


GENERAL ORDER

	Effective: January 8, 2016	Number: 16-20-002
	Subject: ESCORTS AND RELAYS	
	Reference: Minn. Stat. secs. §169.20, 299D.09; GOs 20-010 (Funeral Detail, Escort and/or Attendance) and 20-031 (Service Contracts)	
	Special Instructions: Rescinds 15-20-002	Distribution: A,B,C,E

I. POLICY

It is the policy of the Minnesota State Patrol (MSP) to establish uniform procedures for escorts and relays to ensure the expeditious accomplishment of such tasks with maximum safety.

II. ESCORTS OF OVERSIZE/OVERWEIGHT LOADS

A. Authority

State Patrol members may escort oversize/overweight loads only upon authorization from a supervisor. Requests for escorts shall be directed to the District/Section Commander or designee.

B. Member Responsibilities

- Members shall complete any training and certification requirements pursuant to Minn. Stat. sec. [299D.085](#) and be aware of which states share reciprocity regarding this certification. (See Addendum 1).
- Members shall inspect all permits to ensure that movement is in compliance and use the attached Oversized Load/Pilot Car Check List as a guide. If adverse weather compromises safety, the movement shall cease at a safe location until conditions permit movement again.
- Members shall coordinate movement activities (signaling methods, following distances, etc.) with driver(s) prior to beginning the escort.
- Flashing red lights shall be displayed when escorting. The siren shall not be used except in an emergency.
- Troopers will not take control of an intersection by physical or electronic means unless:
 - The intersection must be controlled and shut down for the special maneuverability requirements of the oversize load (i.e., turning, moving fixed signs, inability to effectively accelerate on an excessive grade, etc.); or
 - The time required for the load to pass through the intersection exceeds the regular semaphore cycle.
- When approaching a semaphore controlled intersection, Troopers should adjust the speed of the oversize movement accordingly and reduce the distance between the squad and oversize truck(s) to avoid separation during a semaphore signal change.
- While stopped at a controlled intersection, Troopers have the option of temporarily turning off emergency lights to reduce the confusion of drivers and pedestrians present at the intersection.
- All contracted services shall be in accordance with GO 20-031 (Service Contracts).

III. ESCORTS, OTHER

- Requests for escorts of any nature shall be directed to the District/Section Commander or designee.
- The State Patrol will not authorize escorts of private vehicles en route to a hospital. When/if requested for such service, inform the requestor we will assist in securing an ambulance. In the event of an extreme emergency, as a last resort, an injured or violently ill person may be transported in the member's patrol unit to the nearest place of emergency care.

3. Under most conditions, it will be the policy of the State Patrol to abide by all pertinent traffic regulations while engaged in escorts of private citizens. Generally, emergency vehicle operation status will not be utilized for contractual escorts of private individuals.
4. Lights and siren are authorized for public figures in conjunction with Secret Service protective details.

IV. RELAYS—NONEMERGENCY INTER-DISTRICT

1. The inter-district relaying of persons or articles shall be restricted to matters relevant to the mission of the State Patrol and essential to public interest and/or safety.
2. Authority to originate nonemergency inter-district relays shall rest with district/section commanders or their designee and shall be based on the criteria identified in subd.1 of this section. Should the integrity of a relay be subject to challenge, such challenge shall be directed through proper channels to the office of the Assistant Chief subsequent to the completion of the relay.
3. Nonemergency inter-district relays shall have a case number assigned by the district of origin indicating originating authority, commodity, and destination.
4. Responsibility for nonemergency intra-district relays shall rest with the District/Section command structure but any decision shall not depart from the criteria established above.
5. Eye tissue donation relays are infrequently conducted by MSP for the Minnesota Lion's Eye Bank (MLEB) and shall be arranged through dispatch. Troopers shall pick up and deliver the donation to the identified drop-off site and then immediately notify an RCO that the relay has been completed. The RCO shall then immediately notify the MLEB (612-624-3900) that the drop off has taken place.

APPROVED:

SIGNED 1/8/2016

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

MINNESOTA STATE PATROL

Addendum 1

Number: 16-20-002


PILOT CAR CERTIFICATION REQUIREMENT AND RECIPROCITY

Minn. Stat. sec. 299D.085 requires all over dimensional load escort drivers from Minnesota to be trained and certified. Minnesota also recognizes certification from the following states:

Utah
Colorado
Florida
North Carolina
Washington

Individuals may escort in Minnesota with certification from these other states regardless of which state they reside in provided that they meet Minnesota's driver, vehicle, equipment, and insurance requirements.

GENERAL ORDER

	Effective: December 20, 2017	Number: 17-20-003
	Subject: MENTALLY ILL, CHEMICALLY DEPENDENT OR INTOXICATED PERSONS	
	Reference: Minn. Stat. Chap. 253B	
	Special Instructions: Rescinds GO 12-20-003	Distribution: A,B,C, E

I. POLICY

During interactions with the public, Troopers will encounter persons of diminished capacities. These types of persons, whether from intoxication, suicidal potential, medical complications, or mental illness, present Troopers with a wide range of behaviors usually different than those exhibited by other members of the community or persons involved in criminal activities. It is the policy of the Minnesota State Patrol to resolve these encounters in the safest manner for all involved.

II. STATUTORY AUTHORITY

A. Protective Custody and Commitment (Minn. Stat. [§253B.05](#), subd 2)

1. A person *may* be taken into custody and transported to a treatment facility if reason to believe exists either by observation or from reliable witnesses that the person is:
 - a. Mentally ill and in danger of injuring himself or others if not immediately restrained, or
 - b. Believed to be chemically dependent or is intoxicated in public. For purposes of this General Order, chemically dependent includes a person whose recent conduct as a result of habitual and excessive use of alcohol, drugs, or other mind-altering substances poses a substantial likelihood of physical harm to self or others.
2. Admittance to a treatment facility will be by consent of the head of the facility and must be accompanied by an application for admission made by the Trooper.
 - a. The application shall contain a statement specifying the reasons for and circumstances under which the person was taken into custody and a copy of the statement shall be made available to the person taken into custody.
 - b. If the treatment facility does not utilize an emergency admission form, a copy of the Field Report should suffice for their needs.
3. No person subject to the provisions in Minn. Stat. Chapter [253B](#) shall be confined in a jail or correctional institution unless ordered by a judge (Minn. Stat. [§253B.045](#)).

III. RESPONSIBILITIES

A. Troopers

1. Troopers are not expected to diagnose a mental or emotional health issue, but rather recognize behavior that is potentially destructive and/or dangerous to self or others and decide on the appropriate response to the individual and situation with reliance on training and experience. The foremost concern of responding troopers should be to safely stabilize the situation if possible and assess the needs of the individual. Troopers should use conflict resolution and de-escalation techniques when practicable under the circumstances of the encounter.
2. Some of the *options* available to Troopers to resolve situations are (not all inclusive):
 - a. obtain medical attention if the person is injured or abused;
 - b. outright release;
 - c. involvement of a Crisis Intervention Team or team member;
 - d. release to care of family, caregiver, or mental health provider;

- e. refer to substance abuse services;
 - f. assist in arranging voluntary admission to a mental health facility, if requested;
 - g. transport for psychiatric evaluation at the hospital emergency room, if the person's behavior meets the criteria for this action; or
 - h. arrest, if a crime has been committed. (Note: Troopers should assess the situation to determine if it would be more appropriate to first take the person to an emergency room for evaluation.)
3. The placing of a person into protective custody due to being mentally ill, chemically dependent, or intoxicated is not an arrest and no entry shall be made to indicate that the person has been arrested or charged with a crime. However, reasonable force is authorized to prevent such persons from injuring themselves or others and the incident shall be documented in a Field Report which will include all the details of the incident and the disposition of the person taken into protective custody.
4. When a chemically dependent, intoxicated, or mentally ill person, considered to be in danger of injuring themselves or others if not immediately restrained, is taken into custody and committed under Minn. Stat. [§253B.05, subd 2](#), complete a Field Report and include the following:
- a. Where person is placed in custody,
 - b. The identity of the person assuming custody, and
 - c. A narrative indicating circumstances pertinent to the incident leading to custodial action, specifically addressing how or why the person was a danger to themselves or others if not immediately restrained.
5. If the person in custody does not appear dangerous to themselves or any other person or property, and the intent of the Trooper is to not have them committed, but to take the person to the person's home, proceed as follows:
- a. It must be within a reasonable distance. No Trooper is to leave his/her assigned duty station without obtaining permission from a supervisor.
 - b. If the person's home is not within a reasonable distance, he/she shall be taken to a licensed hospital, mental health, or chemical treatment facility.
 - c. It shall be the policy, as an alternative, to release the person into the custody of a sober adult upon request to take the person home or other suitable place.

B. District/Section Commanders

Each District will maintain a list of mental and chemical health facilities and/or doctors who treat these individuals. This list will be updated on an annual basis or when changes become known.

C. Training and Development Section


Periodically implement training to effectively deal with persons of diminished capacities.

D. Radio Communications Operator

When receiving calls for service, obtain as much information as possible regarding the nature of the behavior, events that may have precipitated the person's behavior, and whether or not weapons are present.

<p>Approved:</p> <p>SIGNED 12/20/2017</p> <hr/> <p>Colonel Matthew Langer, Chief Minnesota State Patrol</p>
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GENERAL ORDER

	Effective: October 9, 2015	Number: 15-20-004
	Subject: INJURED ANIMALS	
	Reference:	
	Special Instructions: Rescinds GO 13-20-004	Distribution: A,B,C

I. PURPOSE

To establish uniform guidelines for the removal of domestic animals from highways and for the dispatching of injured domestic and wild animals.

II. REMOVAL FROM HIGHWAY

In any instance where domestic animals on a highway right-of-way constitute a hazard or potential hazard, they shall be removed and, if possible, the owner notified. In those instances where the owner cannot be located, the local agency with jurisdiction shall be informed as to the disposition of the animal(s) so they may respond to subsequent inquiries.

III. DISPATCH OF INJURED ANIMALS

A. Domestic Animals

1. In those instances where a domestic animal is injured so severely that its death is highly probable, permission to dispatch shall be obtained from the owner when possible. If the owner cannot be located, the injured animal shall be dispatched as humanely and safely as possible.
2. A Field Report (PS1813) shall be completed documenting all relevant facts pertaining to the incident.

B. Wild Animals


In those instances where a wild animal is injured so severely that recovery is not probable, the animal shall be dispatched as humanely and safely as possible. The remains should be removed off the roadway and if there is suspicion of illegal activity, an area conservation officer should be notified via the communications center and given the location of the remains.

Approved:

SIGNED 10/9/2015

Colonel Matthew Langer, Chief
Minnesota State Patrol

GENERAL ORDER

	Effective: June 6, 2012	Number: 12-20-005
	Subject: UNATTENDED VEHICLE CHECK	
	Reference: Minn. Stat. secs. 168B.04 , 168B.011 , and 169.041 .	
	Special Instructions: Rescinds GO 93-90-004	Distribution: A,B,C

I. PURPOSE

Paint markers and/or Form 18070 (Unattended Vehicle Check) provide members of this department with a record of the date and time when a member first observed an unattended or abandoned vehicle upon a highway. It facilitates the removal of such vehicles in a timely manner, thereby expediting the safe, orderly flow of traffic.

II. TROOPER DUTIES

- A. Paint Marking or Form 18070
 1. Troopers shall use a paint marker or prepare a Form 18070 in each instance where a member observes an unattended vehicle upon a highway.
 2. Paint markings should be in large characters and include the date and time a vehicle was checked. Other windows should be marked when possible to denote the vehicle has been checked from any direction. When used, Form 18070 is to be placed in a visible location on the vehicle with the time and date noted.
- B. Registration Check
 1. Troopers encountering an unattended vehicle upon a highway will create a field event and enter the license plate into supplemental data to determine the owner and if the vehicle is stolen.
 2. In areas outside of computer coverage, troopers encountering an unattended vehicle upon a highway will notify dispatch of the location and registration number.
- C. Follow-up
 1. Troopers will recheck the unattended vehicle at a later time to determine if it has been removed. If the vehicle is on a controlled access highway, such recheck should be made after two (2) hours have elapsed since its discovery. If the vehicle is still at the same location, it is to be removed to a place of safekeeping.
 2. If the unattended vehicle is located on a highway other than a controlled access highway, the recheck is to be made after twenty-four (24) hours have elapsed since its discovery. In general, such vehicles will not be removed unless they constitute a hazard or at least twenty-four (24) hours have elapsed since the check. See Minn. Stat. secs. [168B.04](#), [168B.011](#), and [169.041](#).
- D. Vehicle Removal: Troopers towing a vehicle that has been previously checked shall use Form 1818-04 (Custody Report) and follow the requirements of GO 20-006 (Towing and/or Placing Vehicles Into Custody). The dates and hours that the vehicle was checked and towed is to be noted on the Form 1818 and in field event.

III. RADIO COMMUNICATIONS OPERATOR DUTIES


- A. Log Call: Radio Communications Operators will record the facts surrounding the issuance of a Form 18070.
- B. Checks: Radio Communications Operators will check 10-28s and 10-29s on all unattended vehicles reported to them and will furnish such information to the Troopers.

Approved:

SIGNED 6/6/2012

Colonel Kevin P. Daly, Chief
Minnesota State Patrol

GENERAL ORDER

	Effective: August 11, 2023	Number: 23-20-006
	Subject: TOWING AND/OR PLACING VEHICLES IN CUSTODY	
	Reference: Minnesota Stat. secs. 168B.011, 168B.035; 168B.04, 169.33, 169A.48, 169A.63, 609.531-609.538, 626.04	
	Special Instructions: Rescinds 09-20-006	Distribution: A,B,C,D,E

I. POLICY

It is the policy of the Minnesota State Patrol (MSP) to maintain and follow a uniform, authorized procedure for securing towing services in order to meet the needs of the Patrol while respecting the property rights of and expense to vehicle owners.

II. DEFINITIONS

A. Towing Service Area

A geographic area determined by the District/Section Commander based on district needs and available towing services.

B. Unauthorized Vehicle

A vehicle that is subject to removal according to state law by a peace officer (Minn. Stat. secs. 168B.011 and 168B.035).

III. AUTHORITY FOR SECURING TOW SERVICE

A. General

An investigation shall be made of all vehicles found unauthorized or unattended on highway right-of-way to determine its status relative to physical condition, drivability, ownership and relationship to traffic safety.

