or who has been primarily subject to abuse.

Qualified Domestic Violence-Related Offense (QDVRO): has the meaning given to it in MN Statute 609.02, subdivision 16.

Respondent: refers to the person against whom a court action or protective order is sought.

Stalking: has the meaning given to it in MN Statute 609.749, subdivision 5.

PROCEDURE

RECEIVING A DOMESTIC REQUEST FOR SERVICE

Receiving a Domestic Request for Service. Domestic requests for service are considered high priority calls and must be treated accordingly by dispatchers and [officers]. Dispatchers must assign, minimally, two [officers] to a known or suspected domestic abuse call. If only one [officer] is available, reasonable attempts must be made to obtain another [officer]. After receiving a domestic call, [officers] must respond promptly according to the information they received (e.g., is the situation active/ongoing, is the incident being reported several days after the event, or are the victim(s) in a safe location away from the suspect). Domestic requests for service may be received via text message to 911 or by other means.

Information to be Obtained. The dispatcher receiving a domestic request for service should attempt to collect pertinent information from the caller and relay the information to the responding [officers]. The dispatcher receiving a domestic abuse call should attempt to gather the following information:

- the nature of the incident,
- the address of the incident, including apartment number (if applicable),
- the telephone number(s) by which the caller can be reached,
- whether weapons are involved or present in the dwelling,
- whether someone is injured and the nature of the injury,
- whether alcohol or drugs are involved,
- information about the suspect (e.g., presence, description, direction of flight, mode of travel, etc.),
- the relationship between the caller and the suspect,
- whether there have been previous calls involving the caller and suspect,
- whether there is an active order for protection (OFP), harassment restraining order (HRO), or criminal pre-trial or probationary domestic abuse no contact order (DANCO),
- whether children are present, and
- whether there are non-English speaking, mobility impaired, or hearing-impaired individuals present.

If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone for as long as possible and tell the caller when they 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 [officers]. Dispatchers should ask callers if it is safe for them to talk and if so, for how long.

If, for any reason, the dispatcher is unable to remain on the line with the caller and the responding [officers] are some distance away from the call location, the dispatcher should attempt to periodically call the complainant back, if the caller said it is okay to do so, to check on their well-being. If the complainant was available by telephone, but later becomes unreachable or the dispatcher encounters a persistent busy signal, that information should be relayed to the responding [officers].

RESPONDING TO A DOMESTIC CALL

Driving to the Scene. Peace officers must respond directly and without unreasonable delay to the scene. [Officers] should evaluate tactical considerations related to the use of emergency lights and sirens when responding.

Initial Contact. Upon arriving at the scene of a domestic abuse call, the responding [officers] must identify themselves as peace officers, explain their presence, and request entry into the home. The [officers] must ask to speak with the individuals involved in the situation. When reasonable, practical, and safe to do so, [officers] should separate (sight/sound) all individuals involved prior to taking any 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] must ensure all occupants inside or at the call location are safe to the extent they are able.

Entry. If refused entry, the [officers] should be persistent about seeing and speaking alone with the complainant. If access to the complainant is refused the [officers] should request dispatch contact the caller via phone. If access is still refused and the [officers] have reason to believe someone is in imminent danger, [officers] are permitted to force entry. If the [officers] are refused entry, and have no legal grounds to force entry, but have reasonable grounds to believe a crime has been committed, the [officers] may apply for a search warrant.

First Aid. After securing the scene, responding peace officers shall provide first aid and offer EMS (as applicable). [Officers] may preemptively request EMS and put them on standby while responding to the scene in an effort to minimize medical personnel response time.

INVESTIGATION

After securing the scene and providing any necessary first aid, peace officers must begin an investigation and assess the evidence to determine if there is probable cause that evidences a crime has been committed. During the investigation, when feasible, [officers] must attempt to interview the parties directly involved as well as any witnesses to the incident as necessary for the investigation. If the witness, victim, or suspect is a child, [officers] should consider whether an interview should take place at another location or be handled by another organization. [Officers] must collect and/or document any evidence at that scene. As part of the evidence collection process, [officers] must consider:

- taking photos of the scene,
- photographing the condition of clothing of the individuals involved,
- photographing any property damage,
- photographing physical injuries or the presence of petechiae (peace officers should be aware that injuries appear differently on different complexions and under flash photography),
- completing a lethality assessment (as applicable),
- recording and documenting excited utterances made by the victim and/or the suspect,
- documenting the demeanor of the victim and/or the suspect,
- collecting medical records including the victim's statements to paramedics, nurses and doctors,
- recording interviews with witnesses including children who may have been present,
- documenting evidence of any prior domestic abuse related incidents,

- documenting any existing OFPs, HROs or DANCOs, and
- documenting any other existing court order restricting contact between the suspect and victim.

When establishing probable cause, peace officers may consider their observations as well as any statements made by the parties/witnesses involved.

Suspect Gone on Arrival. If there is probable cause to make an arrest, [officers] should make reasonable attempts to locate and arrest the suspect. [Officers] should consider checking the suspect's place of employment and residences the suspect is known to frequent (e.g., the residences of family/friends or other properties the suspect may own).

ARREST CONSIDERATIONS

Arrest determinations must be based on probable cause that evidences a crime has been committed. [Officers] <u>shall not</u> base arrest determinations on the following factors:

- the 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 or criminal cases involving the same victim or suspect,
- denial by either party that the abuse occurred when there is evidence of domestic abuse and probable cause has been established,
- 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.

Primary Aggressor and Dual Arrests. The Virginia Police Department discourages dual arrest, however, such arrests are not explicitly prohibited. When there are allegations that each party assaulted the other, the peace officer shall determine whether there is sufficient evidence to conclude one of the parties is the primary aggressor. Such a determination should be based on, minimally, the following:

- the comparative extent of the injuries inflicted,
- the presence of fear of physical injury because of past or present threats,
- were actions taken in self-defense or to protect oneself,
- patterns of power of control (financial/technological/psychological),
- the history of domestic abuse perpetrated by one party against the other, or
- the existence or previous existence of an order for protection.

In situations where the primary aggressor is identifiable, but charges also seem appropriate for the other individual involved, a report should be sent for consideration of charges to the prosecutor's office in lieu of a physical (dual) arrest. In their report, [officers] should explain how the [officer] identified a specific individual as the primary aggressor. In extreme cases or for instances in which a primary aggressor cannot be identified, a dual arrest may be made. In the event a dual arrest is made, when feasible, [officers] should transport the individuals in separate vehicles.

Victims Declining Arrest or Prosecution. If [an officer] establishes probable cause and determines a domestic abuse crime has been committed, they may make an arrest. The arrest may be made regardless of a victim's request not to arrest or prosecute the suspect. When [an officer] encounters a victim who wishes to decline charges, the [officer] should explain to the victim that arrest and prosecutorial determinations are given to law enforcement and prosecutors by state statute. [Officers] can offer to include a victim's request to decline charges in their report, however, victims should be made aware prosecutorial determinations will be made by the prosecuting attorney's office based on evidence.

Warrantless Probable Cause Arrest for Fifth Degree Assault or Domestic Assault. In general, [officers] cannot effect probable cause arrests for misdemeanors that did not occur in their presence. This is not the case for crimes of domestic assault. According to MN Statute 629.341, peace officers are immune from civil liability when making a domestic abuse arrest so long as they act in good faith and exercise due care when making the arrest determination. For misdemeanor offenses, according to MN Statute 629.341, peace officers may arrest a person anywhere, without a warrant, if the [officer] has probable cause to believe that, within the preceding 72 hours excluding the day probable cause was established, the individual assaulted, threatened (with a dangerous weapon), or committed an act intended to cause fear in another of immediate body harm or death if the victim is a "family or household member."

According to MN Statute. 629.72, notwithstanding any other law or rule, an arresting [officer] may not issue a citation in lieu of effecting the arrest of an individual being charged or arrested for harassing or stalking, domestic abuse, a violation of an order for protection, or a violation of a domestic abuse no contact order.

Level of Arrest for Fifth Degree Assault and Domestic Assault: Misdemeanor, Gross Misdemeanor and Felony. [Officers] should be aware there are many domestic abuse related crimes that are eligible for enhancement based on an individual's previous criminal convictions. Fifth Degree Assault and Domestic Assault are deemed misdemeanor offenses. When enhancement factors are present, these offenses may be charged as a gross misdemeanor or felony.

- *Gross Misdemeanors*
    - MN Statute 609.224, subdivision 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 qualified domestic violence-related offense (QDVRO) conviction or adjudication of delinquency in Minnesota, or any similar law of another state.
    - If the charge is Domestic Assault (MN Statute 609.2242) and the victim is a family or household member and the crime occurs within ten years of a QDVRO 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 threats of violence against any person within two years, a gross misdemeanor may also be charged.
- *Felonies*
    - If a person commits Fifth Degree Assault against the same victim within ten years of the first of any combination of two or more QDVRO convictions or adjudications of delinquency, the assault becomes a felony. The same enhancement applies to Fifth Degree Assault 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 MN Statute 609.2247, subdivision 2, whoever assaults a family or household member by strangulation is guilty of a felony.

REPORTS AND FORMS

Peace officers must write a report after responding to a domestic call. If the [officer] did not arrest or seek an arrest warrant even though an arrest was authorized, a detailed explanation of the reasons for the [officer's] decision not to arrest must be documented. The report must then be forwarded to the prosecutor's office for consideration of formal charges. Domestic abuse related reports must, when feasible or applicable, include the following information:

- detailed statements from the victim, suspect, and any witnesses,
- a description of injuries,
- information about past abuse,
- a summary of the lethality assessment,
- a description of the scene,
- identification of the primary aggressor if applicable,
- information on the existence of any language barriers,
- the identification of elderly victims or those with disabilities,
- a summary of prior convictions relevant to charging enhancements,
- a general summary of the suspect's criminal history, and
- a list of evidence.

If necessary, a domestic call must be turned over to the appropriate investigator for further follow-up when needed. If an arrest is made, the [officer] must examine the defendant's criminal history record and, if there is evidence of a QDVRO conviction, advise the prosecutor's office of any potential charging enhancements. If there is probable cause to warrant charges on an individual not determined to be the primary aggressor, the peace officer must thoroughly document all relevant information in the report and refer it to the prosecutor for review and consideration of criminal charges.

LETHALITY/RISK ASSESSMENT

Domestic abuse situations often involve heightened emotional responses from the individuals involved because of not only the present circumstances, but the historical context. Historical context is especially important for assessing the potential risk of future domestic violence against an individual victim. Lethality/risk assessments are a tool [officers] can use to explore a victim's/suspect's abuse history and gauge the risk of future abuse. [Officers] should complete a lethality/risk assessment, approved by the agency, and include the assessment with their report. The assessment should be sent to the prosecuting attorney's office for review. Minimally, the following questions should be included in the agency's assessment.

- Does the suspect have access to a firearm, or is there a firearm in the home?
- Has the suspect ever used or threatened to use a weapon against you or your children/family members?
- Has the suspect ever attempted to strangle you, cut off the circulation in your neck, or impede your breathing in any way. This may include covering your mouth and/or nose.
- Has the suspect ever threatened or tried to kill you?
- Has physical violence increased in frequency or severity in recent months?
- Has the suspect ever forced or coerced you to have sexual relations against your will?
- Does the suspect control or try to control most or all your daily activities?
- Does the suspect monitor or surveil most or all your daily activities?
- Is the suspect constantly or violently jealous?
- Has the suspect ever threatened to commit suicide?
- Do you believe the suspect will assault you again?

- Has the suspect assaulted you in the past?
- Do you believe the suspect will try to kill you?
- Are there any pending or prior OFPs, HROs, or other criminal or civil cases involving the suspect?
- Has the suspect previously violated an OFP, HRO, DANCO, or other order in which you were the petitioner or protected party?

The questions included in the agency's assessment should be evidence informed – meaning that the questions are derived from practical experience and/or research. Agencies are encouraged to develop an assessment referral protocol. Minimally, the protocol, should include referring the assessment to the prosecuting attorney's office and a local advocacy program. After an assessment is completed, [officers] should inform the victim of the outcome, or score, of the assessment. [Officers] should ask the victim if they would like assistance contacting a victim's rights advocacy center for assistance.

OTHER DOMESTIC ABUSE RELATED CRIMES

STALKING

It is a felony to engage in stalking 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 the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim. Stalking charges should be considered when, within a 5-year period, an individual commits or attempts to commit two or more of the criminal acts described in MN Statute 609.749, subdivision 5(b)(1) through (17).

Reports on incidents of stalking must include historical information about/between the individuals involved as well as the emotions the conduct stirred, if any, in the victim(s). This information is necessary to demonstrate patterns of behavior and to satisfy the elements of the crime. Such information is especially important when one of the acts being used to bring forth a charge of stalking was previously attempted but not charged or, possibly, previously reported. Examples of stalking behaviors include, but are not limited to:

- Surveillance
    - Waiting for the victim outside of their office, gym, or other frequented locations.
    - Using tracking software on the victim's devices.
    - Going through the victim's mail or trash.
    - Attaching a tracking device on the victim's vehicle or home.
- Life Invasion
    - Repeated unwanted contact via telephone, text messages, emails, etc.
    - Sending or leaving unwanted gifts.
    - Initiating contact through third parties.
    - Harassing the victim's friends or family.
- Intimidation
    - Using a weapon as a threat.
    - Forcing confrontations.
    - Threatening to harm or kill the victim, themselves, friends, family, pets, or others the victim cares about.
    - Threatening to share or post private information, photos, or videos of the victim.

- Interference
    - Spreading rumors about the victim.
    - Ruining or attempting to ruin the victim's reputation.
    - Taking and/or sharing photos or videos of the victim without their consent.
    - Posting deepfake photos or videos online of the victim.

For additional information regarding stalking behaviors, [officers] can refer to the Stalking Prevention Awareness and Resource Center's (SPARC) website and law enforcement information sheet.

HARASSMENT

A person commits a harassment crime if they:

- directly or indirectly, or through third parties, manifest a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
- follow, monitor, or pursue another, whether in person or through any available technological or other means;
- return 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 make telephone calls, send text messages, or induce a victim to make telephone calls to the actor, whether or not conversations ensue;
- make or cause the telephone of another repeatedly or continuously to ring;
- repeatedly mail or deliver or causes the delivery by any means, including electronically, of letters, telegrams, messages, and packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;
- knowingly make 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; or
- use another's personal information, without consent, to invite, encourage or solicit a third party to engage in a sexual act with the person.