B. Highway Right-of-Way

Vehicles may be towed or caused to be removed from the highway right-of-way to a place of safety under, but not limited to, the following conditions:

1. Any unauthorized or unattended vehicle which remains on highway right-of-way, other than controlled access highways, over 24 hours (Minn. Stat. secs. 168B.04 and 168B.035);
2. Any unauthorized or unattended vehicle on a controlled access highway for four hours or more;
3. The driver/owner:
 - a. is charged with illegal use of license plates (Minn. Stat. sec. 168.36); or
 - b. has vehicle registration tabs that have been expired for more than 12 months (Minn. Stat. sec. 168B.035, subd.3(a)(1)).

NOTE: If there is no arrest for a license/registration/plate violation and the vehicle is lawfully parked on a city street or otherwise, the vehicle may only be towed if it threatens public safety or convenience and/or b) safekeeping is necessary to protect property. *See State v. Rohde*, 852 N.W.2d 260 (Minn. 2014).

4. The driver/owner is subject to custodial arrest or is incapacitated and there is no qualified driver immediately available who the owner will authorize to operate the vehicle (Minn. Stat. sec. 168B.035).

NOTE: When a Trooper arrests a driver for suspicion of a DWI violation, the Trooper may elect not to tow the vehicle to expedite the arrest process. There is no civil or criminal liability incurred by the state or a political subdivision for failure to tow a DWI vehicle provided the peace officer acts in good faith and exercises due care (Minn. Stat. sec. 169A.48, subd.2). The protections exist only for DWI arrests.

5. Any vehicle that is unauthorized or unattended and constitutes an articulable traffic hazard to the traveling public may be towed immediately (Minn. Stat. secs. 168B.04 and 169.33). Vehicles may be considered a traffic hazard including, but not limited to, the following conditions:
 - a. Any portion of the vehicle is in contact with or extends into the roadway, or otherwise by its location is likely to unnecessarily divert a driver's attention from the roadway (e.g., vehicle in the ditch or median);
 - b. The vehicle is parked on the shoulder at night in a curve, on a hill, without lights, or in close proximity to the fog line. However, vehicles should not be towed solely because the parking lights are not displayed as required in Minn. Stat. sec. 169.53;
 - c. The vehicle interferes with MnDOT snow removal operations;
 - d. The vehicle interferes with the authorized use of highway shoulders for transit under Minn. Stat. sec. 169.306; or,
 - e. The vehicle is disabled due to a crash or other event upon the highway.
6. Vehicles parked in violation of temporary restricted parking posted 12 hours in advance in a home rule charter or statutory city with a population of under 50,000 or 24 hours in advance for all other political subdivisions shall issue a uniform traffic citation to the operator if known, or the registered owner, and shall be immediately towed (Minn. Statutes 168B.035).

C. Private Property

A vehicle may be towed or caused to be removed from private property under the following conditions:

1. When the driver/owner is subject to custodial arrest and there is no qualified driver immediately available who the owner will authorize to operate the vehicle, unless the vehicle is located on the owner's personal private property and is not subject to Section III, C, 2 or 3.
2. The vehicle is seized pursuant to a forfeiture proceeding (see Section IV, A, 4).
3. A law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence (see IV, A, 1, 3).

NOTE: When a stop concludes on private property (e.g., private property parking lot) and no custodial arrest occurs, Troopers may permit the owner/driver to obtain permission from the owner of the property to park the vehicle on the private property.

IV. AUTHORITY TO TOW AND HOLD IN CUSTODY

- A. Vehicles may be towed or removed and held in custody under, but not limited to, the following circumstances:
 1. When reported or discovered to be stolen or used without the owner's permission, the vehicle can be towed and "...shall be safely kept by the direction of the court as long as necessary for the purpose of being produced as evidence on any trial," (Minn. Stat. sec. 626.04; See also Minn. Stat. sec. 629.361 which requires law enforcement to secure stolen property after carjacking arrest.) However, as soon as the vehicle is no longer needed, as quoted above, it shall be released to the owner.
 2. When proof of ownership or identification of the vehicle must be established.
 3. The vehicle is needed for purposes of material evidence in a criminal court proceeding (see reference to Minn. Stat. sec. 626.04 in 1 above.) In such cases, the vehicle shall not be held more than 24 hours unless authorized by a supervisor.
 4. The vehicle is held pursuant to a forfeiture proceeding (Minn. Stat. sec. 169A.63, 609.531-609.5318).

NOTE: The vehicles described in Section IV, A, 3 and 4 above are to be towed to a designated State Patrol impound storage location if practical (i.e., MnDOT lot) or contract vendor to increase security and minimize storage expenses.

5. The vehicle is an abandoned vehicle as defined in Minn. Stat. sec. 168B.011, subd. 2.
- B. Disposal of vehicles held in custody shall be as follows:
 1. A court order mandating the disposition of a vehicle shall take precedence over all other methods of disposal.
 2. Except as in 1 above, owners shall have their vehicles returned to them following completion of court proceedings. Disposition is to be made by the District/Section Commander within 15 days thereafter.
 3. Unclaimed vehicles, not being held for forfeiture proceedings, shall be disposed of according to state law (Minn. Stat. secs. 168B.051-168B.08).
 4. A signed receipt is to be obtained and filed for all vehicles surrendered to other persons or agencies.
- C. Vehicles not subject to forfeiture proceedings are to be processed as quickly as possible so that they may be returned to the owner without undue delay. In no event will they be held longer than 24 hours without the permission of a supervisor.
- D. When a vehicle has been held in custody, the Trooper authorizing its release shall notify the district Radio Communications Operator immediately. The radio operator shall edit the CAD event and CJIS record to reflect the release.

V. PROCEDURE FOR SECURING TOW SERVICE

A. Trooper Responsibilities

1. When the driver or owner is available and when practical, they should be permitted a reasonable opportunity to contact a qualified towing agency of their choice or be given assistance through the Radio Communications Operator. This does not apply to situations involving a custodial arrest of the driver, when the vehicle is subject to forfeiture, when probable cause exists that the vehicle may be stolen, or when the vehicle is required to be held for evidence.
 - a. Troopers may require that the owner use a designated zone towing agency when time is of the essence and the owner's preferred towing agency cannot respond in a reasonable time.
 - b. Complete a Tow Custody Form in TraCS for all events in which a vehicle is placed in custody, including when towed without the knowledge or consent of the owner/driver. A case number shall be obtained from the CAD system or communications operator and included on the tow custody form with all other required information. Copies of the completed tow custody form are to be distributed to: a) the towing agency that will have possession of the vehicle and b) the arrestee, if applicable.
2. Advise the Radio Communications Operator when a vehicle is placed in custody and provided them with all relevant information from the tow custody form.
3. Do not place a hold on a towed vehicle without proper authority.
 - a. Troopers placing a hold on a vehicle must indicate in the Remarks field of the Tow Custody Form the reason for the hold and conditions of release; must enter the same in the Event Comments in CAD, and advise the Radio Communications Operator of the hold and conditions of release.
 - b. When a vehicle has been subject to a hold, the Trooper authorizing its release shall immediately notify the district Radio Communications Operator.
4. Ensure the following information is entered into the CAD database any time a vehicle is removed under any circumstance, including a private tow, prior to clearing the event:
 - a. vehicle registration information;
 - b. reason for the removal of the vehicle;
 - c. any relevant comments relative to the physical condition of the vehicle; and,
 - d. unusual circumstances pertaining to the towing of the vehicle.

NOTE: Troopers who are unable to transmit the above listed information into CAD from remote

locations shall contact a Radio Communications Operator via other means as soon as possible to ensure the event is created and the necessary information is entered.

5. When possible, take video of the original position of the vehicle prior to its removal. This documentation will assist in the defense of any tort claim.
6. If unsatisfactory service is received from a towing service, complete a Tow Complaint Form and forward it to the District/Section Commander. Document the nature of the complaint with the date, time and event number of the incident.

B. Radio Communications Operator

Radio Communications Operators receiving calls from Troopers for towing services will:

1. Use an appropriate towing service agency based on the established towing service areas and approved towing service providers.
2. Contact a towing service provider from an adjoining towing service area when the normal provider(s) for a towing service area is/are not available.
3. Complete a Tow Complaint Form when a towing service agency is not providing adequate service or not available to provide service on a 24 hour basis.
4. When the CAD data system is not available, obtain the required information from the Trooper and enter the information into the CAD system.
5. Edit the CAD event or case number and CJIS record when notified that a vehicle subject to a hold has been released.

C. District/Section Commander Responsibilities

1. Establish a list of tow service agencies that:
 - a. provide safe, competent service to the department and the public;
 - b. insure a minimum response time; and
 - c. provide towing service at a reasonable cost.
2. Maintain a waitlist of towing service agencies that wish to provide towing service for the State Patrol.
3. May assign towing service agencies to a specific tow service area. There may be one or more towing agencies per towing service area. Commanders shall consider tow agency competition to be valuable to the public and to the department. Once assigned to a tow service area, these assignments may be changed by the District/Section Commander if he/she determines that:
 - a. a towing agency is no longer in business;
 - b. a towing agency has not provided timely service to the public or the department;
 - c. a towing agency has been engaged in inappropriate business practices, including but not limited to: theft from vehicles, price gouging, possession of stolen property, unprofessional service, or is in violation of other transportation regulations that govern their movement.
 - d. the addition of a new towing agency would provide equal or improved service to the department and the public, in which case the District/Section Commander has the authority to alter existing towing service areas and insert a new towing service agency into a towing service area.
4. Require that towing calls be distributed to the assigned towing service agencies within a tow service area on a fair and equitable basis.
5. Inspect, or cause to have inspected, the vehicle(s), equipment and storage facilities of each towing agency to insure compliance with State Patrol criteria prior to being used to provide towing service for the State Patrol. All towing service agencies used by the State Patrol will be re-inspected no less than once every three years.
6. Remove an agency from the approved list when it:
 - a. fails to comply with the State Patrol criteria listed below;
 - b. fails to comply with all the local, state and federal laws, rules and regulations governing their operation;
 - c. is the subject of an Out of Service Order or Order to Cease Operations issued by the Federal Motor Carrier Safety Administration; or,
 - d. has received multiple complaints in section V, C, 3a-d.

7. The District Commander may decide to suspend a tow service for up to 30 days in lieu of removing them from the list. The tow service is required to show reasonable measures were taken to improve the area of concern before being allowed back on the list. Prior to removal or suspension the District Commander is required to document complaints and document the communication efforts between the MSP and the tow service to correct the issues. The Regional Major shall also be briefed of the decision.
8. A tow service removed from the list may reapply after 12 months.

VI. TOW SERVICE CRITERIA

A. Tow Service Criteria

1. Size — tow truck must have a gross weight of more than 10,000 pounds.
2. Type — tow trucks must be equipped with a winch and boom capable of handling a vehicle of 9,000 pounds gross weight. Flatbed-style trucks may be used when appropriate. A towing company must own or lease enough equipment to effectively handle emergency situations. Vehicle and equipment requirements will vary on coverage area and minimum standards will be held at the discretion of the State Patrol. All towing companies will need to follow all USDOT standards for operating commercial vehicles, even though they may be exempted at the time of the emergency towing.
3. Equipment - Tow truck industry standards for emergency services are listed below (*designates a requirement to provide service to the State Patrol).
 - a. Self-loading dolly (tow truck only)*
 - b. Broom*
 - c. Shovel*
 - d. Fluid absorbent and container(s) for crash debris*
 - e. Fire extinguisher*
 - f. Emergency triangle kit*
 - g. Flares*
 - h. Trailer hitch with assorted ball sizes*
 - i. Auxiliary tow lights*
 - j. Flashing red and amber lights pursuant to Minn. Stat. sec. 168B.16*
 - k. Wheel chocks*
 - l. Hydraulic jack with a minimum rating of two tons
 - m. Lug nut wrench or impact wrench with sockets
 - n. Jumper cables or portable jump starting unit
 - o. Lock out tool(s)
 - p. Gasoline can (optional, depends on company certifications)
 - q. Assortment of chains with varying style hooks per industry standard
 - r. Assortment of nylon straps and hand ratchets
 - s. At least one round sling style strap with a minimum rating of 5300 pounds with an assortment of hooks per industry standard
 - t. Assortment of screw pin shackles and d-rings
 - u. Wire or synthetic rope (100' minimum for tow trucks, 50' minimum for flatbeds)
 - v. At least two snatch blocks with a minimum rating of two tons
 - w. Alternative way to secure truck while winching, such as stiff legs
 - x. Chain or nylon bridle style attachment (flatbeds only)
 - y. Over the tire style tie down straps (two for tow trucks, four for flatbeds)
 - z. Assorted cribbing material
4. Place of Storage — All vehicles held in custody must be stored in a building, an area enclosed by a fence, or in an area under 24 hour surveillance.
5. Hours of Operation — Towing service agencies must be available on a 24 hour per day, seven day per week basis. The towing service agency must be open to the public during normal business hours

Monday through Friday, and must be capable of releasing owner's medical-related property upon request pursuant to Minn. Stat. sec. 168B.07 and vehicles seven days per week in a reasonable period of time.