Harassment crimes are elevated to a gross misdemeanor if the conduct was committed with the intent to kill, injure, harass, or intimidate another person if the conduct 1) places the other person in reasonable fear that the person's family or household members will be subject to substantial bodily harm, 2) places the person in reasonable fear that the person's family or household members will be subject to substantial bodily harm, or 3) causes or would reasonably be expected to cause substantial emotional distress to the other person. Harassment crimes may also be elevated to a felony if the provisions of MN Statute 609.749, subdivision 3 or 4 are met.

Acts constituting a violation of harassment or stalking, when committed in two or more counties, may be prosecuted in any county in which one of the acts was committed for all acts in violation of MN Statute 609.749.

VIOLATION OF COURT ORDERS

Peace officers must verify whether any of the following orders discussed herein exist before, during, or after an arrest (OFP, HRO, or DANCO). Methods of verification include visually inspecting a paper or digital copy of the order or obtaining verification from the court or law enforcement agency that issued or served the order. If there is an active court order and the suspect violated the order, the [officer's] incident report must include information regarding the order, such as the name of the county where the order was originally issued and the court file number. In the report, [officers] should explicitly identify what provision the suspect violated in the court order.

Order for Protection (OFP). A peace officer must arrest and take into custody, without a warrant, any person who the peace officer has probable cause to believe violated a condition of an OFP granted by the court pursuant to MN Statute 518B.01. Such an arrest must be made even if the violation of the order did not take place in the presence of the peace officer. A violation of an OFP is a misdemeanor but the charge is enhanceable to a gross misdemeanor if the offense occurred within ten years of a previous QDVRO conviction or adjudication. OFP violation charges are enhanceable to a felony if 1) the individual violated the OFP within ten years of the first of two or more previous QDVRO conviction/adjudication or 2) the individual violated the OFP while possessing a dangerous weapon as defined in MN Statute 609.02, subdivision 6.

According to MN Statute 518B.01, subdivision 18(a)(2), an OFP is not voided if the respondent was invited by the petitioner to the petitioner's residence. Likewise, an OFP is not void if the petitioner initiates contact with the respondent. There is not a time limitation to effect a warrantless arrest for a violation of an OFP.

Harassment Restraining Order (HRO). A peace officer must arrest and take into custody a person who the peace officer has probable cause to believe has violated a harassment restraining order granted by the court pursuant to MN Statute 609.748, subdivisions 4 and 5, if the [officer] can establish probable cause and verify the existence of the order. A person who violates an HRO is guilty of a misdemeanor. This offense is enhanceable to a gross misdemeanor if the violation occurs within ten years of a QDVRO conviction. Per MN Statute 609.748, subdivision 6(d), the offense is enhanceable to a felony if the person knowingly violates the order:

- within 10 years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications;
- because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability (as defined in MN Statute 363A.03, subdivision 12), 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 MN Statute 609.415, subdivision 3, 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). A peace officer must arrest, without a warrant, and take into custody a person who the peace officer has probable cause to believe has violated a DANCO issued pursuant to MN Statute 629.75. The arrest must be made even if the violation did not occur in the presence of the peace officer. A pretrial DANCO is sometimes continued at the time of sentencing with a new 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. A victim's production of a copy of a court order, that appears valid, absent contrary evidence, provides a prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.

When investigating a domestic abuse incident, peace officers must, when applicable, consider whether additional crimes have been committed. Other crimes that should be considered are trespassing, criminal damage to property, disorderly conduct, witness tampering, burglary, and/or assault.

CRIME VICTIM RIGHTS AND SERVICES

If for some reason it is not possible to effect the arrest of a suspect during a domestic abuse incident (for example, the suspect fled the scene), [officers] should, when feasible, consider staying at the scene until the likelihood for further violence has been substantially reduced or eliminated. If the suspect is gone on arrival, [officers] are encouraged to talk to the victim about how to safely contact law enforcement if the suspect returns or their whereabouts are determined. [Officers] are encouraged to provide guidance to victims on how to ensure their own immediate safety (e.g. staying with a family member or friend, having a family member stay with them, or staying at a shelter). If a domestic advocacy program exists in the area, the responding [officer] should initiate contact on behalf of the victim with their permission. MN Statute 629.342 provides that when a peace officer does not make an arrest, the peace officer must provide immediate assistance to the victim, which includes obtaining any necessary medical treatment, and provide the victim a notice of rights pursuant to MN Statute 629.341, subdivision 3.

Assistance to Non-English-Speaking Victims or Victims with Communication Disabilities. The peace officer shall use the resource list established by this law enforcement agency to contact a person to assist in cases where the individuals involved in the domestic call, including the witnesses, are non-English-speaking, hearing-impaired, or have other communication limitations. The [officer] should avoid the use of friends, family, or neighbors as the primary interpreter for the investigation. Consideration: Is there a bilingual speaking [officer] who could assist?

Notice of Crime Victim's Rights. The peace officer must give the victim of a domestic abuse incident a copy of the agency's crime victim notification form. [Officers] are encouraged to verify the victim understands the victim's rights information they have been provided. The agency will routinely review the form to ensure it is current and in compliance with all applicable MN laws. The Department of Public Safety, Office of Justice Programs, produces the crime victim's rights notice and serves as the contact for victim's rights information.

Services. The peace officer or agency should contact the local domestic abuse program as soon as possible on all domestic abuse situations for which there is probable cause for an arrest and provide the name, phone number, and address of the victim and a brief factual account of the events that transpired. This section shall not apply if the dissemination of certain data is prohibited by the Minnesota Government Data Practices Act.

Child Victims. If a child is present during a domestic abuse incident or if the child is the victim of domestic abuse, the responding [officer] must determine whether the child has been subject to physical abuse, psychological abuse, sexual abuse, or neglect as defined by MN Statute 260E.03. If a peace officer finds a child in an environment which endangers the child's health or welfare or which will endanger the child's welfare, the child should be taken into protective custody pursuant to MN Statute 260C.175. When cases involve children, [officers] must comply with the reporting requirements of MN Statute 260E, Reporting of Maltreatment of Minors. If the child has been injured, the [officer] must escort the child to the nearest hospital for treatment. This can be accomplished by following EMS transport, riding with EMS transport, or by the [officer] transporting the child as appropriate.

STATUTORY REFERENCES

- CHAPTER 13 – Government Data Practices
- CHAPTER 260E – Reporting of Maltreatment of Minors
- MN STATUTE 260C.175 – Taking Child Into Custody
- MN STATUTE 518B.01 – Domestic Abuse Act
- MN STATUTE 609.185 – Murder in the First Degree
- MN STATUTE 609.19 – Murder in the Second Degree
- MN STATUTE 609.195 – Murder in the Third Degree
- MN STATUTE 609.20 – Manslaughter in the First Degree
- MN STATUTE 609.205 – Manslaughter in the Second Degree
- MN STATUTE 609.221 – Assault in the First Degree
- MN STATUTE 609.222 – Assault in the Second Degree
- MN STATUTE 609.223 – Assault in the Third Degree
- MN STATUTE 609.2231 – Assault in the Fourth Degree
- MN STATUTE 609.224 – Assault in the Fifth Degree
- MN STATUTE 609.2242 – Domestic Assault

- MN STATUTE 609.2245 – Female Genital Mutilation; Penalties
- MN STATUTE 609.2247 – Domestic Assault by Strangulation
- MN STATUTE 609.25 – Kidnapping
- MN STATUTE 609.255 – False Imprisonment
- 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 609.3458 – Sexual Extortion
- MN STATUTE 609.377 – Malicious Punishment of a Child
- MN STATUTE 609.3775 – Child Torture
- MN STATUTE 609.582 – Burglary
- MN STATUTE 609.713 – Threats of Violence
- MN STATUTE 609.748 – Harassment; Restraining Order
- MN STATUTE 609.749 – Harassment; Stalking; Penalties
- MN STATUTE 609.78 – Emergency Telephone Calls and Communications
- MN STATUTE 617.261 – Nonconsensual Dissemination of Private Sexual Images
- MN STATUTE 617.262 – Nonconsensual Dissemination of a Deep Fake Depicting Intimate Parts or Sexual Acts
- MN STATUTE 629.341 – Allowing Probable Cause Arrests for Domestic Violence; Immunity from Liability
- MN STATUTE 629.75 – Domestic Abuse no Contact Order
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

CHARGING TABLE

The table below was created to assist [officers] with their probable cause arrest determinations. The table identifies which crimes a previous QDVRO conviction acts as an enhancement for. To determine the offense level and corresponding statute, start on the left side of the table by identifying the offense, then move to the right. [Officers] should confirm the information in this table with statute to verify the statute.

"Qualified domestic violence-related offense" refers to a violation of or an attempted violation of an order for protection, first-degree murder, second-degree murder, third-degree murder, first-degree manslaughter, second-degree manslaughter, first-degree assault, second-degree assault, third-degree assault, fourth-degree assault, fifth-degree assault, domestic assault, female genital mutilation, domestic assault by strangulation, kidnapping, false imprisonment, first-degree criminal sexual conduct, second-degree criminal sexual conduct, third-degree criminal sexual conduct, fourth-degree criminal sexual conduct, sexual extortion, malicious punishment of a child, burglary in the first degree, threats of violence, violation of harassment restraining order, harassment, stalking, interference with an emergency call, nonconsensual dissemination of private sexual images, 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.

Offense	Victim	Conviction Look Back Period	Previous Conviction w/in Look Back Period or Qualifying Element	Offense Level	Statute
5th Degree Assault	Any Victim			Misdemeanor	609.224, sub. 1
		w/in previous 3 years	QDVRO	Gross Misdemeanor	609.224, sub. 2(b)
		w/in previous 3 years	QDVRO (x2)	Felony	609.224, sub. 4(b)
	Same Victim	w/in previous 10 years	QDVRO	Gross Misdemeanor	609.224, sub. 2(a)
		w/in previous 10 years	QDVRO (x2)	Felony	609.224, sub. 4(a)
Domestic Assault	Family or Household Member			Misdemeanor	609.2242, sub. 1
		w/in previous 10 years	QDVRO	Gross Misdemeanor	609.2242, sub. 2
		w/in previous 10 years	QDVRO (x2)	Felony	609.2242, sub. 4

Violation of an Order for Protection	Family or Household Member			Misdemeanor	518B.01, sub. 14(b)
		w/in previous 10 years	QDVRO	Gross Misdemeanor	518B.01, sub. 14(c)
		w/in previous 10 years	QDVRO (x2)	Felony	518B.01, sub. 14(d)(1)
			*** commits act while possessing a dangerous weapon ***	Felony	518B.01, sub 14(d)(2)
Violation of a Harassment Restraining Order	Any Victim			Misdemeanor	609.748, sub. 6(b)
		w/in previous 10 years	QDVRO	Gross Misdemeanor	609.748, sub. 6(c)
		w/in previous 10 years	QDVRO (x2)	Felony	609.748, sub. 6(d)(1)
			because of actual or perceived protected class status	Felony	609.748, sub. 6(d)(2)
			by falsely impersonating another	Felony	609.748, sub. 6(d)(3)
			while possessing a dangerous weapon	Felony	609.748, sub. 6(d)(4)
			intent to affect juror, judicial proceeding, etc.	Felony	609.748, sub. 6(d)(5)
	Victim under 18 and respondent is more than 36 months older			Felony	609.748, sub. 6(d)(6)

Malicious Punishment of a Child	A Child		***less than substantial bodily harm***	Gross Misdemeanor	609.377, sub. 2
		w/in previous 5 years	1st – 5th Degree Assault, Domestic Assault, 1st – 4th Degree Criminal Sexual Conduct, or Threats of Violence	Felony	609.377, sub. 3
			substantial bodily harm	Felony	609.377, sub. 5
			great bodily harm	Felony	609.377, sub. 6
	A Child Under 4 Years Old		***harm to head, eyes, neck, or multiple bruises to the child's body***	Felony	609.377, sub. 4
Harassment	Any Victim			Gross Misdemeanor	609.749, sub. 2(c)(1-8)
		w/in previous 10 years	QDVRO	Felony	609.749, sub. 4(a)
			because of actual or perceived protected class status	Felony	609.749, sub. 3(a)(1)

<table>
<tr><td rowspan="4">City of Virginia
Police Department
Policy Manual</td><td>Date:
07-24-2025</td><td>Number
165</td></tr>
<tr><td>Retention</td><td>Approval</td></tr>
<tr><td colspan="2">To:
All Licensed Officers</td></tr>
<tr><td colspan="2">Subject:
Impartial Policing/ Avoiding Racial Profiling Policy
MN STAT 626.8471, subd 4</td></tr>
</table>

I. POLICY

It is the policy of the Virginia Police Department to reaffirm our commitment to impartial policing and to reinforce procedures that serve to assure the public we are providing service and enforcing laws in a fair and equitable manner to all.

II. DEFINITION

Racial profiling has the meaning given to it in Minnesota Statute 626.8471, Subd. 2. which states:

"Racial profiling" means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:

(1) the behavior of that individual; or
(2) information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

III. PROCEDURES

A. Policing impartially, not racial profiling, is standard procedure for this agency meaning:

1. investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by peace officers will be based on a standard of reasonable suspicion or probably cause in accordance with the Fourth Amendment of the United States Constitution and peace officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probably cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches and property seizures;
2. except as provided in paragraph **3.**, peace officers shall not consider race, ethnicity, national origin, gender, sexual orientation, and religion in establishing either reasonable suspicion or probable cause; and
3. peace officers may take into account the descriptors in paragraph **2.** based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals and this information may be used in the same manner officers use specific information regarding age, height, weight, etc. about specific suspects.

B. In an effort to prevent the perception of biased law enforcement peace officers shall:

1. be respectful and professional;
2. introduce or identify themselves to the citizen and state the reason for the contact as soon as practical unless providing this information will compromise officer or public safety.
3. ensure the detention is no longer than necessary to take appropriate action for the known or suspected offense.

4. attempt to answer any relevant questions the citizen may have regarding the citizen/officer contact including relevant referrals to other agencies when appropriate.
5. provide their name and badge number when requested, preferably in writing or on a business card; and
6. explain and/or apologize if it is determined the reasonable suspicion was unfounded (e.g. after an investigatory stop).

A. Supervisors shall ensure all personnel in their command are familiar with the content of this policy and are in compliance.