6. Response Time — Must be reasonable considering the hour of the day, day of the week and weather conditions.
7. Operators
 - a. Operators must be proficient in their field and be knowledgeable of the equipment they are operating.
 - b. Must possess a valid driver's license for the class of vehicle being operated and have knowledge of the laws and regulations governing the operation of tow trucks.
 - c. Must act in a professional and courteous manner at all times to the public, emergency responders, and competing tow company representatives.
 - d. Must wear high visibility OSHA compliant outerwear and follow applicable OSHA standards.
 - e. Tow truck operators listed on the Predatory Offender Registry database must not be used on State Patrol towing service requests.
8. Towing Service Agencies — (includes owner(s) and principal(s) in the business)
 - a. Must have a satisfactory business reputation, which may include a check of the business' record with the Better Business Bureau or an analysis of service complaints documented by the State Patrol.
 - b. Must be properly registered with the Secretary of State to do business in Minnesota.
 - c. Must have reasonably established towing experience.
 - d. Owner(s) or principals(s) shall be free from any prior convictions of fraud, embezzlement or theft, possession or receiving of stolen property.
 - e. Must maintain and provide the following insurance coverage levels:
 - Commercial general liability \$2,000,000
 - Automobile Liability \$1,000,000 each accident
 - Workers compensation \$100,000 each accident
 - Cargo coverage on hook \$500,000 per conveyance
 - f. Must have knowledge of the laws and regulations governing the operation of tow trucks, and be in compliance with local, state and federal laws, rules, and regulations governing their operations.
 - g. Shall not subcontract with other tow companies not already providing service for MSP.
 - h. Must have enough trained drivers and dispatcher(s) to respond to towing situations in their coverage area.
 - i. Must conduct a full criminal record and Predatory Offender Registry (POR) check of all tow operators that may respond to State Patrol service calls. If any operators are listed on the POR, they must not be allowed to respond to State Patrol requests for service. Pre-Employment Background and Predatory Offender Registry checks must be done through the Minnesota Bureau of Criminal Apprehension.
 - j. Towing company will be required to submit the following information upon request:
 - Criminal background checks for any employee
 - Annual report of compliance with drug testing (1 page annual summary)
 - Driver's license information for any driver providing service for MSP
 - Certificate of Liability Insurance
 - All towing certifications for any tow operator
 - Current list of trucks, equipment, and services offered
 - Annual Mandatory Inspection Program commercial vehicle inspections, or federal equivalent, if applicable.


- k. When impounding vehicles at the State Patrol’s request, must accept the responsibility to carry out the owner/lienholder notification requirements pursuant to Minn. Stat. sec. 168B.06.

VII. FORMS

- A. **Towing Service Application (Form 18066-01)** - shall be prepared by the towing service operator/owner and submitted to the appropriate district office for the tow service agency.
- B. **Tow Truck Application (Form 18066-02)** - shall be prepared for each truck the operator/owner desires to have approved for State Patrol towing service.
- C. **Tow Complaint Form** - shall be completed when inadequate service is being provided by a tow operator/ company.
- D. **Map** - showing the tow service area boundaries may be prepared for each district by district leadership. This map will be electronically accessible by Radio Communication Operators by using a map layering function in current mapping platforms.
- E. **Tow Service List** - will be prepared for each State Patrol district listing the State Patrol-approved towing service agencies and the designated towing service area for each agency. This information will be given to the Radio Communications Operators for their use.

<p>Approved:</p> <p>SIGNED 8/11/2023</p> <hr/> <p>Colonel Matthew Langer, Chief Minnesota State Patrol</p>

GENERAL ORDER

	Effective: March 31, 2022	Number: 22-20-007
	Subject: SEARCH AND SEIZURE	
	Reference: General Orders 20-009, 20-034; 25-008	
	Special Instructions: Rescinds General Orders 09-20-007	Distribution: A,B,C

I. POLICY

All searches and seizures must meet the general requirements of reasonableness. The Fourth Amendment to the United States Constitution and Constitution of the state of Minnesota (Article I, Section 10) provides: "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized." This policy provides guidance to Troopers in conducting constitutionally valid temporary seizures and arrests, as well as searches and seizures of physical evidence.

II. INVESTIGATIVE SEIZURE

- A. Generally, the law allows for a temporary seizure of the person when reasonable, articulable suspicion of a crime exists. A Trooper must be able to justify any seizure with specific and articulable facts which taken together with rational inferences from those facts, reasonably warrant that intrusion. This is based on the totality of the circumstances, e.g., immediate behavior or actions of the person(s), past record of person(s), location of stop, time of day, etc. A seizure cannot be based on a whim or mere curiosity.
- B. Troopers may not routinely frisk (pat-down) individuals they seize for investigative purposes. They must have reason to believe, based on articulable suspicion, that the person is armed and presently dangerous to him/herself or others. If so, the frisk should be conducted as soon as practicable without delay. Where a frisk of at least one of the occupants of a vehicle is permitted, the area within their immediate control can also be searched for weapons.
- C. Trooper convenience alone is not a sufficient reason for placing someone in the back of a patrol unit. This elevated level of confinement may be permissible when:
 1. The detention in the squad car is reasonably related to the initial lawful basis for the stop;
 2. The detention is reasonably related to the investigation of an offense lawfully discovered or suspected during the stop; or
 3. Circumstances exist that pose a threat to officer safety.

D. PROBABLE CAUSE

Probable cause is based on an objective standard (that of a "reasonable officer") and takes into consideration the totality of facts and circumstances known to the Trooper.

1. Probable cause to arrest: a reasonable belief that an offense has been committed and that the person to be arrested committed that offense.
2. Probable cause to search: reasonable belief that that certain items will be found in a given location and that those items are sufficiently connected with criminal activity to make them seizable, e.g., contraband such as drugs, evidence of crime, instrumentalities of crime such as burglary tools or fruits of the crime such as stolen property, etc.

III. SEARCH REQUIREMENTS

In order for a Trooper to conduct a lawful search, probable cause is required, along with a search warrant or an exception to the search warrant.

A. Warrant

Troopers shall follow the process in E-Charging for applying for and obtaining a search warrant. Please see GO 20-009 regarding search warrant execution.

B. Exceptions to the Warrant Requirement

Generally, warrantless searches are presumed unreasonable under the Fourth Amendment to the United States Constitution, subject to only a few exceptions. Exceptions to the warrant requirement include searches incident to arrest, plain view, consent, exigent circumstances, and other emergencies. Note: An inventory search to document the contents of an impounded vehicle is also an exception to the warrant requirement, which is not investigatory in nature. See GO 20-034 (Inventory of Impounded Vehicles).

1. Search Incident to Arrest

Searches incident to arrest are limited to situations in which:

- i. The arrestee is within reaching distance of the passenger compartment (including the glove compartment), or
- ii. It is reasonable to believe the vehicle contains evidence of the offense of arrest.

Note: Persons may be searched if the intent of the arrest is custodial, even if the individual is later released on a citation.

2. Plain-View

Generally, a Trooper's observation (with their natural senses) of objects, from a place where they have a right to be, does not constitute a search; any object observed may be seized without a warrant if there is probable cause to associate the object with criminal activity. (The use of a flashlight to observe activities at night has been upheld by the court.)

3. Consent

- i. Voluntary consent by a suspect or other person in a position of authority is a valid exception to the warrant requirement providing the Trooper does not exceed the physical scope of the area for which consent to search has been given. During routine traffic stops, the Trooper's investigation and questions must be limited to the purpose of the stop. Expansion of the scope or duration of the stop to include investigation of other possible illegal activity is permissible only if the Trooper has developed reasonable, articulable suspicion of other illegal activity.
- ii. The Consent to Search form shall be used to document that the consent was informed and voluntary. When possible, this form must be filled out and signed by the consenting individual or other person in a position to give valid consent and a copy given to them. If a person refuses to sign it, the Trooper may receive verbal consent, but that consent shall be audio and video recorded and preserved.
- iii. Because the burden is on the government to prove that consent was given freely and voluntarily, all relevant questions, gestures, and conversations related to the consent transaction shall be documented in a TraCS report, with the Consent to Search form attached.
- iv. Consent searches of businesses and residences are not permitted, except under exigent circumstances and with the permission of a supervisor, and only when there is probable cause of a crime.

C. Personal Property


1. Troopers shall not search or view the contents of a person's belongings, including mobile phones and other electronics, without a documented lawful basis. Furthermore, Troopers shall treat other's lawfully seized personal property with due care, including inventorying personal belongings and providing a receipt to the owner. (See GO 25-008, Evidence-Care and Handling) Troopers shall never purposefully destroy another's personal property or cause another person to destroy their own personal digital/physical property, or that belonging to a third party.
2. Generally jail booking searches should be conducted by the law enforcement agency's booking personnel once the arrestee is turned over by the Trooper. However, Troopers shall follow jail protocol.

Approved:

SIGNED 3/31/2022

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER

	Effective: September 7, 2018	Number: 18-20-008
	Subject: MEALS ON DUTY	
	Reference: Contractual Language for Various Work Agreements	
	Special Instructions: Rescinds GO 12-20-008	Distribution: A,B,C

I. PURPOSE

To identify the location, time and circumstances under which members of the State Patrol shall take meals while on a duty status.

II. REQUIREMENT


- A. The principle purpose of the requirement for State Patrol members to eat their meals in a public restaurant is to promote public safety and obedience to the law through the physical presence of a Trooper in uniform and to be available to the public for the reporting of crashes, incidents, answering questions, and the dissemination of information.
- B. Members of the State Patrol, when on duty, shall eat their meals in a public restaurant adjacent to a highway at the specific times as indicated by the District/Section Commander.
- C. All Troopers shall be granted a paid lunch period of not more than thirty (30) minutes during each normal work shift. Such lunch period may not be taken during the first hour or last hour of the work shift unless specifically authorized by district/section supervisor. If the member does not receive a lunch period because of operational requirements, such lunch period may not be taken during a subsequent work shift.
- D. District commanders shall provide direction related to when meal breaks shall not be taken (e.g. rush hour, peak impaired driving times, etc.).
- E. No more than four members shall eat together unless expressly authorized by a supervisor.
- F. Members shall use the "MEAL BREAK" out of service status in Mobile for Public Safety (MPS) and continue to monitor district radio communications on the issued portable radio. Troopers taking their meal break in areas not covered by computer connectivity shall report their location by radio to dispatch.
- G. State Patrol members are not permitted to eat meals at their residence during working hours unless approved by a district/section supervisor.
- H. Rest periods shall follow the language provided in the MLEA contract. Allowable rest periods combined for a one hour meal break are permitted as long as additional rest periods or meal breaks do not occur during the remaining time of the shift.

Approved:

SIGNED 9/7/2018

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER

	Effective: March 2, 2022	Number: 22-20-009
	Subject: SEARCH WARRANT EXECUTIONS (NON-FLUID TESTING)	
	Reference: Reference M.S. 299D.03 , 626.14	
	Special Instructions: Rescinds 12-20-009	Distribution: A,B,C

I. PURPOSE

To establish uniform operating procedures for the execution of search warrants and investigations involving non-traffic gross misdemeanor/felony motor vehicle crimes.

II. AUTHORITY – SEARCH WARRANT

Minn. Stat. sec. [299D.03](#) provides that members of the Minnesota State Patrol have the power and authority to: enforce the provisions of the law relating to protection and use of trunk highways; direct all traffic on trunk highways; serve warrants and legal documents anywhere in the state; serve orders of the commissioner; cooperate with all sheriffs and other police officers anywhere in the state.

III. NOTIFICATION

Prior to the execution of a search warrant, the Trooper shall notify their immediate or on-call supervisor and the District Commander.

IV. SEARCH WARRANT EXECUTION


- A. When a Trooper has obtained a search warrant, he/she shall notify the local law enforcement with jurisdiction at the location where the warrant will be served for the following reasons:
 1. The local law enforcement agency may also be conducting an investigation on the same person or location.
 2. The local law enforcement agency may also be able to provide valuable information related to the investigation and/or subjects.
 3. The local law enforcement agency needs to know what is taking place in their jurisdiction for officer safety and to respond to questions by news media pertaining to the investigation.
- B. Troopers who are executing a warrant should complete an operational plan prior to the execution of any search warrant. This plan should be reviewed with their immediate or on-call supervisor prior to execution.
- C. Troopers should consider using a locksmith to gain entry to locked rooms and/or buildings.
- D. Troopers should give strong consideration to using a tactical team on warrants where there is the possibility that entry may be denied or the parties involved may be linked to illegal dangerous activities. The tactical team may be from the local jurisdiction or the State Patrol Special Response Team
- E. For safety purposes, strong consideration should be given to having a uniformed presence during execution of the warrant.
- F. If ever a no-knock search warrant is deemed necessary, members shall adhere to all requirements listed in Minn. Stat. [626.14, subd. 3](#), including review and approval of each application by the Colonel and a district supervisor, which must be documented. This particular approval/documentation requirement shall also apply if assistance on a no-knock warrant is requested by another law enforcement agency.

Approved:

SIGNED 3/2/2022

Colonel Matthew Langer, Chief
Minnesota State Patrol

GENERAL ORDER

	Effective: August 9, 2019	Number: 19-20-010
	Subject: FUNERAL DETAIL, ESCORT AND/OR ATTENDANCE	
	Reference:	
	Special Instructions: Rescinds General Order 15-20-010	Distribution: G

I. PURPOSE

To establish a uniform policy authorizing, assigning and conducting State Patrol funeral details and to provide general instructions to those members attending department-involved funerals.

II. SUPERVISORY RESPONSIBILITY

Upon notification of the death of a current employee of the State Patrol, an immediate family member of a current employee, or the death of a retired employee of the State Patrol:

- A. The District Commander or designee in the district where the employee or retiree resides (or resided) will contact the family members to offer condolences and gather information for dissemination.
- B. A statewide email announcement will be given only for the funeral of a current employee or a current employee's immediate family member, or a retiree. Localized announcements can be made for funerals for retiree family members, extended family members, "in-laws," or others. With the consent of the principal surviving family member, the District Commander shall prepare and disseminate a death and/or funeral announcement for broadcast via *All State Patrol email using the approved template. The notice shall contain the decedent's name, location and times of the visitation and/or funeral, uniform of the day, and district point of contact information. The Chief's Assistant will forward this announcement to retirees.
- C. "Immediate family member" means father, mother, legal guardian, spouse, child, or sibling only.

III. UNIFORMED FUNERAL DETAIL

To assure State Patrol presence at funerals of active and retired employees of the State Patrol, Troopers may be assigned to attend funerals.

- A. For a current or retired employee's funeral:

Four members may be detailed by the District Commander of the district in which the funeral will be held. If the location of the funeral is different than the district in which the deceased member resided, the Commanders involved may mutually agree on the members of the detail.

 1. Members of the detail may be on duty but scheduled so that no cash overtime is required or off-duty volunteers without compensation.
 2. Members may be pallbearers or honor guards.
- B. For an immediate family member of a current State Patrol employee:
 1. Three patrol members may be detailed by the commander of the district in which the funeral will be held. If the deceased resided in a different district, the Commanders may mutually agree on the members of the detail.
 2. The provisions under A., 1 and 2 also apply.
- C. For elected officials, judges and other law enforcement personnel
 1. Three members may be detailed by the commander of the district in which the funeral will be held.
 2. The provisions under A., 1 and 2 also apply.
- D. Other uniformed members attending one of the above funerals may, with their commander's approval, use patrol units for transportation provided they are in the designated uniform. No overtime is authorized. District Commanders may authorize regularly scheduled troopers to use a portion of their scheduled shift to attend a funeral if adequate coverage is maintained.