IV. DUTY TO REPORT

Every member of this department shall perform their duties in a fair and objective manner and are responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

V. VIOLATIONS

Alleged violations of this policy must be reported to the CLEO and POST in accordance with the reporting requirements in Minn. Stat. 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

City of Virginia Police Department Policy Manual	Date: 07-24-2025	Number 128
	Retention	Approval
	To: All Licensed Officers	
	Subject: Criminal Sexual Conduct Investigation	

I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach.

b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards.

c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the Virginia 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. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

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

A. **Consent:** As defined by Minn. Stat. 609.341, which states:

(1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

(2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

(3) Corroboration of the victim's testimony is not required to show lack of consent.

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

C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.

D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2. b. to include:

(1) spouses or former spouses.

(2) parents and children.

(3) persons related by blood.

(4) persons who are presently residing together or who have resided together in the past.

(5) persons who have a child in common regardless of whether they have been married or have lived together at any time.

(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(7) persons involved in a significant romantic or sexual relationship.

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

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

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

I. **Vulnerable Adult***:* any person 18 years of age or older who:

(1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6.

(2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

(3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or

(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

(i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

1. Suggest that the victim not bathe or clean him or herself if the assault took place recently.

2. Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing and should avoid wiping after urination.

3. Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).

4. Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

1. Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

2. The officer shall attempt to determine the location/jurisdiction where the assault took place.

3. Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.

4. Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.

5. Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.

6. Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.

7. Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

8. Request preferred contact information for the victim for follow-up.

C. Victim Interviews

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

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process.
- Whenever possible, conduct victim interviews in person.
- Make an effort to conduct the interview in a welcoming environment.
- Let the victim share the details at their own pace.
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault.
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.
- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.

1. Whether the suspect was known to the victim
2. How long the victim knew the suspect.
3. The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault.
4. The extent of their previous or current relationship
5. Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force.
6. Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault.
7. Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question-and-answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served using these specialized interview techniques. Officers, in making this determination, should consider the victim’s age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

(1) Ensuring the safety of the victim.

(2) Ensuring the scene is safe.

(3) Safeguarding evidence where appropriate.

(4) Collecting any information necessary to identify the suspect; and

(5) Addressing the immediate medical needs of individuals at the scene

b. Initial responding officers should not attempt to interview the victim in these situations but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minn. Stat. 626.556 and 260E.22 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Officers should obtain necessary contact information for the victim's caregiver, guardian, or parents and where the victim may be located later. Officers should advise the victim and/or any accompanying adult(s), guardians, or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer should advise the victim's caregiver, guardian, or parent that if the victim starts to talk about the incident, they should listen to them but not question them as this may influence any future statements.

2. Victims of Domestic Abuse

Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

1. Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)

2. Crime Victim Rights: Officers must provide the following information to the victim:

a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)

b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.

c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.

d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.

3. Other information: Officers should provide to the victim the agency's crime report/ICR number and contact information for the reporting officer and/or investigator or person handling the follow up.

4. Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

1. Considerations for Evidence Collection

Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance with any/all other policies and procedures relating to evidence collections.

b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.

d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

1. Prior to the sexual assault medical forensic examination, the investigating officer should do the following:

a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage, and preservation in sexual assault cases.

b. Provide the victim with general information about the procedure and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.

c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.

d. Ask the victim for a signed release for access to medical records from the exam.

2. Officers should not be present during any part of the exam, including during the medical history.

3. Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

1. Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.

2. Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

3. When possible, an attempt would be made to interview the suspect in person.

4. In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:

   a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.

   b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.

5. For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

1. Prior to or immediately after the preliminary suspect interview, photograph any injuries.

2. Determine whether a sexual assault medical forensic examination should be conducted.

3. Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.

4. During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:

   a. Strongly pubic hair combings, and collection of other potential DNA evidence.

   b. Collect biological and trace evidence from the suspect's body.

c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks.

d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area.

e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor
Supervisors may do the following:

1. Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
2. Provide guidance and direction as needed.
3. Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

1. Case dispositions
2. Decisions to collect evidence.
3. Submissions of evidence for lab testing
4. Interviewing decisions

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

City of Virginia Police Department Policy Manual	Date: 12/23/2025	Number 162
	Retention	Approval Chief Nicole Mattson
	To: All Licensed Officers	
	Subject: Response to Missing and Endangered Persons	

RESPONSE TO REPORTS OF MISSING AND ENDANGERED PERSONS

POLICY

Virginia 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 Virginia 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

City of Virginia Police Department Policy Manual	**Date:** **07-24-2025**	**Number** **164**
	Retention	**Approval**
	To: **All Licensed Officers**	
	Subject: **Predatory Offender Registration – Community Notification**	

I. POLICY

It is the policy of the Virginia Police Department to protect the public by disclosing information on predatory offenders residing in this agency's community. This agency will decide what information to disclose and who to disclose it to based on the level of danger posed by the offender, the offender's pattern of offending behavior and the needs of community members to enhance their individual and collective safety.

II. DEFINITIONS

A. ***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).

B. ***Offender Risk Levels*** means the level of notification is governed by the level of risk assigned by the DOC. Three possible risk levels can be assigned to an offender. They are:

- Level 1 – low risk of re-offending
- Level 2 – moderate risk of re-offending
- Level 3 – high risk of re-offending

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.

~~III.~~ REGISTRATION PROCEDURES

For questions concerning predatory offender registration refer to the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration website at www.dps.state.mn.us/bca for detailed information or contact the Predatory Offender Unit (BCA-POR) by calling (651) 793-7070 or 1-888-234-1248.

When an offender arrives to register with this agency, determine what state the offense was committed in and if the individual is required to register by reviewing the list of registrable offenses on the POR website.

If the offender is required to register, contact the BCA POR to verify the offender is already registered and a DNA sample has been submitted.

- If the offender is already registered, complete a *Change of Information Form* included on the BCA's website at www.dps.state.mn.us/bca.
- If the offender is not registered, complete a *Predatory Offender Registration Form* included on the BCA's website at www.dps.state.mn.us/bca.

- If the offender is from another state, contact the state (information for each state is listed on the BCA's website at www.dps.state.mn.us/bca) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.

It is recommended the agency verify the address of offenders living in their community.

- If the offender is not living at the registered address, contact the BCA-POR to determine if a *Change of Information Form* was submitted. If it was not, the offender may be charged with failure to notify authorities of a change in residence. To make this charge, contact the BCA-POR to request a prosecution packet. Submit the packet to the county attorney's office to file a formal charge.

  Note: It must be verified that the offender is no longer residing at his/her last address prior to submitting the prosecution packet for charging. Depending on the county attorney, formal statements may be needed from friends, co-workers, neighbors, caretakers, etc.

IV. COMMUNITY NOTIFICATION PROCEDURES

For questions regarding community notification or the risk level assigned to an offender 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 will answer questions about the notification process and agency responsibilities. The DOC is also available to assist agencies in conducting public notification meetings when an offender subject to notification moves into a law enforcement jurisdiction.

Attached to this policy are examples of forms that are provided to law enforcement agencies by the DOC to assist them in performing community notifications:

1. CONFIDENTIAL - Fact Sheet - Law Enforcement Agency Use Only
2. Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota-Risk Level Two
3. Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota-Risk Level Three
4. Law Enforcement Fact Sheet - Health Care Facility Notification - Information on a Registered Offender Not for Distribution to Facility Residents
5. Law Enforcement Fact Sheet - Health Care Facility Notification - Information on a Registered Offender for Distribution to Facility Residents
6. VICTIM DATA - CONFIDENTIAL - For Law Enforcement Agency Use Only

A. Notification Process

Law enforcement agencies receive information from the BCA and DOC pertaining to the risk levels of 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 an offender is placed or resides in one of the DOC licensed residential facilities (halfway houses) operated by RS-Eden, Alpha House, 180 Degrees, Damascus Way, or Bethel Work Release. Do NOT disclose any information until the law enforcement agency is notified the offender will move to a residential location.

Level 1 – Information maintained by law enforcement and may be subject to limited disclosure. *See attachment 1: Confidential Fact Sheet – For Law Enforcement Agency Use Only.*

- Mandatory disclosure
  - Victims who have requested disclosure.
- Discretionary disclosure
  - Other witnesses or victims
  - Other law enforcement agencies.

Level 2 – Information subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution. *See attachment 2: Law Enforcement Agency Fact Sheet – Notification of Release in Minnesota – Risk Level 2.*

- In addition to Level 1 disclosures, the law enforcement agency may disclose information to:
    - Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.
    - Individuals likely to be victimized by the offender.
- Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by DOC or DHS.

Level 3 – Information subject to disclosure, not only to safeguard facilities and protect the individuals they serve, but also to protect the community as a whole. *See attachment 3: Law Enforcement Agency Fact Sheet – Notification of Release in Minnesota.*

- In addition to Level 2 disclosures, law enforcement shall disclose information to other members of the community whom the offender is likely to encounter, unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.
- A good faith effort must be made to complete the disclosure within 14 days of receiving documents from DOC.
- The process of notification is determined by the agency. The current standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary information. Assistance is available from DOC RA/CN Unit.

B. 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 dates of conviction; the risk level assigned to the offender, if any; and the profile of likely victims. *See attachment 4: Law Enforcement Agency Fact Sheet - Health Care Facility Notification Information on a Registered Offender Not For Distribution to Facility Residents & attachment 5: Law Enforcement Agency Fact Sheet - Health Care Facility Notification Information on a Registered Offender For Distribution to Facility Residents.*

C. Specialized Notifications

1. Offenders from Other States and Offenders Released from Federal Facilities Subject to Notification

- If a local law enforcement agency learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the agency must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform law enforcement 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 law enforcement may be made consistent with that authorized for risk level 2.
- In the alternative, if a local law enforcement agency believes that a risk level assessment is needed, the agency may request an end-of-confinement review. The local law enforcement agency shall provide to the DOC necessary documents required to assess a person for a risk level.

2. Victim Notification

Law enforcement agencies in the area where a predatory offender resides, expects to reside, is employed, or is regularly found shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and counteract the offender's dangerousness.

DOC will provide victim contact information to the law enforcement agency when there is a victim who has requested notification. *See attachment 6: VICTIM DATA – CONFIDENTIAL – For Law Enforcement Agency Use Only.*

Law enforcement personnel may directly contact the victim. Community victim advocacy resources may also be available to assist with locating a victim and with providing notification. Assistance is also available from the DOC Victim Services staff.

Law enforcement also may contact other victims or witnesses as well as other individuals who are likely to be victimized by the offender.

3. **Homeless Notification Process**
If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should include as much specificity as possible, for example "in the vicinity of_____". These offenders are required to check in with local law enforcement on a weekly basis.

Example 1 [Date]

CONFIDENTIAL

Community Notification: Risk Assignment Report
Law Enforcement Agency Use Only
Not for Use in Public Notification

The individual who appears on this notification is subject to registration as a predatory offender under MN Statutes, Sections 243.166 or 243.167. In addition, this individual is subject to community notification under MN Statutes, Section 244.052.

The following information is for law enforcement use only.

[OFFENDER NAME]   [Date of Birth]

RISK LEVEL ASSIGNED: 1 [DATE RISK LEVEL ASSIGNED]

OID: [XXXXXX]

Race: [NNNN]	Hispanic: [Yes/No]
Height: [N' N"]	Eyes: [NNNN]
Weight: [NNN] lbs.	Hair: [NNNNN]
Complexion: [NNNNN]	Build: [NNNNN]

OFFENDER PHOTO **OFFENDER PHOTO**

Conviction statute(s): [609.NNN]

Investigating agency: [NNNNN] Police Department

Incarceration date : [NN/NN/NN]

Release date: [NN/NN/NN]

Supervision expiration date: [NN/NN/NN]

Supervision agent: NNNNN NNNN at (651) 555-1515

Offense: Offender engaged in sexual contact with the victim (female, age NN). Contact included NNNNNNNNNNNN. Compliance was gained by [NNNNNN]. Offender was [relationship] to victim.

Previous offense(s) and/or behavior(s): [NNNNNNNNNNNNNNN]

Revocation information: [date]—due to [NNNNNNNNNNNNNNN]

Special release conditions: [NNNNNNN; NNNNNNNNNNNNNNNNNNNN;NNNNNNNNNNNN;NNNNNNNN.]

Address: [Org], [Street], [City], [State], [Zip].   [telephone]

Date of address change: NN/NN/NN

If you have any questions regarding this information or the policies regarding the notification statutes, please contact:

Xxxxxx Xxxxxx
Community Notification Coordinator
Minnesota Department of Corrections
651-643-xxxx   xxxx@doc.state.mn.us

Example 2 **[Date]**

XXXXXX Police Department

FACT SHEET

NOTIFICATION OF RELEASE IN *MINNESOTA*

RISK LEVEL TWO- In addition to level one notification (other law enforcement agencies, any victims of, or witnesses to, the offense committed by the offender), law enforcement may notify staff members of public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender.

The ***XXXXXXX Police Department*** is releasing the following information pursuant to Minnesota Statutes, Section 244.052 which authorizes law enforcement agencies to inform the public of a sex offender=s release from prison, or a secure treatment facility, when that ***XXXXXXX Police Department*** believes that the release of information will enhance public safety and protection.

The individual who appears on this notification has been convicted of Criminal Sexual Conduct or other offense that requires registration with law enforcement pursuant to Minnesota Statutes, Sections 243.166 or 243.167.

This offender is *not wanted by the police* at this time and *has served the sentence* imposed on him by the court. This notification is not intended to increase fear in the community. It is the belief of law enforcement that an informed public is a safer public.

Not the ***XXXXXXXXXX Police Department***, the supervising release agent, nor the Minnesota Department of Corrections may direct where the offender does or does not reside, nor can these agencies direct where he works or goes to school. The risk level of this offender has been determined based largely on his/her potential to re-offend based on his/her previous criminal behavior.

Convicted sex offenders have always been released to live in our communities, but it was not until passage of the Registration Act that law enforcement had an ability to know the residence or track their moves after their initial release. Since the passage of the Community Notification Act, law enforcement may share information about many of these offenders with the public. Abuse of this information to threaten, harass, or intimidate registered offenders may be a crime, and will not be tolerated. Such abuses could potentially end the ability of law enforcement to do these notifications. The only person who wins if community notification ends is the sex offender since many of these offenders derive their power from the opportunity that secrecy provides them.

The ***XXXXXXX Police Department*** is available to help you by providing you and your family with useful information on personal safety. The ***XXXXXXXX Police Department*** may be reached at (651) 555-1515. If you want to report criminal activity of this or any other offender, please call 911.