- E. Out-of-state funerals for state law enforcement officers killed in the line of duty or law enforcement officials from an area immediately adjacent to Minnesota who are killed in the line of duty
 1. The Chief will determine if the State Patrol will be represented. If a detail will be sent, the Chief will determine the number of members and designate a supervisor/coordinator for the detail.
 2. The coordinator will select the personnel, coordinate participation with the local agency, make travel arrangements, and provide the names of the detail members to the Chief's office.
 3. The uniform for the detail will be winter Class A.
- F. Uniform
 1. A black fabric band not more than 3/4 inch in width may be worn over the State Patrol breast badge from the day of death and while attending funeral services for line of duty deaths. The black band shall be centered over the state seal. Bands will be removed at the end of the work day on the day of funeral services.
 2. Troopers:
 - a) The winter Class A uniform shall be worn for all line-of-duty death funerals and funerals for current employees of the State Patrol, regardless of season. The summer Class A uniform shall be worn for all other funerals occurring April 1-October 31. The winter Class B uniform shall be worn for all other funerals occurring November 1-March 31. The Chief or Assistant Chief may authorize exemptions to the uniform of the day requirements.
 - b) Pallbearers and Honor Guard members shall wear winter Class A uniforms regardless of season.
 3. Commercial Vehicle Inspectors: Long-sleeve uniform shirt, tie and uniform hat will be worn regardless of season.
 4. Radio Communications Personnel: Long-sleeve uniform shirt will be worn regardless of season.
 5. Capitol Security Officers: Long-sleeved uniform shirt, tie and uniform hat will be worn regardless of season.
- G. Unified Movements

At all line-of-duty death funerals, and active member funerals, uniformed members of the State Patrol shall make unified movements into and out of the funeral location (i.e. church), and be seated as a group. This practice should also be followed at other funerals, whenever practical.
- H. State Patrol Honor Guard

The State Patrol Honor Guard will be made available for all active and retired uniformed members upon request of the family or at other funerals where authority and prearrangement has been made through the Honor Guard Commander(s). Family requests for Honor Guard presence should be routed to the Honor Guard Officer in Charge (OIC).

IV. DISTRICT COMMANDER RESPONSIBILITIES

The District Commander of the District in which the funeral for an employee, retired employee, or immediate family member of a current employee takes place, shall:

- A. Contact the principal survivor and the funeral director to determine if MSP participation in the funeral service is desired.
- B. With the consent of the principal surviving family member, prepare and disseminate a death and/or funeral announcement for broadcast via *All State Patrol email using the approved template. The notice shall contain the decedent's name, location and times of the visitation and/or funeral, uniform of the day, and district point of contact information. The Chief's Assistant will forward the announcement to retirees and issue a \$50 memorial (per Section VIII.B.).
- C. Arrange for the necessary detail of MSP members.
- D. When the wooden memorial badge is authorized, arrange for display at the funeral, visitation, and gravesite.
- E. Take command of the funeral detail, instruct, and if necessary rehearse the detail so that a professional appearance is displayed. Troopers shall be given commands by a State Patrol member.

V. RULES FOR FUNERAL ESCORT

The following general procedures are prescribed:

- A. Pallbearers will wear campaign hats at all times while actually carrying the casket/urn.
- B. Members of the detail will remove their hats upon entering the church or place of services. The hat will be carried under the left arm with the crown to the outside and the badge facing forward.
- C. The detail will line up at "parade rest," as near as possible to the entrance to the building along the path to be followed by the casket/urn.
- D. Upon appearance of the casket/urn, the Commander or designee will order, "attention."
 1. If the deceased person is current employee, or if the casket/urn is draped with the American flag, the hand salute will be used. As the casket/urn approaches the formation, the command, "present arms" will be given at which time all members will salute. The salute shall be held until the casket/urn is placed in the hearse or is in the building. The Commander or designee will then order, "order arms" at which command the salute will be smartly terminated.
 2. For other funerals the detail will stand at attention and remain covered.
 3. At funerals for other than State Patrol personnel, the Commander shall coordinate State Patrol participation with the other agencies.
- E. The detail shall proceed as a group into the building for services, out of the building for formation after services and to vehicles, and to the gravesite, being given commands by a State Patrol member.
- F. At the gravesite the detail should assemble in rank formation between the grave and the hearse. When the casket/urn is removed from the hearse, the detail will come to attention and repeat the steps in D above, maintaining a hand salute until the casket/urn is placed at the gravesite.
- G. If a military service is held the detail shall follow the steps in D above holding the salute while taps are sounded.
- H. After the graveside service the detail may be ordered to "right or left face" and marched a reasonable distance from the site, or be dismissed immediately at the option of the detail commander.

VI. FUNERAL PROCESSION ESCORT

- A. Use of patrol units shall be minimized by riding at least two members per car.
- B. Emergency lighting and sirens shall only be used in conformance with state law.
- C. Low beam headlamps should be displayed by all units while part of the procession.

VII. TRAFFIC DIRECTION FOR FUNERALS

Whenever possible members assigned to traffic direction for funeral processions should come to attention facing the hearse and remain at attention until the hearse and first car of mourners have passed.

VIII. MEMORIAL FUND; WOODEN MEMORIAL BADGE


- A. The purpose of the Memorial Fund is to provide a memorial in the amount of \$50 in the event of the death of an active member, a retired member, or the death of an active member's immediate family. The fund is provided through contributions of the Trooper's Association and the Supervisor's Association. The Chief's Assistant will serve as the fund's administrator. The administrator will not be held liable for the operation of the fund in any case where proper disposition of benefits was not made.
- B. Per the statewide email announcement (see Section IV.B), the Chief's Assistant will issue a \$50 memorial as designated by the family. If none is designated, a \$50 memorial will be issued to "The Family of [Decedent's Name]."
- C. The wooden memorial badge is displayed for current and retired troopers only and is available by contacting the MSPTA northern or southern delegate.

Approved:

SIGNED 8/9/2019

Colonel Matthew Langer, Chief
Minnesota State Patrol

GENERAL ORDER

	Effective: September 28, 2012	Number: 12-20-011
	Subject: PATROLLING AND PARKING	
	Reference: Minn. Stat. sec. 169.541	
	Special Instructions: Rescinds G.O. 91-20-011	Distribution: A,B,C

I. PURPOSE

To establish uniform guidelines for patrolling in a state patrol unit.

II. PATROLLING/PARKING

- A. All members who operate department vehicles shall demonstrate exemplary driving behavior.
- B. Members shall not be accompanied by riders nor work together in one vehicle unless authorized by a supervisor or when the assignment dictates, e.g. field training (GO 50-004), authorized carpooling, authorized ride-along (GO 25-007), mobile scale crew.
- C. As much duty time as possible shall be spent in enforcement activities while patrolling or parked on, or adjacent to, state or interstate highways within the assigned patrol station.
 1. Members shall obey all traffic laws and shall not assume any special privileges, except while responding to an emergency call or involved in a pursuit situation.
 2. When working from a fixed location, e.g. radar, VASCAR, laser device, aircraft, etc., members shall park in a location and in such a manner that traffic flow is not impaired.
 3. Members may observe traffic from off-road locations, however working from "ambush" is prohibited.
- D. Lighting exemption
Minn. Stat. sec. [169.541](#) exempts police vehicles from the requirements to display lights under certain conditions and in conformance with standards adopted by the POST board. It is the policy of the State Patrol that all members will comply with all policies, rules, and statutes regarding the use of headlamps and other required lights except while assisting another law enforcement agency responding to an event or criminal activity, and the agency specifically requests a response without lights. After such a request, members may use lights at their discretion but must ensure a high degree of safety during such operation.
- E. Members are prohibited from operating without required lights under the following circumstances:
 1. on interstate highways;
 2. while traveling faster than the posted speed limit;
 3. at speeds greater than reasonable or prudent for the existing weather, road, and traffic conditions;
 4. while in pursuit of a fleeing vehicle;
 5. while parked conducting stationary patrol for violators, i.e., at a minimum, parking lights are required at night;
 6. contrary to the provisions of M.S. [169.541](#) or the POST board standards.

Approved:

SIGNED 9/28/2012

**Colonel Kevin P. Daly, Chief
Minnesota State Patrol**

GENERAL ORDER



Effective:	May 10, 2022	Number: 22-20-012 HRLFNDT
Subject:	MOTOR VEHICLE PURSUIT	
Reference:	GOs 10-027; 10-054, 20-021, 20-023; Minn. Stat. secs. 169.03 ; 169.17 ; 609.02, subd. 8	
Special Instructions:	Rescinds GO 19-20-012	Distribution: A,B,C,D, E

I. PURPOSE

The purpose of this General Order is to provide guidance on motor vehicle pursuits.

II. GUIDING PRINCIPLES

- A. Members shall keep in mind, and base their decisions on, the State Patrol mission of traffic safety that aims to protect all those who use our roads from injury or death.
- B. The decision to pursue or not pursue is critical and must be made quickly, under unpredictable circumstances.
- C. The decision to start or engage in a pursuit must be made by weighing the risk to the public, members, and the fleeing driver against any need for immediate apprehension of the fleeing driver and/or other occupants.
- D. The decision-making process must be continuously evaluated during the entire duration of the pursuit.
- E. There are situations where the risk of personal injury or death associated with a motor vehicle pursuit is too high to justify anything other than discontinuing the pursuit. No member will be disciplined for making a decision to discontinue a pursuit.
- F. Members may only make their decisions on pursuits based upon the information reasonably known at the time. Fleeing for an unknown reason does not provide any additional need/importance for the pursuit to continue.
- G. While Minnesota law permits emergency vehicles to disregard traffic signs or signals when in pursuit of an actual or suspected violator of the law (Minn. Stat. sec. [169.03](#)), nothing relieves the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequences of reckless disregard for the safety of others (Minn. Stat. sec. [169.17](#)).
- H. Supervisor directives shall be immediately obeyed.

III. DEFINITIONS

- A. Motor Vehicle Pursuit
 1. An active attempt by a sworn member operating a patrol unit to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer directing said driver to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer. (Minn. Stat. sec. [609.487](#))
 2. Other instances in which a sworn member activates emergency lights and siren or otherwise clearly gives a signal to stop and the driver complies by coming to a stop in a reasonably short distance are not considered motor vehicle pursuits.
- B. Discontinue a Pursuit
A member is deemed to have discontinued a pursuit when he/she turns off emergency lights and siren, returns to non-emergency operation, and informs the RCO.
- C. Intentional Contact
Controlled contact between the patrol unit and the pursued vehicle at low speeds intended to safely end the pursuit.

D. Pursuit Intervention Technique (PIT)

PIT is a specific type of intentional contact. It is a controlled contact between the patrol unit and the pursued vehicle at speeds prescribed below, which is intended to force the rotation of the pursued vehicle, causing the vehicle to become disabled and safely end the pursuit.

E. Required Initial Information

The minimum amount of information that must be communicated to dispatch as soon as possible upon initiation of a pursuit:

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

F. Evolving Information

Additional information to be conveyed as soon as possible and continuously updated throughout the pursuit:

- Traffic conditions including cross traffic, controlled intersection violations, and presence of pedestrians
- Speed and location of fleeing vehicle, including wrong way travel and maneuvers placing anyone at risk
- Number of occupants, description of occupants.

G. Primary Pursuit Unit

The first patrol unit immediately behind the fleeing driver.

H. Support Units

Any patrol units actively involved in the pursuit other than the primary unit.

I. Other Assisting Units

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

J. Severe and Imminent Threat

The fleeing driver or other person in the fleeing vehicle is believed to have recently caused great bodily harm (as defined in Minn. Stat. sec. [609.02, subd. 8](#)) or death to another person, or it is reasonably likely to occur if immediate action is not taken to apprehend him/her. The pursuit itself does not constitute a severe and imminent threat.

IV. DISCONTINUATION OF PURSUIT

A. Unless a pursuit is based upon a severe and imminent threat, it shall be discontinued when:

1. The fleeing vehicle comes under the surveillance of an air unit;
2. The fleeing vehicle is being monitored by a tracking service using GPS;
3. There is a non-sworn passenger present in the state unit;
4. The identity of the fleeing driver is established to the point where later apprehension may be accomplished;
5. The fleeing driver proceeds the wrong way on any limited access or interstate highway, divided highway or one-way street;
6. It is known or there is reason to know that the fleeing driver is a juvenile;
7. The distance between the pursuing member and fleeing driver is so great that continued pursuit is useless, or when visual contact with the fleeing vehicle is lost for an extended period of time.

B. For pursuits crossing state lines, a felony offense *in addition* to the fleeing offense is required to pursue into Iowa or Wisconsin. Members have no jurisdiction pursuing into Canada and little or no jurisdiction to pursue into Red Lake or Bois Forte Reservations and shall discontinue at those borders. See GOs 20-021 (Peace Officer Powers in Adjacent States or Provinces) and 10-054 (Reservation Land – Law Enforcement Powers.)

V. PURSUIT DECISION-MAKING

- A. In the decision to engage in a pursuit, members must weigh the risks associated with the pursuit against any need for immediate apprehension of the fleeing driver and/or other occupants and continuously evaluate the decision to continue the pursuit as risk factors may change.
- B. When the risk factors present outweigh any need for immediate apprehension of the fleeing driver and/or other occupants, the pursuit shall be discontinued. Risk factors to be continuously evaluated include, but are not limited to, the following: intersections, speed, duration, likelihood of pedestrians, sight lines, traffic conditions, and weather.
 1. In cases with a nonviolent offense (e.g., traffic violations, stolen vehicle or other property crime, drugs, or unknown offense), members shall give strong consideration to quickly discontinuing the pursuit.
 2. In the case of a suspected impaired driver, members shall consider whether or not the pursuit is making an already dangerous situation even more dangerous. In cases where the known impaired fleeing driver is creating an obvious threat to public safety, members should consider the use of any available and reasonable pursuit intervention strategies to end the pursuit with safety in mind.
 3. In pursuits involving a severe and imminent threat, accepting additional risk may be reasonable given the severity of the crime(s) involved and the danger to public safety should the offender not be apprehended.