[OFFENDER NAME] **[Date of birth]**

OID: [NNNNNN]

Race: [NNNNN]	Hispanic: [Yes/No]
Height: [N' NN"]	Eyes: [NNNNN]
Weight: [NNN] lbs.	Hair: [NNNNN]
Complexion: [NNNNNN]	Build: [NNNNN]

OFFENDER PHOTO **OFFENDER PHOTO**

Conviction statute(s): [609.NNN]

Release date: NN/NN/NN

Supervision agent: NNN NNNN at 651/555-1515.

Offense: Offender has a history of sexual contact with [NNNNNNNNNNNNNN]. The contact includes [NNNNNNN]. Compliance was gained by [NNNNNNN]. Offender was [relationship] to the victim.

Address: 1000 Block of NNNNN Avenue, [city], MN [zip code].

Date of address change: NN/NN/NN

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.

<table>
<tr><td rowspan="4">City of Virginia
Police Department
Policy Manual</td><td>Date:
07/31/2024</td><td>Number
136</td></tr>
<tr><td>Retention</td><td>Approval</td></tr>
<tr><td colspan="2">To:
All Licensed Officers</td></tr>
<tr><td colspan="2">Subject:
Pursuit Policy</td></tr>
</table>

Vehicle Pursuits

PURPOSE AND SCOPE

Vehicle pursuits pose an extreme danger to officers and civilians; therefore, it is the responsibility of the department to guide its officers in the safe and reasonable performance of their duties. To accomplish these goals, this policy is provided to regulate the manner in which vehicle pursuits are undertaken and performed. The reason for the pursuit must justify the extreme risk involved in engaging in the pursuit. When engaged in emergency vehicle operations in the performance of a vehicle pursuit, drivers of authorized emergency vehicles are granted exemptions, by statute, from certain traffic laws. These exemptions are provided to help protect lives, not to place them at undue risk.

DEFINITIONS

Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or immovable object in the path of the violator's vehicle.

Vehicle pursuit- An event in which a peace officer initiates a vehicular stop, and a driver resists the signal or order to stop by increasing speed, taking evasive action, or otherwise refusing to stop the vehicle.

Flee- 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 the motor vehicle. (M.S. 609.487 Subd. 1)

Termination of Pursuit- A pursuit is terminated when the suspect vehicle stops, or emergency signal devices are deactivated, and routine vehicle operation is resumed.

<u>**Portable Tire Deflation Device:**</u> means a device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.

<u>**Primary Unit:**</u> means the law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.

<u>Pursuit Intervention Technique (PIT):</u> 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.

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

<u>Support Unit(s):</u> refers to the secondary responding pursuit units whose responsibility it is to remain in close proximity to the pursuing vehicle(s) so that peace officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. Support units may also assume responsibility for radio traffic.

<u>Other Assisting Units:</u> refers to law enforcement units not actively involved in the pursuit who assist by deploying stop sticks, clocking intersections, making compelling paths, or otherwise working to minimize risk.

<u>Paralleling:</u> the practice of non-pursuing squad vehicles driving on streets near the active pursuit, in a manner that is generally parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws.

Significant Threat- A strong likelihood based upon known and articulable facts, that death or substantial bodily harm may occur if apprehension is delayed. This includes the potential for the suspect to engage in further violent crimes, or to violently resist arrest.

OFFICER'S RESPONSIBILITIES

a. Violent Felonies:

Officers may engage in a pursuit to apprehend a suspect wanted for a violent felony. Violent felonies include homicides, aggravated robberies, felony level assaults, felony level criminal sexual conduct, kidnapping and first-degree burglaries. Other substantial public safety risks may exist which may require a deviation from this policy. In those extreme instances a supervisor's approval is necessary. The Department expects officers to terminate a pursuit whenever the risks to their own safety and the safety of others outweighs the danger to the community should the offender not be immediately apprehended.

b. Pursuit Considerations:

Factors applied to the initiation, continuation, or termination of a pursuit includes the following:

- The initial decision to engage in a pursuit shall lie primarily with the officer who has initiated the vehicle stop, after considering the elements in this policy.

- In initiating a pursuit an officer should weigh the crime for which the suspect is wanted and the need to apprehend immediately; based upon the existence of a significant threat. Consider whether the suspect is known to the officer and the risk to the community created by the pursuit (traffic, area of pursuit, environmental factors, and weather conditions).
- The officer must continually consider the risks created by the pursuit as those risks may change during a pursuit.
- At times, the termination of a pursuit may be the safest and most appropriate action. Terminating a pursuit shall be considered a decision made in the interest of public safety.
- The officer's decision to continue a pursuit may be overridden by a supervisor at any time.

WHEN TO INITIATE A PURSUIT

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit. (Minnesota Statute 626.8458 subdivision 2(2)

(a) Seriousness of the known or reasonably suspected crime and its relation to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorist, and others.

(c) Apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to Public Safety.)

(d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(e) Safety of the public in the area of the pursuit, including type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and speed of the pursuit relative to these factors.

(f) Pursuing officer's familiarity with the area of this pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officer under the conditions of the pursuit.

(g) Weather, traffic, and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, and hostages.)

(k) Age of the suspect and occupants.

(l) Availability of other resources, such as aircraft assistance.

(m) The police unit is carrying passengers other than on-duty police officers. Pursuit should not be undertaken with a prisoner in the pursuit vehicle.

WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known, or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspects escape.

Operating an emergency vehicle in a pursuit with emergency light(s) and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his or her reckless disregard for the safety of others.

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate to pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to the innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate the pursuit. (Minnesota Statute 626.8458 subdivision 2(2):

a. Capabilities of law enforcement vehicle(s) and officer(s) driving.

b. Availability of additional resources.

c. Officer's/ Supervisor's familiarity with the area of the pursuit.

d. Increased likelihood of a serious collision.

e. Duration of the pursuit.

f. Distance between the pursuing officer and the fleeing vehicle is so great that to further the pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

g. Pursue vehicle’s location no longer definitely known.

h. Officer’s pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

i. Pursuit vehicle suffers an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.

j. Public Safety and Officer Safety.

k. Nature of offense and apparent circumstances.

l. State Laws.

m. Hazards to uninvolved by-standards or motorists.

n. Pedestrian and vehicular traffic patterns and volume.

o. Location of the pursuit (school zone, playground, residential, downtown)

p. Time of day.

q. Speeds of the pursuit

r. Weather and visibility.

s. Road conditions.

t. Traffic conditions; subsequently increasing the danger of the pursuit.

u. The violator is going the wrong way on a one-way street, divided highway, or limited access highway.

v. Normal communication is broken.

w. If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs risks associated with continuing the pursuit, officer should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

x. When directed to terminate the pursuit by a supervisor.

SPEED LIMITS

The speed of the pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

a. Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

b. Pursuit speeds have exceeded the driving ability of the officer.

c. Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

PURSUIT UNITS

To limit the risks to the general public, only a primary unit and two secondary units will be actively involved in the pursuit, except when extreme circumstances exist. Multiple occupants in the fleeing vehicle may constitute extreme circumstances, particularly if a violent crime or weapons are involved. The vehicle known as the primary unit is the vehicle which is the unit closest to the fleeing vehicle, and the secondary unit, which shall remain at a safe distance behind the primary unit but close enough to provide support and communications. Back up units, as assigned, shall operate at a safe distance to provide support. The intent of this procedure is to eliminate a group of squads caravanning in pursuit of a single vehicle. Pursuing vehicles must have their emergency lighting and siren activated and shall be driven in a safe manner and with due regard for public safety. Vehicles operating in emergency mode are exempt from certain traffic regulations when necessary, as long as the operator continues to exercise due care in vehicle operation.

VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and sirens are prohibited from initiating or joining in a pursuit. Officer(s) in such vehicles may provide support to pursuing units as long as their vehicle is operated in compliance with all traffic laws.

PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to him/herself or other persons. (Minnesota Statute 626.8458 Subd. 2 (4)).

The primary unit should notify the Communication Center, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- Reason for the pursuit.
- Location and direction of travel.
- Speed of the fleeing vehicle.
- Description of the fleeing vehicle and license plate number, if known.
- Number of occupants.
- The identity or description of the known occupants.

- Weather, road, and traffic conditions.
- Identity of other agencies involved in the pursuit.
- Information concerning the use of firearms, threat of force, injuries, hostages, or other unusual hazards.
- Request for medical assistance for any person injured in the course of the pursuit. (Minnesota Statute 626.8458 Subd. 2. (6)).
- Request that a patrol unit leader be notified.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. 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

Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

The primary unit is responsible for the pursuit and determining whether to terminate or continue, unless otherwise directed by a supervisor.

When the pursuit vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle and will be responsible for coordinating any further search for either the pursuit vehicle or suspects fleeing on foot.

SECONDARY UNIT(S) RESPONSIBILITIES

Secondary Units:

The second officer in the pursuit is responsible for the following:

(a) Immediately notify the dispatcher of entry into the pursuit.

(b) Remaining out a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

(c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

(d) Serve as backup to the primary unit once a subject has been stopped.

Backup units:

Backup units will monitor radio transmissions and position themselves in order to be of possible assistance. Backup units must be driven in a safe manner with due regard for public safety.

Unmarked Vehicles:

Unmarked squads should not be used as a primary or secondary unit in a pursuit unless an emergency exists requiring their use. If an unmarked car initiates a pursuit or is otherwise involved, it should be replaced by a mark squad as quickly as possible. The unmarked squad may assume the role of a backup squad. Any unmarked squad involved in a Pursuit must be equipped with emergency lights and siren.

PURSUIT DRIVING TACTICS

The decision to use or not use specific driving tactics requires the same assessment of consideration outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit.

(a) Officers: considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to be seen and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway, or freeway. In the event the pursuit vehicle does so, the following tactics should be considered:

1. Request assistance from an available air unit.

2. Maintain visual contact with the pursuit vehicle by paralleling on the correct side of the roadway.

3. Request other units to observe exits available to the suspect(s).

(d) Notify the Minnesota State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.

(e) Officers involved in the pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit, and a clear understanding of the maneuver process exists between the involved officers.

(f) Officer shall not fire at or from a moving vehicle unless the use of deadly force is authorized, and articulable circumstances exist which necessitates a deviation from the standard.

(g) Intentional vehicle-to-vehicle contact is not allowed.

(h) Roadblocks may only be used if the situation justifies the use of deadly force. Supervisory approval is required if time allows.

TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. 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. Officer should remain in their assigned area and should not be involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non- emergency manner, observing the rules of the road.

The primary unit, secondary unit(s) and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

PURSUIT TRAILING

In the event the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

The term "trail" means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating the emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

TIRE DEFLATION DEVICES:

1. The following criteria shall be met prior to the use of tire deflation devices:

    A. There is reasonable cause to believe the suspect has committed an offense justifying arrest of the suspect.

    B. The officer attempting to apprehend the suspect had given notice of command to stop to the suspect by means of both lights and siren.

    C. The suspect ignores the effort and warnings obvious and visible to a reasonable person in the suspect's position.

2. Before utilizing the deflation devices, officers shall have received training on the use of the devices.

3. Officers using the tire deflation devices will consider the following prior to utilizing this equipment:

A. Most effective location for the placement of tire deflation devices:

   - Deployment locations should have reasonably good sight distances to enable the officer deploying the devices to observe the pursuit and other traffic as it approaches.
   - The officer deploying the tire deflation devices should choose a location with natural barriers such as roadway overpasses, guardrails, or large tree(s). These barriers will conceal the officer from violator's view and allow deployment of the devices in a position of relative safety.
   - Traffic, construction, special events, and/ or activities may create situations where the use of tire deflation devices would be inappropriate.

B. Position and vulnerability of the public, private property, other assisting units, and equipment.

C. Tire deflation devices should not be deployed to stop the below listed vehicles unless continued movement of the pursued vehicle would result in an increased hazard to others:

   - Any vehicle transporting hazardous materials.
   - Any passenger bus transporting passengers.
   - Any school bus transporting students.
   - Any vehicle that would pose unusual hazard to innocent parties.
   - Any two-wheel vehicle unless deadly force is justified.

4. Tire deflation devise deployment plans should include provisions for close coordination between pursuing units and the officer deploying the tire deflation device.

   A. When the decision is made to deploy the tire deflating device, pursuing units shall notify the person deploying the devices as far in advance as possible of the necessity for its use.

   B. The officer deploying the device shall be at a predetermined location with sufficient time and proper deployment. All pursuing units should be notified when the devices are in place.

   C. The tire deflation device will be deployed in accordance with the manufacturer's recommendations.

   D. The deploying officer will be responsible for recovery of the device from the roadway. The device shall not be left unattended on the roadway.

5. Deployment of tire deflation devices without prior attempt to stop the suspect may be allowed in limited cases. Situations where it is pertinent to disable a vehicle with a tire deflating device before making aware of police presence may include:

- Stolen cars.
- Serious felony arrest warrants and/ or charges.
- Hostage or kidnapping situations.

AIRCRAFT ASSISTANCE

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. (Minnesota Statute 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.

SUPERVISORY CONTROL AND RESPONSIBILITIES

It is a policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department. The patrol supervisor of the officer initiating the pursuit, or if unavailable, the nearest patrol supervisor will be responsible for the following:

1. Upon becoming aware of a pursuit, immediately notify involved officers and the Dispatch Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted and acted within established Department guidelines.
2. Engage in the pursuit, when appropriate, to provide on-scene supervision.
3. Exercise management and control of the pursuit even if not engaged in it.
4. Ensure that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
5. Direct that the pursuit be terminated if in his/ her judgment it is not justified to continue the pursuit under the guidelines of this policy.
6. Ensure that aircraft assistance is requested if available.
7. Ensure that the proper radio channel is being used.
8. Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

9. Control and manage VPD units when a pursuit enters another jurisdiction.

10. Prepare of post- pursuit critique and analysis of the pursuit for training purposes.

11. Upon becoming aware that a pursuit has been initiated, the Supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy.

12. The Supervisor has a final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command. (Minnesota Rules 6700.2701).

13. The Supervisor shall review all pertinent reports for content and forward them to the Police Chief or Deputy Chief.

INTER-JURISDICTIONAL CONSIDERATIONS

If the pursuit leaves the city of Virginia, Virginia officers will continue to operate within the guidelines of departmental policy. When leaving the city, the jurisdiction being entered must be informed, and advised whether or not assistance is requested.

If a pursuit initiated by another jurisdiction enters the city of Virginia, a Virginia squad may be assigned to assist as requested (primary, secondary, or backup unit). Patrol Supervisors may decline to have Virginia officers involved in the pursuit based upon the initial reason for the pursuit. pursuit, conditions within the City, and tactics being used by the initiating agency. Supervisors may also request that the initiating agency terminate the pursuit. Officers assigned to assist will continue to operate within the guidelines of department policy and at the direction of the patrol supervisor monitoring the pursuit.