VI. PURSUIT INTERVENTION STRATEGIES

Before employing a pursuit intervention strategy to safely end a pursuit, members shall consider: 1) the necessity to continue the pursuit and if so; 2) whether the strategy is practicable given the situation; and 3) whether the strategy is reasonable when considering the risk of injury to all involved. The type of strategy utilized will depend on the circumstances of each pursuit. Members shall employ any strategy consistent with their training.

- A. Stop-Sticks
 - i. Members shall always consider personal safety during deployment and use stop-sticks consistent with training. The use of stop-sticks on a vehicle with less than four wheels shall be considered the use of deadly force (GO 10-027 [Use of Force]).
 - ii. Stop-sticks may be used on a vehicle that is no longer being actively pursued, but is still fleeing or has freshly fled. Only an MSP supervisor may authorize their use in these instances.
 - iii. Authorization may only be provided after considering the totality of circumstances, including:
 - i. a determination that further attempts to stop the vehicle will be futile;
 - ii. reasonable knowledge that the driver has remained the same; and
 - iii. the degree that the vehicle has been or is under surveillance of a peace officer, GPS, cameras, or aviation.
 - iv. If a stop-stick deployment under this section is successful, continued trooper involvement in the event can only be authorized by the monitoring supervisor. The MSP supervisor must determine the level of immediate ongoing involvement with the suspect vehicle, while considering other sections of this General Order.
 - v. The authorizing supervisor must complete a TraCS report articulating the basis for their decision regarding the use of stop sticks and further MSP involvement, or include the same information in the report required for monitoring pursuits.
- B. Pursuit Intervention Technique (PIT)
 1. Members shall consider using the PIT maneuver at the earliest opportunity in a pursuit, knowing the opportunity might be short-lived.
 2. The PIT maneuver may be executed at speeds of 40 mph or less on straight roadways or 25 mph or less in cornering situations. Speeds greater than this may be considered deadly force.
 3. The PIT maneuver is not allowed in the following circumstances unless deadly force is authorized:
 4. On vehicles with fewer than four wheels;
 5. On a vehicle pulling a trailer;
 6. On unconventional vehicle types to include, but not limited to, straight trucks, recreational vehicles, off highway vehicles, ATVs, etc.
- C. Intentional Contact
 1. Intentional contact shall only be used when other intervention strategies have been considered and determined not practicable.

2. Intentional contact shall be considered a use of force (reported as a pursuit), up to and including deadly force, and must be reasonably applied based on the totality of circumstances presented.
 - i. Unless deadly force is authorized, intentional contact shall only occur: i) at low speeds; and ii) when there is a reasonable belief that no one will be injured as a result.
3. Intentional contact with any vehicle having fewer than four wheels shall only occur if deadly force is authorized.

D. Channeling/Compelling Path/Boxing In

The use of the state unit or other devices is allowed as a means to direct a fleeing driver in order to safely end a pursuit.

E. Roadblock

The use of a roadblock is allowed, but only when the maneuver can be executed with reasonable safety for all involved, including the member, motoring public, and fleeing driver. In any roadblock, the location and deployment method shall allow the fleeing driver ample opportunity to voluntarily stop.

VII. ASSISTING OTHER AGENCIES

- A. Members shall consider the purpose, intent and likelihood of a traffic safety benefit from their individual involvement before joining an allied agency's pursuit.
- B. Members shall not become involved in an allied agency's pursuit as a primary or support unit unless a common radio communication talkgroup is utilized and monitored by State Patrol Radio Communications Operators (RCO) or Supervisors (RCS).
- C. Members shall only become involved, and remain in, an allied agency's pursuit as a primary or support unit if:
 1. The pursuing agency requests it, unless it is clear that an emergency exists which dictates immediate intervention and assistance; **and**
 2. The pursuit meets the State Patrol's policy; **and**
 3. Required initial information (TRIPS) is communicated to the member and dispatch; evolving information is continuously communicated; **and**
 4. The originating agency remains in the pursuit, unless extenuating circumstances prohibit it (e.g. pursuit entering Minnesota, originating agency's vehicle becomes disabled, etc.). The originating agency's internal policy or their supervisory decisions are not extenuating circumstances.

VIII. SHOOTING FROM OR AT A MOVING VEHICLE

- A. Members shall not shoot from or at a moving vehicle, except when deadly force is authorized pursuant to General Order 10-027 (Use of Force).
- B. Members should make every effort not to place themselves in a position that would increase the possibility that the vehicle they are approaching can be used as a deadly weapon against members or other users of the road.
- C. Firearms shall not be utilized when the circumstances do not provide a high probability of striking the intended target or when there is substantial risk to the safety of other persons, including risks associated with vehicle crashes.

IX. PURSUIT RESPONSIBILITIES

- A. General
 1. In order to be engaged in a pursuit, members shall be in a pursuit-rated vehicle and shall use flashing emergency lights and siren.
 2. In order to diminish the likelihood of a pursuit developing, members intending to stop a vehicle shall be within close proximity to the subject vehicle prior to activating the emergency signal devices.
 3. When there is an equipment failure involving emergency lights, siren, radio, brakes, steering, or other essential mechanical equipment, members shall discontinue their involvement in the pursuit unless otherwise directed by a supervisor.
 4. Members are responsible for providing assistance to anyone potentially injured during the course of the pursuit.
- B. Primary Pursuit Unit

Upon becoming involved in a pursuit situation, the primary pursuit vehicle shall immediately comply with the following:

 1. Immediately notify MSP dispatch that a pursuit is underway and provide Required Initial Information (TRIPS).
 2. Provide Evolving Information unless a support unit assumes that responsibility.

C. Support Unit

1. Support units shall announce their involvement when joining the pursuit. The support unit immediately behind the primary unit should assume responsibility for providing Evolving Information.
2. The number of support units involved in the pursuit should be only those that are reasonably needed for the situation.

D. Other Assisting Units

Other assisting units shall announce their intentions and communicate with primary and support units.

E. Radio Communications Operator(RCO)

1. Announce the 10-33 (Emergency Traffic Only) restriction on the district main talkgroup to all members and other law enforcement agencies in the immediate area.
2. Patch the district main talkgroup with an available LTAC talkgroup (or non-ARMER channel if required) and announce the patch when completed.
3. Quickly notify a sworn supervisor upon the initiation of a pursuit or upon a member's response to assist with an allied agency pursuit, attempting in the following order: 1) any on-duty district supervisor; 2) district on-call supervisor; 3) any on-duty supervisor statewide; 4) on-call Major.
4. Quickly communicate with a sworn supervisor regarding Required Initial information (TRIPS) and any other relevant information so that he/she can effectively manage the pursuit.
5. Check with any on-duty pilot to determine if flight can respond.
6. When a supervisor becomes the primary unit in a pursuit, the RCO must contact a supervisor of an equal or higher rank to monitor the pursuit.
7. Document all incoming information in CAD.
8. Perform all relevant record and motor vehicle checks as expeditiously as possible.
9. Continue to monitor the pursuit until it has ended and then release the 10-33 restriction and/or patch upon approval of a sworn supervisor.
10. Issue a KOPS alert if requested.

F. Pilot/ Air Unit

When a fleeing vehicle comes under the surveillance of a State Patrol air unit, the pilot or other air crew member shall affirmatively communicate to all ground units that flight is overhead so that State Patrol units know to discontinue.

G. Supervisory Responsibility

Upon being notified of the pursuit, the supervisor shall:

1. Verbally acknowledge on the radio (or if monitoring by phone, have dispatch acknowledge) that they are monitoring the pursuit.
2. Ensure that involved member responsibilities are being followed.
3. Obtain the Required Initial and Evolving Information to continuously evaluate the pursuit for compliance with this policy.
4. Direct that the pursuit be discontinued if, in his/her judgment, it is not justified to continue under the guidelines of this policy or for any other reason.

X. PURSUIT FOLLOW-UP AND REPORTING RESPONSIBILITIES

A. Member(s)

1. Primary and support units involved in a pursuit, or members having used an intervention strategy (even if the pursuit was discontinued), shall complete the Pursuit Report and a Field Report in TraCS. The reports shall be submitted and validated prior to the conclusion of the work shift unless otherwise directed by a supervisor. The report must include all pertinent and detailed information indicating the member's involvement, including all Required Initial and Evolving Information known to the member. Such information should demonstrate that the member continuously evaluated the need to apprehend the driver or occupants given any specific risk factors present during the pursuit.
2. If the fleeing driver and/or other occupants are not apprehended, members shall conduct further investigation with the intent to identify and charge any suspects (i.e., requesting a KOPS alert on the vehicle, contacting the registered owner, etc.). Members should request assistance from the district investigator when needed.

3. Examine Stop-Sticks after use for damage and report to District/Section Commander if repair is necessary.

23-Monitoring Supervisor

Complete a supplemental report in TraCS.

24-District/Section Commander

1. Review the pursuit for compliance with State Patrol policy by a thorough review of all field report(s), pursuit report(s), and in-squad video(s).
2. Ensure that reports substantiate the elements of any crimes charged and that all pertinent information (including Required Initial Information (TRIPS) and Evolving Information) is included in the reports. Ensure a follow-up investigation occurred for any fleeing driver and/or other occupants who were not apprehended.
3. Submit the *Pursuit Tracking Form* to Headquarters once the reports are accepted in TraCS and no later than 14 days of the occurrence.
4. Ensure that a post-pursuit review is completed by a supervisor with the involved members as soon as practicable after the incident.
5. Immediately notify the Regional or On-Call Major of any pursuit which has the likelihood of resulting in a tort claim.
6. Ensure that any unintended tire damage to other vehicles due to Stop-Sticks is addressed as soon as possible using district/section purchasing procedures. Further, when sticks have been damaged due to use, ensure that a deployment report is completed at <https://www.stopstick.com/>.

25-Majors

1. Review and evaluate State Patrol pursuit involvement for compliance with policies and that the reports include all pertinent information relevant to the incident.
2. Ensure that State Patrol pursuit involvement is reported to the Bureau of Criminal Apprehension within 30 days.

26-Radio Communications Supervisor

Ensure that a post-pursuit review is completed between the communications supervisor and communications

operations as soon as practicable after the incident.


- A. Training for sworn members may only be provided by those members authorized by the Director of Training to conduct such training.
- B. In accordance with POST requirements, all sworn members shall be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle driving tactics, including pursuit intervention strategies and decision-making.

Approved:

SIGNED 5/10/2022

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER

	Effective: June 6, 2012	Number: 12-20-013
	Subject: CRIME SCENE DUTIES	
	Reference: General Order 10-003	
	Special Instructions: Rescinds GO 84-20-013	Distribution: A,B,C, F,N

I. PURPOSE

To define the duties of State Patrol personnel at a crime scene to which they respond.

II. CRIME SCENE DEFINED

Crime Scene: The location at which any unusual incident such as fire, accident, explosion, damage to property or unnatural death may have been caused by a criminal act. Often times a detailed investigation is necessary before it can be proven that a criminal act was responsible for the incident. As such, scenes must be treated and handled as crime scenes until proven otherwise.

III. PROCEDURE

In all instances where State Patrol members arrive at the scene of a recently committed crime or at a location where a reasonable belief exists that a crime has been committed, the following procedure shall be followed:

- A. Notify dispatch of your arrival and the nature of the incident.
- B. Ensure the local law enforcement agency and/or the county sheriff's department is notified.
- C. Identify and lawfully detain potential witnesses or possible perpetrators leaving the scene or in the immediate area.
- D. Secure the crime scene and surrounding area, taking care to leave evidence undisturbed. If evidence must be moved, ensure its original location is thoroughly documented.
- E. Keep unauthorized personnel out of the crime scene.
- F. A thorough narrative report shall be written and submitted as soon as reasonably possible.
- G. Ensure a copy of all field reports, photographs, etc. are turned over to the investigating agency.

IV. SUMMARY


Crime scene protection and evidence preservation are essential to the process of solving crimes and apprehending and convicting perpetrators. Every effort must be made to identify, preserve and guarantee the admissibility of evidence in subsequent criminal proceedings.

Approved:

SIGNED 6/6/2012

Colonel Kevin P. Daly, Chief
Minnesota State Patrol

GENERAL ORDER

	Effective: March 24, 2017	Number: 17-20-014
	Subject: LANGUAGE OR HEARING IMPAIRED INDIVIDUALS	
	Reference: Americans with Disabilities Act , Minn. Stat. sec. 611.32 , Addendum 1	
	Special Instructions: Rescinds GO 16-30-023	Distribution: A,B,C,F

It is the policy of the Minnesota State Patrol to ensure that a consistently high level of service is provided to all community members, including those who are hearing impaired or those with a limited ability to speak, read, write, or understand English. Because communication barriers can prevent these individuals from understanding their rights, complying with the law, and receiving meaningful access to law enforcement services and information, the Minnesota State Patrol will make every effort to ensure that its members and employees communicate effectively with these individuals.

It is the policy of the MSP that each member must assess each situation to determine the need and availability for translation and/or auxiliary aid services to any involved persons with limited English proficiency or those that are hearing impaired.

II. DEFINITIONS

Limited English Proficient (LEP) means that one's primary language is not English, and has a limited ability to read, write, speak, or understand English.

III. PROCEDURES

A. General

1. People who are LEP or hearing impaired are entitled to a level of service equivalent to that provided to other persons.
2. Various types of communication aids – known as “auxiliary aids and services” – are used to communicate with people who are LEP or hearing impaired. These include use of gestures or visual aids to supplement verbal communication; use of a notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound for persons who are hard of hearing; or use of a qualified oral or sign language interpreter.
3. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue. In many circumstances, verbal communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communicating with people who are hearing impaired. In other circumstances, a qualified sign language or oral interpreter may be needed to communicate effectively with LEP or hearing impaired individuals. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication.
4. To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Members should find out from the person who is hearing impaired or those with LEP what type of auxiliary aid or service he or she needs. For example, the SE Asian Community worked with the State Patrol and Minneapolis Police Department to create a Hmong Language Interpretation Card that provides information for acquiring free communication assistance. Members should defer to those expressed choices, unless:
 - a. there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the hearing impaired or LEP individual; or

b. doing so would cause an undue administrative or financial burden upon the department as determined by a State Patrol supervisor.

5. People who are LEP or hearing impaired must not be charged for the cost of an auxiliary aid or service needed for effective communication.