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

POST PURSUIT PROCEDURES AND REQUIREMENTS

Pursuit Reports are to be filled out for all cases of motor vehicle pursuits, discontinued pursuits, and decisions not to initiate a pursuit. All reports must contain, at a minimum, the following information:

- Location, date, and time of pursuit initiation.

- Location, date, and time of pursuit discontinuance / apprehension of suspect(s)

- Speed, weather conditions, road conditions and description of pursuit area to include the length and time.
- Reason of initiating and discontinuing the pursuit.
- any injuries or property damage resulting from the pursuit
- Consequences of the pursuit, such as accidents, injuries, or fatalities.
- Whether or not the violator was apprehended.
- The offenses with which the violator was charged.
- Indicates any use of intervention devices. (Spike stripes.)
- Means of stopping the suspect.
- Reports documenting decisions not to pursue must include:
    1. Reason for not initiating.
    2. Time
    3. Date
    4. Any follow-up activity needed.

The Primary Unit is responsible for all after action reports, as required by agency policy.

a. Patrol Supervisor Evaluation

The supervisor responsible for monitoring the pursuit is also responsible for evaluating the pursuit. The evaluation consists of reviewing the related reports and discussing the pursuit with the involved officer(s). This evaluation is required even if the perpetrator is not apprehended. The supervisor must send a copy of the evaluation to the Chief of Police or Deputy Chief. The evaluation states the supervisor’s findings as to whether the initiation of the pursuit, its continuation, and the tactics used, were justified and reasonable and within the Department policy.

b. Mandatory Pursuit report

Minnesota Statute 626.5532 requires the completion of the Minnesota Bureau of Criminal Apprehension, "Minnesota Pursuit Report". The form is available on the internet. It is to be completed electronically by the supervisor monitoring the pursuit and sent to records who will submit it. The supervisor also documents in the police report that the Minnesota mandated report requirement was met and completed. The Supervisor must forward a printed copy of the state report to Records along with the required evaluation. The documents are then forwarded to the Chief of Police or Deputy Chief.

POLICY REVIEW AND TRAINING

Yearly, each licensed member of this department shall certify in writing that they have received, read, and understand this policy initially and upon any amendments.

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. per Minn. Stat. § 626.8458 Subd. 5. 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.

PUBLIC DISCLOSURE

Copies of the current pursuit policy shall be made available to the public upon request.

STATUTORY REFERENCES

- MN STATUTE 169.03 – Emergency Vehicles
- MN STATUTE 169.14 – Speed Limit, Zones; Radar
- MN STATUTE 169.17 – Emergency Vehicle
- MN STATUTE 609.487 – Fleeing Peace Officer; Motor Vehicle; Other
- MN STATUTE 626.5532 – Pursuit of Fleeing Suspects by Peace Officers
- MN STATUTE 626.65 – Uniform Act on Fresh Pursuit; Reciprocal
- MN STATUTE 626.8458 – Vehicle Pursuits; Policies and Instruction Required
- MN STATUTE 6626.487 – Fleeing Peace Officer; Motor Vehicle; Other
- MN STATUTE 6700.0100 – Definitions
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

City of Virginia Police Department Policy Manual	Date: 07-24-2025	Number 142
	Retention	Approval
	To: All Licensed Officers	
	Subject: Criminal Conduct on School Buses	

I. POLICY

It is the policy of the Virginia Police Department to respond to allegations of criminal conduct, which occur within our jurisdiction on school buses. This agency shall work with and consult school officials, transportation personnel, parents, and students to respond to these incidents to protect student safety and deal appropriately with those who violate the law. This policy recognizes that responding to reports of alleged criminal conduct on school buses within this jurisdiction is the responsibility of this office in cooperation with any other law enforcement agency that has jurisdiction over the alleged offense. This policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses.

II. PROCEDURE

This agency shall:

A. Respond to calls for assistance from any citizen, school, or bus transportation company official as they may pertain to criminal conduct on school buses.

B. Issue citations, release pending further investigation, or apprehend and transport individuals committing crimes on school buses, to the extent authorized by law.

C. Investigate reports of crimes committed on school buses by using the same procedures as followed in other criminal investigations, involving juveniles or adults as appropriate.

D. Submit reports regarding the incident to superior officers and the prosecuting attorney as required by agency policy.

E. Follow through with any other investigation necessary to prepare a case pertaining to criminal conduct on school buses as requested by the prosecuting attorney.

F. Provide information to the school regarding the incident as required or authorized by law.

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

<table>
<tr><td rowspan="4">City of Virginia
Police Department
Policy Manual</td><td>Date:
07-24-2025</td><td>Number
139</td></tr>
<tr><td>Retention</td><td>Approval</td></tr>
<tr><td colspan="2">To:
All Licensed Officers</td></tr>
<tr><td colspan="2">Subject:
Use of Vehicle Lights</td></tr>
</table>

POLICY

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

II. DEFINITIONS

For the purpose of this policy, the following definitions apply:

A. **Vehicle**: A motor vehicle or watercraft owned, leased or otherwise the property of the State of Minnesota or a political subdivision.

B. **Lights**: refers to headlights, taillights, and marine navigational lighting as Referenced in MN Statutes, Sections 84.87, 84.928, 169.48 to 169.65 and 86B.511.

III. PROCEDURE

A peace officer may **not** operate a vehicle without lights:

A. On an interstate highway

B. At speeds greater than what is reasonable and prudent under existing weather, road, and traffic conditions.

C. Faster than the posted speed limit

D. In situations where the peace officer is an active participant in the pursuit of a motor vehicle in violation of MN Statutes, Section 609.487

E. Contrary to the elements of MN Statutes, Section 169.541

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

City of Virginia Police Department Policy Manual	Date: 07-24-2025	Number 166
	Retention	Approval
	To: All Licensed Officers	
	Subject: Possession of Property Seized for Administrative Forfeiture- MN Stat 609.531	

POLICY

It shall be the policy of the Virginia Police Department that all employees of the agency, all employees assigned to another law enforcement agency's task force and all employees assigned from an outside law enforcement agency to a task force in which this agency serves as the fiscal agent, shall follow all state and federal laws pertaining to the processing of property seized for forfeiture. Training will be provided by the Virginia Police Department in consultation with the prosecuting authority to officers who may exercise the use of administrative forfeiture in the performance of their duties. Such training to be conducted whenever the agency policy is changed or modified based upon administrative directives legislative statutes changes and/or relative court decisions. Training may include but not limited to agency policy, directives, electronic or traditional classroom education.

DEFINITIONS

Cash: money in the form of bills or coins, traveler's checks, money orders, checks or other forms of electronic money or stored value cards, including but not limited to gift cards, debit cards, gift cards/certificates or other negotiable financial instruments.

Conveyance Device: a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property, which is in fact, itself stolen or taken in violation of the law.

Firearms/ammunition/firearm accessories: a device that projects either single or multiple projectiles at high velocity. Ammunition is a term meaning the assembly of a projectile and its propellant. Accessories include but are not limited to holsters, gun cases, firearm optics, suppression devices, cleaning supplies, etc.

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

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

Forfeiture/Seized Property Reviewer: An Agency employee responsible for reviewing all forfeiture cases and is the liaison between the Agency and prosecutor's office.

Seizure: the act of law enforcement officials taking property, including cash, vehicles, etc. that has been used in connection with or acquired by illegal activities.

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 prepare the following:

- The proper Notice of Seizure and Intent to Forfeit Property form. This form must be completed to include the following: a list describing each item seized, the name of the individual served with the Notice, location, and the date of seizure.

- A receipt for the item(s) seized and that appropriate notifications are made within 60 days pursuant to MN Statute 609.5314, sub 2.

The Notice form also contains information in English, Hmong, Somali, and Spanish concerning the right to obtain judicial review and the procedure under MN STAT 609.5314 to follow to obtain it. The form must be dated and signed by the peace officer conducting the seizure. An agency case number must be included on the form. The individual from whom property is 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 will 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 custody of the agency.

The peace officer conducting the seizure shall forward the original and pink copy of the seizure notices, seized property processing worksheets, property receipts and reports will be forwarded to the Forfeiture/Seized Property Reviewer within 10 days of seizure.

The peace officer conducting the seizure shall inform the Forfeiture/Seized Property Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

Cash

Peace officers shall not seize cash having an aggregate value less than (Agency Discretion), unless pre-recorded buy funds are included in the cash seized. Cash shall be recounted, and the amount verified by another employee of the Agency. The property bag and/or inventory receipt shall then be co-signed when cash is involved.

All forfeitable cash seized will be turned over to the Forfeiture/Seized Property Reviewer or property/evidence room as soon as practicably possible (Agency Discretion) of the seizure.

Prior to deposit with the Forfeiture/Seized Property Reviewer, peace officers shall examine all cash seized to determine whether it contains any buy funds. Peace officers shall document the recovery of all buy funds and deposit those funds with the Forfeiture/Seized Property Reviewer to be returned to the appropriate unit's buy fund account.

Peace officers seizing cash shall also prepare a property inventory. If cash is seized from multiple individuals, a property inventory receipt will be completed for each individual. The property inventory receipt shall specify the total amount of cash seized from each individual. The agency property inventory shall also contain a detailed description of all checks, money orders and/or travelers checks or other financial instruments.

The peace officer conducting the seizure shall provide a copy of the completed property inventory receipt to the Forfeiture/Seized Property Reviewer.

It is the seizing peace officer's responsibility to secure the cash consistent with the agency policy or procedure.

Jewelry/Precious Metals/Precious Stones

Peace officers seizing jewelry, precious metals, and/or precious stones will write a detailed description of each item on the property inventory receipt prior to inventorying the items. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Forfeiture/Seized Property Reviewer.

Peace officers seizing jewelry, precious metals, and/or precious stones shall deliver those items to the property/evidence room as soon as practicably possible.

Conveyance Device

Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an agency approved impound facility.

Peace officers shall inventory the conveyance device and its contents in accordance with agency policy. Peace officers shall also complete applicable report forms and distribute them appropriately.

Firearms/Ammunition/Firearm Accessories

When firearms, ammunition, or firearms accessories are seized, they shall be inventoried and delivered to the property/evidence room as per agency policy/procedure.

CASE FILE STATUS

The Forfeiture/Seized Property Reviewer shall forward all changes to forfeiture status to the supervisor who initiated the case.

REPORT WRITING

Peace officers seizing property must complete a report. All reports must include a description of the items seized, where the property is turned in/stored, the name of the individual served, the date that the seizure form was served, the name of the serving peace officer, and whether or not the individual signed the Notice of Seizure and Intent to Forfeit Property form.

All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible.

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

<table>
<tr><td rowspan="4">City of Virginia
Police Department
Policy Manual</td><td>Date:
10-23-2025</td><td>Number
171</td></tr>
<tr><td>Retention</td><td>Approval
Chief Nicole Mattson</td></tr>
<tr><td colspan="2">To:
All Department Employees</td></tr>
<tr><td colspan="2">Subject:
Confidential Informant Policy</td></tr>
</table>

I. POLICY

It is the policy of the ***Virginia Police Department*** to establish procedures and protocols that take necessary precautions concerning the recruitment, control and use of confidential informants.

II. DEFINITIONS

A. Confidential Informant (CI): A person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and;

1. seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and
2. is able, by reason of the person's familiarity or close association with suspected criminals, to:
    - i. make a controlled buy or controlled sale of contraband, controlled substance, or other items that are material to a criminal investigation;
    - ii. supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or
    - iii. otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

B. Controlled Buy: means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

C. Controlled Sale: means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

D. Mental Harm: means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person's judgment or behavior.

E. Target Offender: means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

F. Confidential Informant File*:* means a file maintained to document all information that pertains to a confidential informant.

G. Unreliable Informant File: means a file containing information pertaining to an individual who has failed at following an established written confidential informant agreement and has been determined to be generally unfit to serve as a confidential informant.

H. **Compelling Public Interest*:*** means, for purposes of this policy, situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.

I. **Overseeing agent*:*** means the officer primarily responsible for supervision and management of a confidential informant.

III. PROCEDURES

A. Initial Suitability Determination

An initial suitability determination must be conducted on any individual being considered for a role as a CI. The initial suitability determination includes the following:

1. An officer requesting use of an individual as a CI must complete an Initial Suitability Report. The report must be submitted to the appropriate individual or entity, as determined by the agency chief executive, to review for potential selection as a CI. The report must include sufficient detail regarding the risks and benefits of using the individual so that a sound determination can be made. The following information must be addressed in the report, where applicable:
   a. Age, sex, and residence
   b. Employment status or occupation
   c. Affiliation with legitimate businesses and illegal or suspicious enterprises
   d. Extent to which potential information, associations, or other assistance could benefit a present or future investigation
   e. Relationship with the target of an investigation
   f. Motivation in providing information or assistance
   g. Risk of adversely affecting an existing or future investigation
   h. Extent to which provided information can be corroborated
   i. Prior record as a witness
   j. Criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged with a crime
   k. Risk to the public or as a flight risk
   l. Consultation with the individual's probation, parole, or supervised release agent, if any
   m. Consideration and documentation of the individual's diagnosis of mental illness, substance use disorder, traumatic brain injury, or disability; and consideration and documentation of the individual's history of mental illness, substance use disorder, traumatic brain injury or disability
   n. Relationship to anyone in law enforcement
   o. Risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement
   p. Prior or current service as a CI with this or another law enforcement organization

2. Prior to an individual's use as a CI, a supervisor or other designated authority must review the Initial Suitability Report and determine if the individual is authorized to serve as a CI.
3. Any prospective or current CI must be excluded from engaging in a controlled buy or sale of a controlled substance if the prospective or current CI:

a. is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness; or
b. is participating in a treatment-based drug court program or treatment court; except that
c. the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.

4. Documentation and special consideration must be made of the risks involved in engaging a prospective or current CI in the controlled buy or sale of a controlled substance if the individual is known, or has reported, to have experienced a drug overdose in the previous 12 months.

5. Any prospective or current CI who is known to abuse substances, or is at risk for abusing substances, should be provided referral to prevention or treatment services.

6. Any prospective or current CI that has a physical or mental illness that impairs the ability of the individual to understand instructions and make informed decisions should be referred to a mental health professional or other appropriate medical professional, or a case manager/social worker from the county social services agency, or other substance abuse and mental health services.