B. Interpretive Services

1. A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

2. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is hearing impaired or LEP should not generally be used to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality.

3. Any bilingual members must identify themselves as members of the MSP if interpreting for a suspect. Members may not serve as interpreters for interrogations.

4. Contact information for current authorized foreign language interpreter services (other than language line) and current sign language interpreting and related services (other than TTY) is listed on Addendum 1 of this General Order. If utilized, these services should be paid for with a 559 and indicate the type of service provided.

C. TTY and Relay Services

In situations when a nondisabled person would have access to a telephone, members must provide persons who are hearing impaired the opportunity to place calls using a teletypewriter (TTY, also known as a telecommunications device for deaf people, or TDD).

D. Language Line

To provide the public with the best service possible, the MSP subscribes to a language interpretation service, Language Line. This service is available to Troopers and Dispatchers when they have contact with a non- English speaking individual and a lack of understanding exists due to a language barrier. To access Language Line Services there are two options. The first option is considered for emergency interpreter needs that require an immediate connection with an interpreter, such as transferring a 911 call or seeking information regarding a crime in progress. The second option is considered for non-emergency interpreter needs, including any post- arrest interview or sharing of information. Troopers and dispatchers should utilize the appropriate number located in Addendum 1 for the circumstances and urgency in which they need interpreter services.

E. Arrests

In an effort to protect the rights of those who are LEP or hearing impaired during arrest and custodial interrogations, members should make every reasonable effort to ensure accurate communication and translation for these individuals. Miscommunication during arrests and custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution.

1. Following the apprehension or custodial arrest of an LEP or hearing impaired individual, the Trooper shall make the necessary contacts to obtain a qualified interpreter and shall obtain the interpreter at the earliest possible time at the place of detention. (Minn. Stat. sec. [§611.32, subd. 2](#))

a. This provision is not required for a routine traffic stop which does not result in a custodial arrest.

b. The Attorney General's Office has advised us that the interpreter requirement does not apply to implied consent procedures

c. Although not required in the regular traffic stops or implied consent procedures, members are encouraged to use the Language Line to facilitate clear, effective communication.

2. Before any further investigative proceedings or interrogation can be initiated, the Trooper shall, with the assistance of the interpreter, explain to the person:

a. All charges filed against him/her.

b. All procedures relating to his/her detainment and release.

IV. RESPONSIBILITIES

- A. District/Section Commanders
Ensure that Troopers are aware of how to access communication services in the local area.
- B. Troopers
 - 1. Utilize auxiliary aids and services when appropriate to communicate with LEP and hearing impaired individuals.
 - 2. Utilize the Language Line and interpretive services subsequent to a custodial arrest.
- C. Radio Communications
Maintain contact information for interpretive services.

APPROVED:

SIGNED 3/24/2017

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

MINNESOTA STATE PATROL

Addendum 1

Number: 17-20-014

CONTACT INFORMATION FOR INTERPRETERS

Hearing Impaired

CSD-Minnesota (serving both Metro & Greater MN) 651-224-6548 (voice/TTY)
1-877-456-7589 (voice/TTY)
651-215-8517 (TTY)
651-297-6766 (fax)
interpretingstpaul@c-s-d.org (email)
www.c-s-d.org (website)

Sign Language Interpreting and Related Services (other than TTY)

Vendors are listed on the state contract for sign language interpreting and related services. To obtain the phone numbers and view the rates of the state contracted interpreters and languages available, go to:

[http://www.mmd.admin.state.mn.us/pdf/s-884\(5\).pdf](http://www.mmd.admin.state.mn.us/pdf/s-884(5).pdf)

Language Line:

Emergency Language Line Services:

1. Dial 1-888-269-4601. (The State Patrol's client ID 909972 is prepopulated so you do not need to enter it).
2. The automated system will prompt you to press a number for several language choices, including a number for all other languages. Press the appropriate number for the language desired.
3. If you need any other assistance you can press 0 or say "help" at any time.
4. An interpreter will be connected to the call.
5. Inform the interpreter that you are calling from the state of Minnesota and brief the interpreter about the call.
6. Add the non-English speaking person to the line and have the interpreter brief the non-English speaking person.
7. Continue until the required business is completed.
8. Include the relevant information concerning the contact on the field report or in CAD notes if a field report is not completed.

Non-Emergency Language Line Services:

1. Dial 1-800-367-9559. The automated system will prompt you to:
2. Enter the State Patrol's client ID: 509052
3. Press 1 for Spanish, or
4. Press 2 for all other languages
5. Enter your individual 6-digit access code (issued by MNIT) after being prompted.
6. An interpreter will be connected to the call.
7. Inform the interpreter that you are calling from the State of Minnesota and brief the interpreter about the call.
8. Add the non-English speaking person to the line and have the interpreter brief the non-English speaking person.
9. Continue until the required business is completed.
10. Include the relevant information concerning this contact on the field report, or in CAD notes if a field report is not completed.

Foreign Language Interpreter (other than Language Line)

Vendors are listed on the state contract for spoken languages. To obtain the phone numbers and view the rates of the state contracted interpreters and languages available, go to: [http://www.mmd.admin.state.mn.us/pdf/s-885\(5\).pdf](http://www.mmd.admin.state.mn.us/pdf/s-885(5).pdf)

GENERAL ORDER



Effective:	August 12, 2022	Number:	22-20-017
Subject:	PHOTOGRAPHS: CRITERIA/LIMITATIONS ON USE, EQUIPMENT AND ORDERING		
Reference:	General Orders 10-025; Minn. Stat sec. §13.82		
Special Instructions:	Rescinds General Order 22-20-017 (6/22/22)	Distribution:	G

I. POLICY

The policy of the Minnesota State Patrol is that proper use of equipment, retention, and dissemination of photographs are critical to the success of the organization. Photographs are intended to augment other evidence for the prosecution of an offender or use in a civil action; however, they do not reduce the necessity of conducting a complete investigation.

II. CRITERIA AND GENERAL USE

A. Criteria

Photographs should be taken under the following circumstances:

1. Investigation of all fatal and serious injury crashes as well as any crash where ambulance/medical personnel arrive on-scene.
2. Any crash of a complicated nature, involving extensive property damage, and which would be difficult to explain.
3. Any crash involving a state unit or other governmental agency.
4. Any incident which is likely to result in a lawsuit against the state, the State Patrol, a State Patrol employee, or another governmental agency or employee.
5. Any crash or incident in which photographs would provide evidence for prosecution.
6. Whenever a pictorial record is needed of a highway defect or visual obstruction that may have contributed to a crash or incident.
7. Whenever photographs may be of value to the claims division of the Department of Transportation or the Attorney General's Office.
8. Whenever photographs may be of value in training, safety education or public relations.

B. General Use

1. Photographs generated in connection with a member's duties are the exclusive property of the Minnesota State Patrol and shall not be available for external use, except as provided in this policy.
2. Photographs cannot be used for any purpose, nor shared, unless allowed by General Order 10-025 (Data Practices) and the Minnesota Data Practices Act (Minn. Statutes [Chapter 13](#)).
3. Only state-issued equipment shall be used to take photographs pursuant to II, A 1-7 (above).

C. EQUIPMENT

A. Equipment

1. When issued, members shall have the following equipment in the patrol vehicle:

- a. Digital Camera
 - Department-issued digital camera and case
 - Back-up power source
 - Memory card
 - Flash unit
- b. Smart Phone
 - Phone with Axon Capture app installed
 - USB phone charging cable

To protect the phone from prolonged exposure to temperature extremes, members shall store the device inside a temperature-controlled environment after every shift. The phone must be sufficiently

charged to last an entire shift. While members are on-duty, the phone must be powered on and accessible.

2. Replacement supplies for issued photographic equipment are available on a need basis from District Offices.

IV. DIGITAL PHOTOGRAPHS

A. Use and Special Considerations

1. All digital photographs shall be taken and saved in a high-resolution format.
2. No digital photographs shall be altered, erased, or in any way tampered with (including deleting images that do not turn out correctly), unless the original image is first copied and the clarifications are conducted on the copied file only.
 - a. The copied image may be clarified as long as any changes are recorded (enlarged, cropped, etc.) and the reasons why are included in a supplemental report.
 - b. The clarified image must be saved separately from the original file, and the word "copy" must be added to the file name.
3. Members should obtain photos taken by an assisting agency for inclusion in the case file.

B. Processing Responsibilities

1. Members
 - (a) Smart Phone
 1. Utilize the Axon Capture app to capture photos.
 2. Add the correct case number and retention category.
 3. Select and upload the photos to evidence.com as soon as practicable.
 - (b) Digital Camera
 1. Download photos as soon as practicable from the camera to the mobile computer and save the images from one crash/incident in a folder. Name the folder with the case number. Do not change the file name of the original individual photos.
 2. Copy the photos to the district server and notify the district office that photos have been uploaded.
 3. Delete images from the memory card and computer only after they have been successfully copied to the district server.
 - (c) UAV
 1. Place photos in the case file in the district's crash recon folder under the appropriate case number along with all other files pertaining to that specific case.
2. District Office
 - (a) Axon Capture photos
 1. All photos shall be kept in evidence.com. Retention schedules are automatically applied based upon the evidence category of the photographs. The photos in evidence.com are considered the original copy.
 - (b) Digital Camera photos
 1. Retain the original photos for evidentiary purposes.
 2. The photos shall be retained in the case file according to the Records Retention Schedule.
 3. For fatality crashes, the photos shall be copied to a CD. The CD must be transferred to the DPS Warehouse with the completed case file.

V. ORDERING COPIES

A. Requests

Requests for copies are subject to the provisions of General Order 10-025 (Data Practices) and Minnesota Statutes [Chapter 13](#).

B. Responsibilities

1. Headquarters
 - a. Fulfill requests for copies of photographs in Evidence.com.


- b. Forward requests for copies of other photographs to the appropriate District Office.
 - c. Maintain files received from the Bureau of Criminal Apprehension.
2. District Office
- a. Fulfill requests that come directly to the District Office or from Headquarters for photos in the District's possession.
 - b. Contact the member if the photos are not uploaded to Evidence.com.
 - c. Forward requests for photographs maintained at Headquarters or in Evidence.com to the Data Practices Coordinator for fulfillment at Patrol.MSP.DataRequests@state.mn.us.
3. District/Section Commander
- a. Ensure members are uploading digital photos when required by this policy.
 - b. Assist member and employees in determining whether requests for photographs are in compliance this policy and state law.

Approved:

SIGNED 8/12/2022

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER

	Effective: August 20, 2021	Number: 21-20-018
	Subject: DISPOSAL OF ACQUIRED PROPERTY	
	Reference: General Orders 20-007, 25-008, 80-005, and 90-008	
	Special Instructions: Rescinds General Order 09-20-018	Distribution: A,B,C,F,H

I. POLICY

It is the policy of the Minnesota State Patrol to abide by uniform procedures for the disposal of property, which has been found, recovered, confiscated, or otherwise acquired by State Patrol employees. Employees will make efforts to identify and notify the owner or custodian of property in the Patrol's control, and will document the final release of property items from the Patrol. Unclaimed property will be handled in accordance with Minn. Stat. sec. [345.16](#).

II. DEFINITIONS

A. Abandoned Property

Any item or article of property that has come into the possession of a State Patrol employee for which the owner cannot be found or refuses to claim.

B. Contraband Property

Contraband is property that is in and of itself unlawful to possess, produce, or transport.

Contraband items are not to be returned to the owner. Contraband includes items contaminated by or commingled with controlled substances as defined in Minn. Stat. sec. [152.01, subd. 4](#).

III. RECOVERY

A. Employee Responsibilities

1. Employees while on duty or otherwise acting in an official capacity, coming into possession of acquired property, shall deliver or forward it to their District/Section Commander or designee where it shall be stored in a secure place until proper disposal is completed. See General Orders 25-008 (Care and Handling of Sensitive Evidence) and 80-005 (Forfeiture of Property), for proper procedures.
2. Obtain a case number, complete an Evidence Submission Report in TraCS and a Field Report in TraCS indicating what was found/seized and the circumstances surrounding the acquisition.

B. District/Section Commander or Designee Responsibilities

1. Examine the property for the purpose of identification of the owner.
2. Conduct an inquiry through MCJIS and NCIC to determine if the property has been reported lost or stolen and if so, forward or deliver it to the appropriate agency.
3. Arrange for secure storage of the property until disposal is completed.

IV. DISPOSAL

A. General

1. A court order mandating the disposition of property shall take precedence over any other method or system of disposal.
2. All evidentiary items held at the District shall be checked with the court to determine final disposition/adjudication.
 - a. In general, property held for misdemeanor and petty misdemeanor charges should be held for 100 days past conviction to allow for appeal time. Gross misdemeanor and felony level acquired property should receive a prosecuting attorney's approval for disposal.

3. Disposal of evidence shall be conducted by a method approved by the Regional Major if not identified in the General Order.
4. A signed and dated receipt is to be obtained for all items surrendered to other agencies or returned to the owner.

B. Abandoned/Unclaimed Property

1. If the owner of seized property (other than contraband) is known, a certified letter must be sent to the owner indicating that his/her property will be classified as abandoned in 90 days. If the owner does not respond (receipt of the certified mail must be documented) or provides written notice at any time that they do not desire return of the property, the property becomes abandoned. The rightful owner may reclaim the property within 90 days of notice after paying any expenses incurred by the agency for processing and retaining such property.
2. If the owner of property (other than contraband) cannot be located after a documented search, then notice must be published for three weeks in the county in which the property was recovered that the property will be classified as abandoned.
3. Once the property is classified as abandoned, the abandoned property may be disposed of as follows:
 - a. Unclaimed property may be sold at public sale, disposed of as state surplus property, or destroyed based on the agency's judgement of the property's condition and value.
 - b. For property that is not destroyed, arrangements should be made for a public sale. The Department of Administration's Fleet and Surplus Service Division can be used to facilitate the sale. Complete a Property Disposition Request and fax or email it to the auction manager.
4. See Section III, D for disposal of controlled substances, weapons, and other contraband.
5. All abandoned/unclaimed money and the proceeds from the sale of other abandoned/unclaimed property retained by the State Patrol pursuant to this section must be deposited in the general fund pursuant to Minn. Stat. sec. [345.16](#).
6. Money seized as a result of a consent search or inventory of a vehicle where the owner/driver claims no knowledge or ownership of the money, and signs the Transfer of Interest/Forfeiture Waiver Form shall be processed as a forfeiture according to General Order 80-005 (Forfeiture of Property).