7. Each CI's suitability must be reviewed every 6 months, at a minimum, during which time the CI's overseeing agent must submit a Continuing Suitability Report addressing the foregoing issues in III.A.1.a–p, and III.A.3-6, where applicable. An initial suitability determination must be conducted on a reactivated CI regardless of the length of inactivity.

8. Any information that may negatively affect a CI's suitability during the course of their use must be documented in the CI's file and forwarded to the appropriate authorized personnel as soon as possible.

9. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of CIs periodically as part of the informant management process. If a CI is active for more than 12 months, a supervisory meeting with the CI must be conducted without the overseeing agent.

10. CI contracts must be terminated, and the CI file placed in inactive status when the CI has not been utilized for 6 months or more.

B. Exigent Confidential Informants

1. Certain circumstance arise when an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent. In these circumstances, the initial suitability determination can be deferred and an individual may be utilized as a CI for a period not to exceed 12 hours from the time of arrest if:

   a. The individual is not excluded from utilization as a CI under this policy; and
   b. There is compelling public interest or exigent circumstances exist that demand immediate utilization of the individual as a CI and any delay would significantly and negatively affect any investigation; and
   c. A supervisor has reviewed and approved the individual for utilization as a CI under these circumstances.
   d.
2. Upon the conclusion of the 12-hour window, or at any time before, an initial suitability determination must be conducted before the individual engages in any further CI activities.

C. Special CI Approval Requirements

Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the agency's chief executive or their designee and the office of the prosecutor or county attorney should be consulted prior to the use of these individuals as CIs. These individuals include the following:

1. Juveniles
   a. Use of a juvenile under the age of 18 for participating in a controlled buy or sale of a controlled substance or contraband may be undertaken only with the written authorization of the individual's parent(s) or guardian(s), except that the juvenile informant may provide confidential information.
   b. Authorization for such use should be granted only when a compelling public interest can be demonstrated, *except that*
   c. Juveniles under the guardianship of the State may not be used as a CI.
2. Individuals obligated by legal privilege of confidentiality.
3. Government officials.

D. General Guidelines for Overseeing CIs

General guidelines for overseeing CIs are as follows:

1. CIs must be treated as assets of the agency, not the individual overseeing agent.
2. No promises or guarantees of preferential treatment within the criminal justice system will be made to any informant without prior approval from the prosecuting authority.
3. CIs must not be used without authorization of the agency through procedures identified in this policy.
4. CIs must not be used to gather information purely of a political nature or for other information-gathering efforts that are not connected with a criminal investigation.
5. Under no circumstances must an informant be allowed access to restricted areas or investigators' work areas within a law enforcement agency.
6. All CIs must sign and abide by the provisions of the agency's CI agreement.
7. Any physical or mental illness that impairs the CI's ability to knowingly contract or otherwise protect the informant's self-interest must be taken into consideration before the CI signs the agreement.
8. The CI's overseeing agent must discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
   a. CIs may voluntarily initiate deactivation, whereupon the protocols outlined in section E of this policy must be followed.

   b. CIs are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon while performing activities as a CI.
   c. CIs found engaging in any illegal activity beyond what is authorized by the agency and conducted while under the supervision of an overseeing agent, will be subject to prosecution.
   d. CIs are prohibited from engaging in actions or activities that could be deemed entrapment. The meaning of the term and implications of such actions must be explained to each CI.
   e. CIs are prohibited from engaging in self-initiated information or intelligence gathering without agency direction and approval. The CI must not take any actions in furtherance of an investigation without receiving specific instruction(s) from the overseeing agent or agency.
   f. Every reasonable effort will be taken to ensure the confidentiality of the CI but, upon judicial order, he or she may be required to testify in open court.
   g. CIs may be directed to wear a listening and recording device.
   h. CIs must be required to submit to a search before and after a controlled purchase.
   i. CIs who participate in unplanned or unanticipated activities or meet with a subject(s) under investigation in a location outside of the jurisdictional boundary of the handling agency must promptly report that activity or meeting to their overseeing agents.
9. CI activity outside jurisdictional boundaries:
   a. Investigators handling CIs who engage in operational activity in locations outside the jurisdictional boundaries of the agency must coordinate with counterparts in law enforcement agencies that have jurisdiction in that location where the CI will operate before any activity occurs, or in a timely manner after unanticipated activity occurs and is brought to the attention of the overseeing agent.
   b. Any decision to defer or delay notice to or coordinate with an outside agency having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the agency's chief executive or their designee.
10. Officers must take the utmost care to avoid conveying any confidential investigative information to a CI, such as the identity of other CIs, surveillance activities, or search warrants, other than what is necessary and appropriate for operational purposes.
11. No member of this agency must knowingly maintain a social relationship with a CI, or otherwise become personally involved with a CI beyond actions required in the performance of duty.
12. Members of this agency must not solicit, accept gratuities from, or engage in any private business transaction with a CI.
13. Meetings with a CI must be conducted in private with another officer or agent present and with at least one officer or agent of the same sex, except when not practical. The meeting location should minimize the potential for discovery of the informant's cooperation and provide sufficient space to complete necessary administrative duties. The meetings must be documented and subsequently entered into the individual's CI file.
14. Overseeing agents must develop and follow a communications strategy and plan with the CI that minimizes, to the greatest extent possible, the risk of discovery or compromise of the relationship between the agency and the CI. This plan should also aim to prevent the

detection, compromise, or interception of communications between the overseeing agent and the CI.

15. Procedures must be instituted to assist CIs with concealing their identity and maintaining their safety. Care should be given not to expose CIs to unnecessary safety risks.
16. Preceding or following every buy or sale of controlled substances, overseeing agents must screen the CI for any personal safety or mental health concerns, risk of substance abuse, and/or potential relapse in any substance abuse recovery.
    a. At the request of the CI, or if the overseeing agent deems it necessary, reasonable efforts should be taken to provide the CI with referral to substance abuse and/or mental health services.
    b. Overseeing agents must document:
        i. the screening,
        ii. any referral to services provided to, or requested by, the CI, and
        iii. any refusal by the CI to participate in the screening and/or any refusal by the CI to accept referral to services. Reasons for the CI's refusal must be documented, where applicable.
    c. No part of this subsection supersedes MN Stat. 253B.05, sub.2.
17. Reasonable protective measures must be provided for a CI when any member of this agency knows or should have known of a risk or threat of harm to a person serving as a CI and the risk or threat of harm is a result of the informant's service to this agency.
18. Overseeing agents must:
    a. evaluate and document the criminal history and propensity for violence of target offenders; and
    b. to the extent allowed, provide this information to the CI if there is a reasonable risk or threat of harm to the CI as a result of the CI's interaction with the target offender.
19. Reasonable efforts and precautions must be made to help protect the identity of a CI during the time the person is acting as an informant.
20. Whenever possible, officers must corroborate information provided by a CI and document efforts to do so.
21. The name of a CI must not be included in an affidavit for a warrant unless judicial authority is obtained to seal the document from the public record or the CI is a subject of the investigation upon which the affidavit is based.
22. Overseeing agents are responsible for ensuring that information of potential value to other elements of the agency is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.
23. Individuals leaving employment with the agency have a continuing obligation to maintain as confidential the identity of any CI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

E. Establishment of an Informant File System

An informant file system must be established as follows:

1. The agency chief executive must designate a file supervisor who must be responsible for developing and maintaining master CI files and an indexing system.
2. A file must be maintained on each CI deemed suitable by the agency.
3. An additional Unreliable Informant File must be established for CIs deemed unsuitable during initial suitability determinations or at a later time.

4. Each file must be coded with an assigned informant control number for identification within the indexing system and must include the following information, where applicable:
    a. Name, aliases, and date of birth
    b. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features
    c. Emergency contact information
    d. Name of the officer initiating use of the informant and any subsequent overseeing agents
    e. Photograph and criminal history record
    f. Current home address and telephone number(s)
    g. Residential addresses in the last five years
    h. Current employer, position, address, and telephone number
    i. Social media accounts
    j. Marital status and number of children
    k. Vehicles owned and their registration numbers
    l. Places frequented
    m. Gang affiliations or other organizational affiliations
    n. Briefs of information provided by the CI and the CI's subsequent reliability
    o. Special skills and hobbies
    p. Special areas of criminal expertise or knowledge
    q. A copy of the signed informant agreement
5. CI files must be maintained in a separate and secured area.
6. The file supervisor must ensure that information concerning CIs is strictly controlled and distributed only to officers and other authorities who have a need and a right to such information.
7. CI File Review
    a. Sworn personnel may review an individual's CI file only upon the approval of the agency's chief executive or their designee.
    b. The requesting officer must submit a written request explaining the need for review. A copy of this request, with the officer's name, must be maintained in the individual's CI file.
    c. Officers must not remove, copy, or disseminate information from the CI file.
    d. CI files must be reviewed only in designated areas of the law enforcement facility and returned as soon as possible to their secure file location.
    e. All disclosures or access to CI files must be recorded by the file supervisor, to include information such as the requesting officer or agency, the purpose of access or disclosure, the information conveyed, and the date and time of access or dissemination.
    f. No portion of an individual's CI file must be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.

F. Deactivation of Confidential Informants

A CI deactivation procedure must be established as follows:

1. The overseeing agent must complete a deactivation form that includes, at minimum, the following:
    a. The name of the agency.

b. The name of the CI.
c. The control number of the CI, where applicable.
d. The date of deactivation.
e. The reason for deactivation.
f. A notification that contractual agreements regarding monetary re-numeration, criminal justice assistance, or other considerations, specified or not, are terminated.
g. A notification that the agency will provide and assist the CI with referral to health services for assistance with any substance abuse disorder and/or physical, mental, or emotional health concerns, as requested or accepted by the CI.
h. A signature by the CI or documentation indicating the reason(s) why the CI was unable or unwilling to sign the form.
i. A signature by the overseeing agent.

2. All reasonable efforts must be taken to maintain the safety and anonymity of the CI after deactivation.

G. Monetary Payments

Monetary payments must be managed as follows:

1. All monetary compensation paid to CIs must be commensurate with the value of the information or assistance provided to the agency.
2. All CI payments must be approved in advance by the officer in charge of confidential funds.
3. Officers must provide accounting of monies received and documentation for confidential funds expended. Any documentation of monies paid or received should not contain the true identity of the informant but should use the CI's control number.
4. Two officers must be present when making payments or providing funds to CIs.
5. The appropriate individual, as designated by the agency's chief executive, must ensure that the process for authorization, disbursement, and documentation of CI payments, as well as the accounting and reconciliation of confidential funds, is consistent with agency policy.
6. If a CI is authorized to work with another law enforcement or prosecutorial agency, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each agency and consistent with provision III.F.1. of this policy.
7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.

STATUTORY REFERENCES

- MN STATUTE 626.8476 – Confidential Informants
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

City of Virginia Police Department Policy Manual	Date: 01/07/2025	Number 133
	Retention	Approval
	To: All Licensed Officers	
	Subject: Use of Department Audio and Video Recording Devices	

Body Worn Cameras

PURPOSE AND SCOPE

The primary purpose of using body-worn cameras (BWC'S) in law enforcement is to capture evidence arising from police-citizen encounters. The Virginia Police Department has equipped uniformed officers with BWC systems to document events during the course of their patrol duties.

Use of recorders is intended to enhance the Department's mission by accurately documenting contacts between officers of the Department and the public. This policy provides guidance on the use and management of the systems and the recorded media.

POLICY

It is the policy of this department to authorize and/or require the use of department issued BWC'S as set forth in this policy as required by Minnesota State Statute 626.8473, subd. 3.

DEFINITIONS

(a) **Activate** - Any process that causes the MVR system to transmit or store audio-visual signals.

(b) **MGDPA/ Data Practices Act** – Refers to the Minnesota Government Data Practices Act, Minnesota Statute 13.01.

(c) **PODPA-** The Peace Officer Discipline Procedures Act, Minnesota Statutes Chapter 13.

(d) **Body Worn Camera (BWC)** – Refers to a portable recording system as defined in Minnesota Statute 13.825, subd. 1(b)(1) as a device worn by a peace officer that is capable of video and audio recording of the officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation.

(e) **Law Enforcement-related information-** Information captured or available for capture using a BWC that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.

(f) **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 law enforcement department or officer. Note: "Related civil or administrative proceeding" refers, for example, to implied consent or forfeiture actions arising from an arrest or prosecution. Nothing in this policy obligates the department to collect or maintain BWC data solely For use in third-party tor litigation.

(g) **Records Retention Schedule**- refers to the General Records Retention Schedule for City of Virginia.

(h) **Incidental 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. Example: assisting a motorist.

(i) **Adversarial-** means a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility towards the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounter in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.

(j) **Unintentionally recorded footage-** is a video recording that results from an officer's inadvertence or neglect in operating the officer's BWC, provided that no portion of the resulting recording has evidentiary or administrative value. Example: Recordings in a restroom or a personal conversation not expected to be recorded.

(k) **Record-After-The-Fact Function-** Body Camera and MVR events that are captured while the unit is inactive, or if the officer failed to activate the record mode. After- the- fact recordings have a limited time (0-16 hours) they are saved or stored on the device before they are automatically re-written over by the device.

(l) **Official duties/capacity-** for the purposes of this policy, means that the officer is on duty and/or performing authorized law enforcement services on behalf of this department or while in uniform.

(m) **BWC Administrator-** A designee who assigns, tracks, and maintains BWC equipment, oversees needed repairs or replacement equipment through the vendor, controls user rights and access, and acts as a liaison with the vendor.

duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

OBJECTIVES

The Virginia Police Department has adopted the use of BWCs to accomplish the following objectives:

(a) To enhance officer safety.

(b) To document statements and events during the course of incidents.

(c) To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.

(d) To preserve audio and visual information for use in current and future investigations.

(e) To provide a tool for self-critique and field evaluation during officer training.

(f) To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of audio-video recordings.

(g) To assist with the defense of civil actions against law enforcement officers and the City of Virginia.

(h) To assist with the training and evaluation of officers.

OFFICER RESPONSIBILITIES
Officers will use the BWC, as part of their uniform, wear and activate the BWC consistent with this policy. Prior to going into service each officer will properly equip him/herself to record audio and video in the field. The BWC system will be worn at or above the mid-line of the waist. The exception is if the officer's BWC system is not functioning and the on-duty supervisor has been notified.

At the start of each shift, officers will confirm the BWC system is operational in accordance with manufacturer specifications and department operating procedures and training. During their shift, officers will follow the established policies and procedures for documenting, categorizing and retaining any recorded media. Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the officer should promptly notify a supervisor of the existence of the recording.

Malfunctions, damage, loss, or theft of BWC equipment shall immediately be reported to the on-duty supervisor.

This provision prohibits officers from using personally owned BWC, or those provided by private entities that may be contracting for services, while performing department-authorized law enforcement activities. The use of non-department equipment is inconsistent with the department's obligation to administer resulting video footage as government data.

SUPERVISOR RESPONSIBILITIES
Supervisors shall ensure officers are using their BWC equipment per policy and determine corrective action for non-functioning BWC equipment.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the BWC is properly uploaded.

ACTIVATION OF THE BWC AND DOCUMENTATION
The BWC system will be used to document events and the media recordings are to be preserved on the Virginia Police Department storage facility. If no recording is made, the officer will write a supplemental police report under the case number explaining why their BWC was not activated.

Whenever an Officer makes a recording, the existence of the recording shall be documented in an incident report or Computer- Aided Dispatch (CAD) record of the event. Whenever an officer fails to record an activity that is required to be recorded, under this policy or captures only a part of the activity, the Officer must document the circumstances and reasons for not recording in an incident report. Supervisors, shall review these reports, initiate any corrective action deemed necessary, and notify their command-level supervisor.

GENERAL GUIDELINE FOR BWC RECORDING
This policy is not intended to describe every possible situation in which the BWC system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

In some circumstances, it is not possible to capture images of the incident due to conditions or the location of the camera. However, even when the incident may be outside the video range, the LEO is encouraged to activate the BWC to capture the audio portion of the incident.

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

At no time is an officer expected to jeopardize his/her safety in order to activate the BWC or when it is impossible or impractical to do so, but such instances of not recording when otherwise required must be documented as specified in this policy.

The Virginia Police Department mandates that officers assigned a portable recording system wear and operate the system in compliance with the agency's policy adopted under this section while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official.

However, the BWC should (a generally required or expected action) be activated in the following situations as soon as practicable:

All field contacts involving actual or potential criminal conduct, including but not limited to:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops).
2. Priority responses.
3. Vehicle pursuits.
4. Suspicious Vehicles.
5. Arrests.
6. Vehicle searches.
7. Physical or verbal confrontations or use of force.
8. Prisoner transports.
9. Non- custody transports.
10. Pedestrian checks.
11. DWI investigations including field sobriety tests.
12. Taking a statement or interview from a suspect or witness.
13. Medical incidents attended to by members of the Department.
14. All self-initiated activity in which an officer would normally notify the Saint Louis County Dispatch Center.
15. Any call for service involving a crime where the BWC may aid in the apprehension and/or prosecution of a suspect, including but not limited to:
    - a.) Family violence calls.
    - b.) Disturbance of peace calls.
    - c.) Offenses involving violence or weapons.
    - d.) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.
    - (e) Any other circumstance where the officer, through training and experience, believes that a recording of an incident would be appropriate.

CESSATION OF RECORDING

Once activated the BWC system should remain on continuously until the officer's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be temporarily ceased to exchange information with other officers. The reason to cease and resume recording will be noted by the officer either verbally on the BWC or in a written report. Recording may cease during non-enforcement activities such as waiting for a tow truck or a family member to arrive, or in other similar situations.

Formal statements recorded on the BWC shall be recorded as separate recordings. Recordings shall be categorized, titled, and Identified in accordance with established policies and procedures.

WHEN ACTIVATION IS NOT REQUIRED

Activation of the MVR system is not required:

(a) During encounters with undercover officers or informants.

(b) When an officer is on break or is otherwise engaged in personal activities.

(c) In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room or break room.

(d) When not in service or actively on patrol.

(e) Officers will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed.

(f) LEOs will cease recording once they have entered the sally port at the Saint Louis County Jail.

USE OF RECORDERS

Minnesota law permits an individual to record any conversation in which one party to the conversation has given his/her permission (Minn. Stat. § 626A.02).

Officers of the Department may record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not record another department member without a court order unless lawfully authorized by the Chief of Police, or authorized designee, for the purpose of conducting a criminal investigation.

PROHIBITED USE OF RECORDERS

Intentional interference with the BWC system is strictly prohibited. Officers are prohibited from using department-issued BWC equipment for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

The BWC will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.

No member of the department shall intentionally edit, alter, or erase any BWC recording prior to the expiration of the retention period under Minn. Stat. § 13.825.

There shall be no audio or video recordings made in any court of law, unless authorized by a judge. (Minn. Court Rule 4, General Rules of Practice)

REVIEW OF RECORDINGS

All recordings are the property of the agency and subject to the provisions of the MGDPA. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required under the MGDPA, Peace Office Discipline Procedures Act (Minn. Stat. § 626.89), or other applicable law.

Supervisors are authorized to review recordings whenever such recordings would be beneficial in reviewing the officer's performance or actions.

Recorded files may also be reviewed:

(a) For use when preparing reports or statements.
(b) To review for court preparation.
(c) By an Officer who is captured on or referenced in the video or audio data and reviews and uses the data for any purpose relating to any legitimate law enforcement purpose
(d) To assess proper functioning of BWC systems.
(e) If a peace officer is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of the peace officer's BWC and other BWC's which may have recorded the incident and assume the responsibility for transferring the data from it. All recorded incidents will not be viewed or played until the Minnesota Bureau of Criminal Apprehension arrives on scene to investigate the incident. The supervisor will immediately notify the Chief of Police and/or Deputy Chief of Police of the incident.

The Minnesota Bureau of Criminal Apprehension will investigate the police department's critical incidents and the Virginia Police Department will adhere to their policy guidelines which state:

- If the peace officer requests to view the video, they will be afforded an opportunity to do so at the conclusion of the voluntary statement. The agent should make arrangements to show the video as soon as feasible following the statement. BCA personnel should be present for the viewing of the video and the officer's legal representation may be present as well. No other persons other that people needed for technical assistance should be present for the viewing of this video.

- If multiple cameras from other sources captured the incident, the agent shall determine if additional video should be shown to the involved officer on a case-by-case basis.

- At the conclusion of the viewing of this video the peace officer shall be afforded an opportunity to consult privately with their attorney.

- Once such consultation of the viewing has occurred, the agent shall provide an opportunity to the involved peace officer to clarify any portions of their statement after viewing the video.

(f) By department personnel who are participating in an official investigation such as a personnel complaint, administrative inquiry, a criminal or civil investigation.

(g)To determine applicable City Ordinance violations for subsequent actions.

(h) By court and prosecutorial personnel through proper process or with permission of the Chief of Police or Deputy Chief.

(i) By the media through a valid MGDPA request (Minn. Stat. § 13.01 et seq.).

(j) To assess possible training value.

(k) Officers will be notified if their recordings may be shown for staff or public safety training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Chief of Police to determine if the training value outweighs the officer's objection.

(l) Officers will typically not allow citizens to review the recordings; however, officer discretion is allowed to replay the video recording to citizens at the scene in order to mitigate possible complaints or as part of an investigation.

(m) Members shall document the purpose for accessing any recorded file. This documentation is to clarify the reason for viewing the recording when developing the audit trail. In no event shall any recording be used or shown for the purposes of ridiculing, embarrassing, or intimidating any employee; this includes submission of any portion of a video recording to a media organization.

RECORDING MEDIA STORAGE AND INTEGRITY
At the end of their shift, officers are responsible for transferring or assuring the proper transfer of the data from his or her BWC by placing it into the docking station. This will allow the data to be transferred from the BWC through the docking station to the department's server storage. The data is considered impounded at this point and the BWC is cleared of existing data. The BWC should not be removed from the docking station until the data has been uploaded and the battery has been fully recharged.

COPIES OF RECORDING MEDIA
Evidentiary copies of digital recordings will be accessed and copied from the department's server for official law enforcement purposes only. Access rights may be given to the Saint Louis County Attorney's Office or Virginia City Attorney, or other prosecutorial agencies associated with any future prosecution arising from an incident in which the BWC was utilized.
Officers shall ensure relevant recordings are preserved. Officers or BWC administrators may prevent automatic deletion by changing the category of the media at any time prior to deletion.

SYSTEM OPERATIONAL STANDARDS
The BWC system use should be based on officer safety requirements and device manufacturer recommendations.

- **Arrest**
- **Traffic Citation** (non-DWI)
- **Use of Force**- No arrest
- **Officer Injury**

- **Reports call**- no arrest- to be used for all calls for service resulting in the preparation of a police report.
- **Assist/Advise/Warn**
- **Administrative-** to be used when officer believes a participant in the call may make a complaint regarding the involved officer.
- **Demonstration Only-** training demonstration.
- **Training-** to be used with supervisor's approval when captured video will be of value to the department training efforts.
- **Unintentional recording-**
- **Not evidence-** the recording does not contain any of the foregoing categories of information and has no apparent evidentiary value. Recordings of incidental citizen contacts are not evidence.
- **Restricted-** Command Level access only. Reserved for possible use as part of or during an internal investigation.
- **Retention reclassification- permanent:** The recording was initially classified in a manner that would result in automatic destruction in accordance with the City's Retention Policy, however based on the case type and extended statutes of limitation, the data should be permanently retained (example, homicide)
- **Transport**
- **Statement /Interview**

For recordings where a category or case file, citation, internal affairs or permanent has been selected, officers shall enter an ID number and descriptive title.

Digital recordings shall be retained according to the Department's retention schedule or as required by the rules of evidence, unless a specific request is made to store them for a longer period of time by an authorized person.

Officers shall not attempt to delete, alter, reuse, modify or tamper with BWC recordings.

DATA RETENTION

Evidentiary data shall be retained for the period specified in the General Records Retention Schedule for the City of Virginia. When a recording is subject to multiple retention periods, it shall be maintained for the longest applicable retention period.

The Virginia Police Department prohibits altering, erasing, or destroying any recording made with a peace officer's portable recording system or data and metadata related to the recording prior to the expiration of the applicable retention period under section 13.825, subdivision 3, except that the full, unedited, and unredacted recording of a peace officer using deadly force must be maintained indefinitely.

Unintentionally recorded footage shall not be retained and is to be purged by the Chief of Police or Deputy Chief. Any data manually deleted from the system, excluding demonstration data, shall be communicated to the Chief of Police, including the type of data and reason for deletion. A log shall be maintained of all administratively deleted video.

BWC footage that is classified as non-evidentiary, or becomes classified as non-evidentiary, shall be retained for a minimum of 90 days following the date of capture. If information comes to light indicating that non-evidentiary value or value for training, it may be reclassified and retained for a longer period.

The department will maintain the following records and documents relating to BWC use:

(a) The total number of BWC's owned or maintained by an agency.

(b) A daily record of the total number of BWC's deployed and used by officers.

(c) The total amount of recorded BWC data collected and maintained.

(d) Password protection access to all BWC data and maintain an electronic record of the date, time and name of each employee who accesses the data.

(e) This policy, together with the City of Virginia Records Retention Schedule will be used to maintain the records and data.

DATA CLASSIFICATION

A. BWC data is private or nonpublic data. Private data is accessible to the data subject:

- 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.

B. In accordance with Minnesota State Statute 13.825, subd. 2(2), BWC data are public in four situations:

1. When a peace officer discharges a firearm in the course of duty (but not when discharged for training purposes or killing animals.)

2. When use of force by a peace officer results in "substantial bodily harm" as defined in Minnesota State Statute 609.02, subd. 7a, "great bodily harm" as defined in Minnesota State Statute 609.02, subd. 8, or death.

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

b. When an individual dies as a result of a use of force by a peace officer, the law enforcement agency must allow the deceased individual's next of kin and their legal representatives, and the other parent of the deceased individual's child to inspect all portable recording system data within five days of the request. This request may be denied if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If a request is denied, the chief law enforcement officer must provide a prompt, written denial. The data must be released 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.

3. When a data subject requests that the data be made accessible to the public, after redacting undercover officers and those who have not consented to the release.

4. When body camera data documenting the basis for discipline is part of personnel data in final disposition of discipline.

C. With the approval of the Chief of Police, this department may make otherwise non-public data public data if that could aid the law enforcement process, promote public safety, or dispel widespread rumor or unset, consistent with Minnesota Statutes section 13.82, subdivision 15.

D. BWC data that are collected or created as part of an active criminal investigation are governed by Minnesota Statute 13.82 and are classified as confidential or protected nonpublic data. This classification takes precedence over the "private and public" classification listed above.

Record after the fact Function-

This feature will be primarily accessed only during critical incident types situations such as officer involved shooting, bodily injuries involving but not limited to death, life threatening, permanent disfigurement to officer or suspect or gross negligence. If this occurs, the recording officer shall immediately notify his/her supervisor and the Chief or Deputy Chief of Police will either approve or disapprove the accessing of the recording by the certified IT technician based on the aforementioned criteria. If the Chief or Deputy Chief approves the retrieval, the computer IT technician will retrieve the body camera and collect the requested data. These after-the fact recordings have a limited time saved or storage on the device ranging from 0 to 16 hours before it is automatically re-written over by the device

SANCTIONS FOR MISUSE OF RECORDED MEDIA

Any member misusing recorded media for other than official law enforcement purposes will be subject to disciplinary action. The Chief of Police, or designee, shall meet with the person who is alleged to have violated the policy and determine appropriate sanctions, which may include any or all of the standard discipline policies currently in place at the Virginia Police Department including verbal reprimand, written reprimand, suspension or termination. Intentional misuse of recorded media is a serious violation. If criminal behavior is believed to have occurred, appropriate agencies will be notified for further investigation. The specific situation in each case of misuse of recorded media will be looked at with all circumstances considered when determining disciplinary actions. Consideration will be given to the extent of the loss or injury to the system, agency, or other person upon release or disclosure of sensitive or classified information to an unauthorized individual.

SANCTIONS OF BODY WORN CAMERA POLICY VIOLATIONS

Any violations of this policy shall be investigated by the Chief or Deputy Police Chief in accordance with Virginia Police Department Policy 114, Allegations of Misconduct, II, K & L.

WATCH GUARD IN-SQUAD CAMERA

PURPOSE

The purpose of this general order is to provide policy for the use, management, access, retention, handling, dissemination, degaussing, storage, and retrieval of audio-visual media evidence recorded by in-car video systems.

DEFINITIONS

A. Recorded Media - For the purpose of this policy, recorded media defines audio-video signals recorded on media storage cards as part of the overall in-car video system.

B. In-Car Camera (ICC) System - Refers to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum: camera, microphone, recorder, and monitor.