C. Controlled Substances, Weapons, and Other Contraband

1. The final disposal of controlled substances is the responsibility of the District/Section Evidence Custodian. The Regional Major or designee shall approve the method of disposal.
2. When drugs are scheduled to be destroyed, the District/Section Evidence Custodian shall monitor the loading of the items to be destroyed, accompany the items to the destruction site, and observe the destruction process. If it is not possible to observe the destruction process, then the Trooper must obtain a signature on the chain of custody form from the person taking possession of the drugs. After completion of the destruction process, the District/Section Evidence Custodian shall submit a report to the Captain of the District that shall include:
 - a. The date, time and location of the destruction;
 - b. An inventory of the items destroyed; and
 - c. A list of those present at the destruction.
3. Ensure the disposal of sensitive evidence (e.g., drugs, drug paraphernalia, weapons) is tracked according to the procedures in General Order 25-008 (Care and Handling of Sensitive Evidence).
4. Any forfeited firearms and/or ammunition shall be destroyed utilizing the support of the Minnesota State Patrol Investigative Services Section. Firearm destruction vendors will be provided by the Investigative Services Section along with guidance on individual vendor

process. The actual destruction should take place no later than six months after the firearm is cleared for disposal. The Investigative Services Section Commander shall ensure that **no less than two people** are responsible for validating and documenting the destruction process.

D. Statewide Forfeiture Coordinator


1. Submit the Firearms Forfeiture Report to the State Auditor on a monthly basis as required by Minn. Stat. sec. sec. [609.5315](#).
2. Work with DPS Fiscal and Administrative Services to process deposits of abandoned/unclaimed cash and property sale proceeds into the General Fund and maintain related records, including copies of the notice letters sent and individual deposit information.
3. Ensure that transfers to the General Fund are completed by June 30 of each year.

Approved:

SIGNED 8/20/2021

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER

	Effective: November 20, 2023	Number: 23-20-019
	Subject: MINNESOTA JUSTICE INFORMATION SERVICES (MNJIS) AND SECURITY INCIDENT RESPONSE	
	Reference: General Order 10-002; 10-025; NCIC Policies provided by BCA; FBI CJIS Security Policy; BCA CJDN Security Policy, Policy 5002	
	Special Instructions: Rescinds General Order 13-20-019	Distribution: G

I. POLICY

It is the policy of the Minnesota State Patrol (MSP) to abide by federal, state and local regulations governing dissemination of criminal histories and the use of Minnesota Justice Information Services (MNJIS) and to ensure that MSP is prepared to address computer security incidents through appropriate incident identification and response.

II. DESCRIPTION

Computerized Criminal History

A computerized criminal history (CCH) file is available through Minnesota Justice Information Services (MNJIS) of Minnesota. The CCH files consist of information pertaining to the arrest, conviction, custody, or supervision of offenders processed by criminal justice agencies in Minnesota. Information in the files is available in several forms depending on the inquiry format used and the extent of the inquiry. The Bureau of Criminal Apprehension (BCA) is the state repository for these records, and is used by all members of the criminal justice community.

III. PROCEDURES

A. General

1. The ability to access the state and national files through MNJIS is limited to criminal justice agencies for the purposes listed in 3 (below), and is restricted to those agencies that have executed a "user agreement" as required by security and privacy regulations.
2. Failure to comply with the MNJIS systems access/use policies may be cause for disciplinary action. Specifically, the BCA-provided National Crime Information Center (NCIC) system security, hit confirmation, property hot file records, second party check procedures and discipline policies (linked) are hereby incorporated by reference. By signing below, members are indicating they have read and understand these specific policies.
3. The following codes must be used to indicate the reason for accessing criminal history data:

C	Criminal justice purposes related to an individual's contact with the criminal justice system
F	Firearms and related permits
J	Employment backgrounds for potential criminal justice employees
R	Personal review by the subject of the record
* Only purpose codes C,F,J are allowed when inquiring through NCIC/III files.	

4. Upon completion of the investigation, all printed copies of CCH queries must be destroyed by burning, shredding, or placing in an authorized document destruction receptacle. All responses received for persons other than the original request must be destroyed.
5. Since CCH information is updated as status changes occur, information more than 48 hours old should not be relied upon and a new check should be conducted prior to the use of such information.

B. Members

1. Members shall request a criminal history for official criminal justice purposes only. To obtain a summary criminal record, provide the dispatcher or district/section Terminal Agency Coordinator (TAC) with the name, date of birth, sex, race, and the purpose for which the report is being requested.
2. The method used to disseminate CCH record information to the requestor is based upon whether the request is of a routine nature or part of an in-progress traffic stop or event.

- a. For routine requests, the information may be emailed/mailed to or picked up by the requesting Trooper.
 - b. When a Trooper determines that there is an immediate need for criminal history information to further an investigation, or there is a situation affecting the safety of an officer or the general public, information may be returned via radio or cell phone.
 - c. Faxing is permitted, but only if the requesting Trooper is at the destination when it is being faxed.
3. CCH information is classified as private information. Therefore, anyone obtaining such information cannot provide a copy of that information to anyone else. However, Troopers may share the content of such information with county attorneys and police agencies in the scope of an official police investigation. If the subject of the data requests his/her own record, he/she shall be referred to the BCA.
 4. Basic security awareness training shall be required within six months of initial assignment, and biennially thereafter, for all personnel who have access to criminal justice information.
 5. Unauthorized access to or routine viewing of Criminal Justice Data Communications Network (CJDN) terminals or data is prohibited. CCH information shall not be queried for other police agencies or government entities.

C. Dispatchers and Terminal Agency Coordinators

1. Title 28 of the Code of Federal Regulations requires that only authorized operators of terminals be permitted to query these files. To meet this requirement, all MSP Communications Section 911 radio operators/supervisors or district/section TACs shall complete the MNJIS Basic Operators Certification Course within six months of employment and maintain the MNJIS access certification level appropriate for their role and responsibilities.
2. All personnel employed or utilized to effectuate access to or initiate transmission of NCIC information are required to submit to state and national record checks by fingerprint identification. This shall include the submission of a completed applicant fingerprint to the FBI through the BCA.
3. Dispatchers shall access the FBI and MNJIS systems only for official criminal justice purposes.
4. For each request, a CAD event must be created to document the subject's name in the Supplemental Field and all information given by the Trooper.
5. Agencies which are not authorized to receive CCH information must be referred to the BCA MNJIS Section to process their request.
6. If a dispatcher or district/section TAC is concerned about whether or not a CCH request meets the guidelines set forth as reasons to access the system, the TAC supervisor, their supervisor, or on-call district supervisor should be contacted for determination.
7. The CJDN terminal(s) shall be maintained in a secure area. Only authorized personnel who have passed a state and national fingerprint background check are allowed unescorted access to the secure area(s).
8. It is the responsibility of the TAC in each district/section to ensure that employees whose position requires access to MNJIS obtain CCH information, attend the proper training, become certified users, recertify every two years, and ensure that all state and local policies are enforced regarding the use of the CJDN terminal.

CI. COMPUTER SECURITY INCIDENT RESPONSE

A. Procedures

MSP shall: (i) establish operational incident handling procedures that include adequate preparation, detection, analysis, containment, recovery, and user response activities; (ii) track, document, and report incidents to appropriate agency officials and/or authorities. Formal event reporting and procedures to increase attention depending on the severity of the situation must be in place. The policy requirements will include the following:

1. Incident Identification and Reporting:
 - MSP will report all suspected security incidents to the BCA ISO within 24 hours of the initial discovery.
2. Incident Response Procedures
3. Mobile Device Incidents
4. Incident Response Education and Awareness
 - All employees, contractors and third party users of MSP must be made aware of the procedures for reporting the different types of events and weaknesses that might have an impact on the security of agency assets and are required to report any computer security events and weaknesses as quickly as possible to the designated point of contact at MSP.

B. Roles and Responsibilities:

1. Local Agency Security Officer: Ensure that policies and procedures required by the FBI CJIS Security Policy are developed and maintained. Ensure that policies and procedures are disseminated and operationalized.
2. MSP Information Technology Staff: Provide incident identification and response support; offer guidance and assistance with handling and reporting security incidents for users of MSP systems containing CJI.
3. All Personnel: All personnel should understand what constitutes a computer security incident and related reporting procedures.

Approved:

SIGNED 11/20/2023

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER



Effective:	August 19, 2016	Number: 16-20-021 HRLFNDT
Subject:	PEACE OFFICER POWERS IN ADJACENT STATES AND PROVINCES	
Reference:	Minn. Stat. sec. 299D.03, 626.71 ; General Order 10-003; Iowa Code 806.1 ; North Dakota Chapter 29-06 , South Dakota Code 23A-3-9 and 23A-3-10 ; and Wisconsin Stat. 976.04	
Special Instructions:	Rescinds GO 03-20-021	Distribution: A,B,C,D

I. PURPOSE

To identify troopers' peace officer powers relating to incidents occurring within Minnesota and continuing into an adjacent state; specifically North Dakota, South Dakota, Iowa, Wisconsin, and Canada.

II. POLICY

Sworn members of the Minnesota State Patrol will pursue and apprehend all violators or suspected violators of the law, with appropriate consideration given to the violation committed, safety of the public, safety of other law enforcement officers, and the safety of the suspected violator.

III. DEFINITION

Fresh Pursuit means fresh pursuit as defined by the common law and includes the pursuit of a person who has committed or is reasonably believed to have committed a violation in the presence of the peace officer. Fresh pursuit does not necessarily imply instant pursuit, but pursuit without unreasonable delay (Minn. Stat. sec. [626.71, Subd. 1 \(1\)](#)).

IV. GENERAL RULE

A trooper who is in fresh pursuit of a suspected felon continues to have power of arrest if the pursuit continues into North Dakota, South Dakota, Iowa and Wisconsin.

For the purpose of this general order, the felony offense for which a suspect is pursued must be in addition to the fleeing offense, except in cases of apparent and imminent risks to public safety if the pursuit were discontinued.

II. AUTHORITY

A. Minnesota Fresh Pursuit Law, M.S. [626.71](#)

M.S. [626.71](#) grants peace officer powers while in fresh pursuit in Minnesota to non-felony situations, including traffic violations, committed, or reasonably believed to have been committed, in the officer's presence. Officers transporting prisoners in this state also have the same powers to transport prisoners as in their home state. The home state must grant similar powers to Minnesota officers.

B. Adjacent States

1. States that grant full peace officer powers to Minnesota peace officers in fresh pursuit

a. North Dakota Fresh Pursuit, North Dakota Code [29-06-05](#)

Under North Dakota Code, Sec. [29-06-05](#), Minnesota peace officers have the following powers:

- i. Equivalent powers as North Dakota peace officers when in fresh pursuit of a person believed to have committed a felony, misdemeanor or traffic violation.
- ii. Equivalent powers as North Dakota peace officers regarding the transportation of prisoners.
- iii. The North Dakota statute further states that a person arrested for a misdemeanor or traffic violation may voluntarily return to the foreign state without a hearing before a judge.

b. South Dakota Fresh Pursuit, South Dakota Codified Law [23A-3-9](#) and [23A-3-10](#)

- i. Pursuant to South Dakota Codified Laws [23A-3-9](#) and [23A-3-10](#), any member of a duly

organized state, county, or municipal law enforcing unit of another state who enters South Dakota in fresh pursuit, and continues within South Dakota in such fresh pursuit, of a person in order to arrest the person on the ground that the person is believed to have committed a misdemeanor in such other state, shall have the same authority to arrest and hold the person in custody as a South Dakota law enforcement officer.

- ii. Any member of a duly organized state, county, or municipal law enforcing unit of another state who enters South Dakota in fresh pursuit, and continues within South Dakota in such fresh pursuit, of a person in order to arrest the person on the ground that the person is believed to have committed a felony in such other state, shall have the same authority to arrest and hold the person in custody as a South Dakota law enforcement officer.
- iii. The term "fresh pursuit" shall include the pursuit of a person who has committed a misdemeanor in the presence of a law enforcement officer, and such officer is in instant pursuit.

2. States that grant peace officer powers only for felony level offenses.

In the states noted in this section, the felony offense for which a suspect is pursued must be in addition to the fleeing offense, except in cases of apparent and imminent risks to public safety if the pursuit were discontinued.

a. Iowa Fresh Pursuit, Iowa Code 806.1

Pursuant to Iowa Code 806.1, any member of a duly organized state, county, or municipal law enforcing unit of another state who crosses into the state of Iowa in fresh pursuit of a person believed to have committed a felony, the law enforcement officer has the same authority to arrest and hold such person in custody as does an Iowa law enforcement officer who believes that a person committed a felony in Iowa.

b. Wisconsin Close Pursuit, Wisconsin Statute 976.04

Any member of a duly organized state, county or municipal peace unit of another state who enters Wisconsin in close pursuit, and continues within Wisconsin in close pursuit, of a person in order to arrest the person on the grounds that the person is believed to have committed a felony in Minnesota, shall have the same authority to arrest and hold in custody such person, as a Wisconsin law enforcement officer.

If a Minnesota State Patrol Trooper makes an arrest in Wisconsin, the trooper, without unnecessary delay, will take the person arrested before a judge of the county in which the arrest was made. The judge will conduct a hearing to determine the lawfulness of the arrest.

3. Canada


Minnesota peace officers have no legal authority in the nation of Canada. Troopers will discontinue any pursuits in which the suspect crosses into Canada at the national border.

Approved:

SIGNED 8/19/2016

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER

	Effective: May 22, 2019	Number: 19-20-023 HRLFNDT
	Subject: ROADBLOCKS	
	Reference:	
	Special Instructions: Rescinds General Order 10-20-023	Distribution: A,B,C

I. PURPOSE

Sworn members of the Minnesota State Patrol shall utilize roadblocks with due regard to the safety of the general public, other law enforcement officers involved, drivers of affected vehicles, as well as themselves.

II. DEFINITIONS

Roadblock

A roadblock is an enforcement procedure designed for stopping or diverting traffic. This procedure may be used in non-emergency and emergency/critical situations. However, a roadblock should be considered seizure for Fourth Amendment purposes and when used during a pursuit, the location of the roadblocks must be such that a fleeing suspect has ample opportunity to voluntarily stop.