C. ICC Technician - Personnel, licensed or civilian, that are trained in the use and repair of ICCs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

D. Degaussing - Electronic cleansing by overwriting, erasing, and/or destruction of electronic storage media of analog and digital recording media that returns the media to its original state so it is ready for the imprinting of new images.

E. Activate - Any process which causes the ICC system to transmit or store video or audio data.

F. MGDPA - The Minnesota Government Data Practices Act, Minnesota Statute 13. (See General Orders 235.00: Data Practices through 235.70: Civil Litigation Interviews)

POLICY

The use of the ICC system provides documentation of law enforcement duties and interaction with the public. The data collected by the ICC system may be used for law enforcement purposes, for internal review and use, or for review by the public pursuant to MGDPA and department specific policies and procedures.

OBJECTIVES

The Virginia Police Department has adopted the use of ICC to accomplish the following objectives:

(1) To enhance officer safety.

(2) To document events and statements during the course of an incident.

(3) To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.

(4) To provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training.

(5) To preserve visual and audio information for use in current and future investigations.

(6) To enhance the public trust by preserving objective factual representations of officer-citizen interactions in the form of video and audio recordings made via an in-car camera system.

(7) To identify training needs.

PROTOCOLS

A. Officers shall not use any method, including using electronic devices within the law enforcement vehicle, to intentionally interfere with the capability of the ICC system to record video or audio data.

B. Personnel shall not erase, alter, reuse, modify or tamper with ICC recordings. Only a supervisor, ICC technician, or department-approved designee may erase, alter, reuse, modify, or tamper with and reissue previously used recording medium pursuant to the provisions of this policy.

C. To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the chief of police or his/her designee.

D. ICC recordings shall be considered evidence. The officer shall assign the appropriate retention period and case number for evidence. The evidence shall be submitted to the department-approved designee to ensure that the recording is retained in accordance with department policy.

E. When the ICC is activated to document an event, it shall not be deactivated until all police activity has concluded regarding the incident, unless:

(1) The incident or event is of such duration that the ICC may be deactivated to conserve recording times;

(2) The officer reasonably believes that deactivation will not result in the loss of critical documentary information; and

(3) The intention to stop the recording has been noted by the officer either verbally on the ICC recording, or included in the written reports.

F. Officers must document the existence of video and/or audio which was captured with the ICC system in their reports and/or citations.

G. If the ICC was activated during any call or incident whether at the scene or perimeter, the officer must inform dispatch of their presence so they will be assigned to the incident in the computer aided dispatch system.

H. Officers may review their ICC recordings [excepting subdivision 8 below] to aid in preparation of a written report or for review for but not limited to: court testimony, depositions, internal affairs unit statements, investigations, and civil trials. An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment unless the corresponding case file is "locked down" pursuant to department policy.

I. Officers involved in a critical incident: Investigations -- Incidents Where Serious Injury or Death Result during Police Custody or Involvement **may view and/or listen** to the ICC recording of the incident. Viewing and/or listening to the ICC recording may be allowed only after:

(1) The officer(s) visit with LELS representation or legal counsel, if requested; and

(2) The officer(s) and legal counsel meet with the Chief of Police or Deputy Police Chief for a critical incident for the process of a voluntary statement: Investigations -- Incidents Where Serious Injury or Death Result during Police Custody or Involvement.

J. Whenever a request for an ICC recording is made to the department by the public or the media and the department intends to release the video, an attempt will be made to notify the subject officer with 24-hour advance notice of its release.

MANDATORY ICC RECORDING

A. Prior to any use of a squad car equipped with ICC, the officer must log on the system and sync the microphone.

B. To the extent practical without compromising officer safety, the ICC system shall be activated and/or operated in preparation for, when initiating, or under the following circumstances and conditions:

(1) Traffic stops (to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops).
(2) Priority responses.
(3) Vehicle pursuits.

(4) Arrests.
(5) Vehicle searches.
(6) Physical and verbal confrontations or confrontations involving the use of force.
(7) Prisoner transports.
(8) Crimes in progress.
(9) Any situation or incident that the officer, through training and experience, believes should be audibly and/or visually recorded.

C. Additional instructions:

(1) Officers are encouraged to narrate events using the audio recording to provide the best documentation for pretrial and courtroom presentation.

(2) When the ICC is activated, law enforcement officers shall ensure that the audio portion is also activated so all events are properly documented.
(3) Officers may activate both audio and video recording when responding in a support capacity or, for other activities when in the officer's judgment it would be beneficial to do so, in order to obtain additional perspectives of the incident scene.

(4) If the ICC is not activated, the officer will complete a supplemental report under the case number.

ICC MEDIA ACCESS

A. All ICC recorded media, recorded images, and audio recordings are the property of the department and subject to the provisions of the MGDPA.

B. All viewing of and/or listening to any ICC recordings or images are on a need-to-know basis directly related to the viewing individual's specific department assignment. No other viewing and/or listening to is permitted.

C. Dissemination outside of the department is strictly prohibited except to the extent permitted under the MGDPA, the Peace Officer Disciplinary Procedures Act, as required by law, court order, or upon the written authorization of the chief of police or his/her designee.

D. All outside requests for ICC recordings or images shall be documented by a department approved designee. The approved designee will record the specific request, the date of the request, the data classification of the request, the fact that a Notice Letter was given to the requester (if any part of the request is not public data), and the date that a copy of the departmental recording was delivered to the requester. Requesters shall also be provided a copy of the departmental Video Advisory Form. The original will be retained in numerical complaint number order by the department-approved designee.

E. To prevent damage to or alteration of, the original recording media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the chief of police or his/her designee.

F. No copies or images from the ICC or recording media shall be made by anyone until approved by Chief of Police or Deputy Chief. This includes but is not limited to copying or duplication with cellular phone or other media recording/transferring devices. The original copy of the media will be permanently stored on a designated network server for future reference in accordance with the appropriate retention schedules.

G. All copies made by the ICC technician or department forensic media staff shall be for lawful purposes including but not limited to data requests under the MGDPA, department purposes, and criminal and civil litigation purposes. At the legal conclusion of any criminal or civil proceedings, all copies in the possession of Saint Louis County City Attorney's Office or other prosecuting authority shall be submitted to the **ICC technician** for further storage or degaussing.

HANDLING OF EVIDENCE

A. The ICC recording shall be considered evidence.

B. When the ICC is used to collect data in serious injury/fatal crash investigations, the original recording shall be kept at the department as part of the complete crash investigation file. Recordings which are potentially subject to continuing judicial review (appeals, etc.) shall continue to be in the control of the department in conjunction with the appropriate prosecutor or attorney representing the city in civil cases or other litigation.

C. Recordings containing data which must be retained in anticipation of pending civil action or are collected as part of an active investigation for the commencement or defense of a pending civil action against the state shall continue to be in the control of the department, in conjunction with the attorney general's office.

D. When a recording contains evidence for a case which is being investigated by another agency, that agency shall be provided a duplicate copy of the recording with the approval of the chief of police or his/her designee.

DATA RETENTION

A. ICC recordings will be “tagged” by the ICC operating officer as soon as practical and entered into the appropriate case number in the notes section. There should be no dashes or spaces between numbers (Example: 12107899).

B. ICC audio and video recordings shall be retained in accordance with the MGPA, Virginia Police Department Evidence Retention Policy, or court order.

C. The duration of any ICC data evidence retention may be increased as needed. The current retention period for VPD in-car squad camera video footage is 6 months.

SANCTIONS OF ICC CAMERA POLICY VIOLATIONS

Any violations of this policy shall be investigated by the Chief or Deputy Police Chief in accordance with Virginia Police Department Policy 114, Allegations of Misconduct, II, K & L.

City of Virginia Police Department Policy Manual	**Date:** **10-23-2025**	**Number** **169**
	Retention	**Approval**
	To: **All Department Employees**	
	Subject: **SRO Policy**	

I. 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.

II. GUIDING PRINCIPLES

- The SRO employed by (Rock Ridge/Virginia 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 focuses on and support student needs.

- SROs shall be specially trained in the principles and standards identified in Minn. Stat. 626.8482, Subd. 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, SRO's 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.

III. DEFINITIONS

A. **School**: An elementary school, middle school, or secondary school, as defined in MN Statute 120A.05, subdivisions 9, 11 and 13.

B. **School resource officer**: 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 officer's regular responsibilities through the terms of a contract entered between the peace officer's employer and the designated school district or charter school.

C. **Positive School Climate:** A school environment that makes students feel safe, supported and welcome.

D. **Developmentally appropriate practices:** Means individualized, responsive care that is appropriate for the child's age, cultural context, disability status and personality.

E. **Great bodily harm:** As defined in Minn. Stat. 609.02 Sub. 8 means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

F. **Prone restraint:** As defined in Minn. Stat. 121A.58 and for purposes of this policy, prone restraint means placing a child in a face down position.

G. **Custodial arrest:** A custodial arrest is the actual, physical restraint of a person and subsequent detention. Custodial arrest may occur with or without a warrant depending on the circumstances.

H. **De-escalation:** Refers to the methods and actions taken to decrease the severity of a conflict, whether physical or verbal in nature.

IV. PROCEDURE

A. General contractual requirements: The law enforcement agency's contract with a school district or charter school shall define the SRO's duties in compliance with Minn. Stat. 626.8482, Subd. 2.

   1. Additional issues to be addressed in contract. The contract between the parties:

      i. 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;

ii. Shall articulate the role, if any, of the school district in the selection, vetting and retention of the SRO;

iii. 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

iv. Shall establish a public notification process that an SRO will be present in the schools.

2. A school district or charter school may contract with a school resource officer's employer for the officer to perform additional duties to those described in paragraph IV.A.

B. Fostering a Positive School Climate and Constructive Relationships:

1. SRO's should consider establishing a presence at times that allow opportunities to build connections and relationships.
2. SRO's should establish connections based upon mutual trust and respect while encouraging communication.
3. SRO's are a resource for educating students on what concerns should be reported to a responsible adult.

C. SRO's work in collaboration with the schools to Providing Campus Safety Training:

1. Use developmentally appropriate practices that take into consideration differences in culture, language, trauma and an individual's disabilities.
2. Use methods that help ensure school safety and security, focusing on safety over violence.
3. Encourage students to ask questions about school safety.

D. Crisis Intervention and De-escalation

1. SRO's 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, SRO's, school staff, students, and others present should not be compromised during de-escalation tactics.

2. SRO's should understand and use developmentally appropriate principles of evidence-based crisis intervention and de-escalation strategies. These strategies include, but are not limited to:
    i. Be empathetic and non-judgmental
    ii. Respect personal space
    iii. Use non-threatening nonverbal communication
    iv. Avoid challenging questions
    v. Allow time for decisions

E. Use of Force.

1. SRO use of force is governed by and will comply with Minn. Stats. 609.06 Authorized Use of Force; 609.066 Authorized Use of Deadly Force by Peace Officers; 626.8475 Duty to Intercede and Report; and the Law Enforcement Agency Use of Force Policy.

2. Specific tactics and strategies to minimize uses of force or the use and duration of prone restraint or physical holds of students:

    i. Employ de-escalation techniques, the least restrictive physical intervention strategies, as reasonable, for addressing conflicts in schools as identified in the training required under Minn. Stat. 626.8482, Subd. 4. and 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.

    ii. Consistent with training after any use of force, the SRO shall assess the condition of the student and render aid as needed including restoring the student to a non-prone position as soon as possible,

3. Additional considerations for SROs when using force as allowed in Minn. Stat. 609.06 in a school situation, should include:
    1. Immediacy and severity of the threat to officers or others.
        a. Potential for injury to officers, students, and others
    2. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
    3. Officer/individual factors (e.g. age and/or maturity, physical size and/or abilities).
    4. The individual's ability to understand and comply with officer commands
        a. The effects of suspected drug or alcohol use.
        b. The individual's mental state or capacity.
        c. The student's education plan or accommodations, if known.
    5. Proximity of weapons or dangerous improvised devices.
    6. The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
    7. The availability of other reasonable and feasible options and their possible effectiveness (Minn. Stat. § 626.8452).
    8. The immediate need for intervention versus allowing time and distance for additional de-escalation.
        a. Seriousness of the suspected offense or reason for contact with the individual.
    9. Training and experience of the officer.
    10. Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
    11. The risk and reasonably foreseeable consequences of escape.
    12. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

13. Prior contacts with the individual or awareness of any propensity for violence.
14. Any other exigent circumstances.

4. When a criminal incident also involves a violation of school rules, SRO's 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.

5. 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.

F. Arrest considerations.

1. As much as is reasonably practical, SROs should seek to utilize alternatives to formal criminal referral such as diversion and restorative justice programs where possible and as appropriate for the incident, the students and families involved, victim(s) and the larger school community.

2. Custodial arrests in school should be avoided if reasonably practical. If a custodial arrest is necessary because of exigency or public safety considerations, the arrest should be made in a non-communal area away from the view of other students if practicable.

3. When reasonably practicable, appropriate school staff should be notified prior to and/or present during the custodial arrest of a student.

G. Training

1. Except as provided for in paragraphs 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 Minnesota Statutes, section 626.8482, subdivision 4 prior to assuming the duties of a school resource officer.

2. 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 under paragraph E.1. above before June 1, 2027. A peace officer covered under this paragraph may complete a supplemental training course approved by the board pursuant to Minnesota Statutes, section 626.8482, subdivision 4, paragraph (b), to satisfy the training requirement.

3. Whenever practicable, it is preferable that a peace officer completes the training required under this section prior to filling the role of SRO.

However, if an officer's employer is unable to provide the required training course to the officer prior to the officer assuming the duties of a school resource officer, the officer must complete the required training within six months of assuming the duties of a school resource officer. The officer is not required to perform the duties described in Minnesota Statutes, section 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 officer's employer pursuant to section 626.8482, subdivision 6 before assuming the other duties of a school resource officer and must comply with that policy.

4. An officer who is serving as a substitute school resource officer for fewer than 60 student contact days within a school year is not obligated to complete the required training or perform the duties described in Minnesota Statutes, section 626.8482 subdivision 2, paragraph (a), clause (4) or (5), but must review and comply with any policy adopted pursuant to subdivision 6 by the law enforcement agency that employs the substitute school resource officer.

5. An SRO will complete a refresher course at a minimum of once every three years.

6. 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.

H. Data practices

1. 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.

2. 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 Government Data Practices Act, Minn. Stats., chapter 13, and Minnesota Rules, parts 1205.0100-1205.2000.

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