- A. Fixed Roadblock:** A stationary partial blockage of the roadway by a patrol vehicle or other suitable materials used to manage incidents such as crash scene investigations, road construction or closures, equipment movements, weather events such as flooding, executive protection details, etc.
- Checkpoint Roadblock:** A system of moving traffic through a particular route for inspection or observation used when probable cause exists to believe a violent offender or escapee could attempt escape through a particular area. An informational checkpoint is a non-pursuit technique infrequently used by law enforcement to solicit the public's help in providing information about a serious crime that recently occurred in the area of the checkpoint. Sobriety checkpoints are prohibited under Minnesota law.
 - Perimeter Roadblock:** A series of fixed roadblocks in a specific area designed for containment used to apprehend an offender believed to be within a specific area or to keep the public out of an area where a hazard or threat exists.
- B. Moving Roadblock:** A partial blockage of the roadway normally by patrol vehicles in motion.

III. ROADBLOCK APPLICATIONS

A. Fixed Roadblocks:

- Non-pursuit related:** Position squad cars in such a way as to discourage the further travel of vehicles on a particular roadway. Squad cars shall be positioned in a fashion that emergency lights, including directional signals, are visible to approaching motorists. The use of traffic cones and flares is required when practicable. On a two-way roadway, at least two squad cars should be utilized if possible.
 - Perimeter Roadblock:** Position squad car to block access to a specific roadway. When practicable and in consideration of the expected duration, the use of traffic cones or flares is encouraged to warn persons in the area of a change in traffic pattern.
 - Checkpoint Roadblock:** Position squad car(s) to allow the controlled movement of a single line of vehicles through a specific point of roadway and allow interaction and observation of the occupants. The use of fixed objects and other barriers to traffic passage should be considered. Placing traffic cones and flares to warn motorists is required when practicable.
- Pursuit related:** Because roadblocks involve a potential for serious injury or death to occupants of a pursued vehicle and or law enforcement personnel, the intentional placement of roadblocks should only be deployed under extraordinary conditions and when all other reasonable intervention techniques have failed or reasonably appear ineffective. If deployed, the need to immediately stop the pursued vehicle should substantially outweigh the risks of injury or death to occupants of the pursued vehicle, law enforcement personnel, or other members of the public.

B. Moving Roadblocks:

1. Non-pursuit related: Often used to slow traffic for anticipated hazards ahead. It is sometimes used to stop a driver at slow speeds that may appear to be unaware or not cognizant of their surroundings and the hazard they are creating.
2. Pursuit related: Because a moving roadblock places the trooper in an extremely vulnerable position, a single-vehicle moving roadblock should only be used with consideration of the inherent danger and the circumstances involved.

IV. RESPONSIBILITIES

A. Emergency Vehicle Operations Coordinator

The Emergency Vehicle Operations Coordinator is responsible for providing training for members of the Minnesota State Patrol on the proper use of pursuit related roadblocks.

B. District/Section Commander

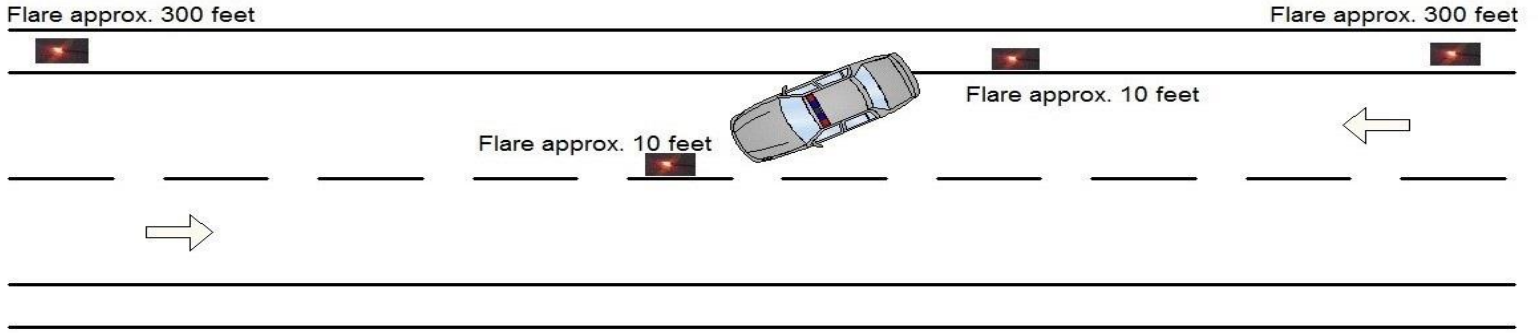
Review Field Reports on the use of pursuit related roadblocks for compliance with policy.

Approved:

SIGNED 5/22/2019

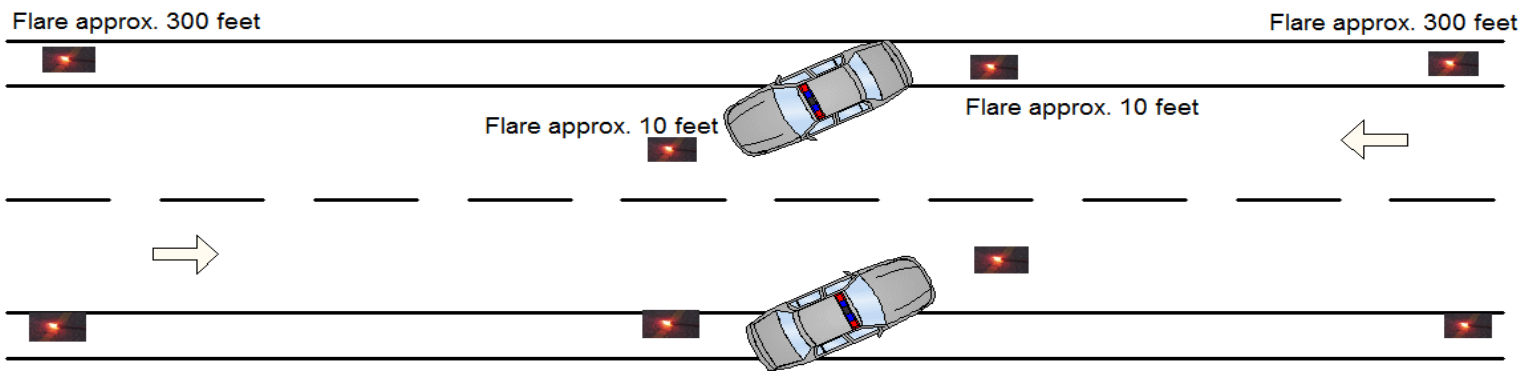
**Colonel Matthew Langer, Chief
Minnesota State Patrol**

EXAMPLE #1



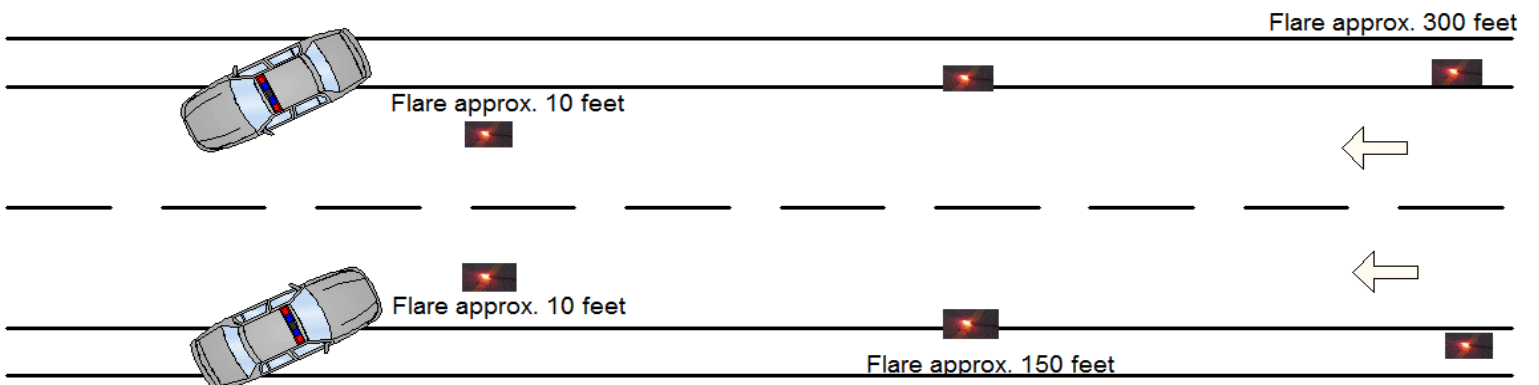
Single Car, two direction example

EXAMPLE #2




Two Car, two direction example

EXAMPLE #3



Two Car, one direction example

GENERAL ORDER

	Effective: November 14, 2011	Number: 11-20-015
	Subject: Offender Tracking Form & Suspense Files	
	Reference:	
	Special Instructions: Rescinds General Order 83-20-015; Supervisor Memo 02S-078; Trooper Memo 02-026	Distribution: C

I. POLICY

It is the policy of the Minnesota State Patrol to utilize the Offender Tracking Form when making a custodial arrest or formal complaint for felonies, gross misdemeanors, and targeted misdemeanors. In addition, the State Patrol will investigate criminal history records that are in suspense in an effort to correctly link court dispositions to arrest data.

II. TERMS

A. Suspense File

In order for an arrest and/or conviction to be entered onto a person's criminal history, matching information must be received at the BCA from the fingerprint entry, the prosecutor and the courts. The critical information includes the suspect's full name, date of birth, date of arrest, arresting agency and arresting agency case number. If the information sent by various parts of the criminal justice system does not match (e.g., the jail lists the agency number (ORI) of the sheriff's department while fingerprinting and the prosecutor lists the State Patrol's ORI), the case goes into a "suspense file" and is not reflected on the person's criminal history.

B. Targeted Misdemeanor

1. 4th Degree DWI, Minn. Stat. §169A.20
2. Order for Protection Violations, Minn. Stat. §518B.01
3. 5th Degree Assault, Minn. Stat. §609.224
4. Domestic Assault, Minn. Stat. §609.2242
5. Interference with Privacy, Minn. Stat. §609.746
6. Harassment – Violating Restraining Order, Minn. Stat. §609.748
7. Indecent Exposure, Minn. Stat. §617.23
8. Domestic Abuse No Contact Order, Minn. Stat. §629.75

III. PROCEDURES

A. Troopers

1. Complete an Offender Tracking Form (OTF) when making a custodial arrest or when requesting a formal complaint for all felonies, gross misdemeanors, and targeted misdemeanors. Fingerprinting is required for these offenses.

2. An OTF is not required when a person is booked solely on a warrant that originated from another law enforcement agency.
3. Obtain a case number from the district in which the offense occurred and use the correct ORI for the district.

District	Location	ORI
2100	Rochester	MNMHP0200
2200	Mankato	MNMHP1200
2300	Marshall	MNMHP0300
2400	E Metro: Oakdale	MNMHP0100
2500	W Metro: G. Valley	MNMHP0400
2600	St. Cloud	MNMHP0600
2700	Duluth	MNMHP1100
2800	Brainerd	MNMHP0700
2900	Detroit Lakes	MNMHP0800
3100	Virginia	MNMHP1000
3200	Thief River Falls	MNMHP0900
4600	Capitol Security	MNMHP1300


4. Ensure fingerprints are taken at the jail and all necessary information is provided to jail personnel. Assist jail personnel as needed.
5. Leave the green copy of the OTF at the jail.
 - a. Providing the jail with a copy of the OTF will help ensure that the proper agency, case, and suspect information is available.
 - b. If the jail refuses to accept the OTF, ensure that the proper case number, suspect's correct name, date of birth, and the district ORI are clearly written on the jail's booking form, and notify your supervisor by memo of the refusal.
6. Send the controlling agency copy of the OTF to the District/Section Office with the arrest report to be retained with the case file.
7. Send the remaining copies of the OTF to the prosecutor, directly or via the District/Section Office.

A. District/Section Commanders

Assign a suspense file liaison to resolve suspense file cases in their district with felony cases receiving the highest priority. Note: Suspense files are tracked in the APB report.

<p>Approved:</p> <p>SIGNED 11/15/2011</p> <hr/> <p>Colonel Kevin Daly, Chief Minnesota State Patrol</p>
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GENERAL ORDER

	Effective: March 24, 2017	Number: 17-20-026
	Subject: VEHICLE CONTACTS AND HIGH RISK STOPS	
	Reference:	
	Special Instructions: Rescinds GO 13-20-026	Distribution: A,B,C

I. PURPOSE

These procedures are established to provide troopers with guidelines when making vehicle stops, including those involving “high risk” situations, and to enhance officer safety as well as the safety of the motoring public.

II. POLICY

Troopers should use caution and discretion when conducting a traffic stop and utilize one of the recommended squad positioning procedures, remembering to use the passenger side approach and angling of the squad to his/her advantage whenever possible. The Minnesota State Patrol (“MSP”) recognizes the use of the squad as a means of cover and concealment for the trooper when contact with a subject vehicle has become dangerous.

III. SQUAD POSITIONING PROCEDURES

The following are recommended procedures for angling the squad when making contact with a driver/vehicle. Consideration should be given to weather, traffic levels, traffic speed, terrain, lighting, etc. Troopers should also be aware of the potential of rear emergency lighting becoming less effective when the patrol unit is parked at a significant angle to oncoming drivers.

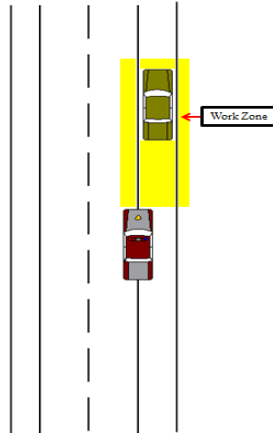
A. General

1. There are advantages and disadvantages to each approach identified; Troopers should be aware of each and what their options are with each position.
2. Troopers should position their squad cars during vehicle contact in such a manner as to provide a safety barrier between the trooper and the person(s) involved in the vehicle contact.
3. A minimum distance of one car length between the squad car and subject vehicle is recommended.
4. If the squad car is equipped with an in-car video camera, the recommended minimum distance between the squad car and subject vehicle should be 1½ to two car lengths.
5. The advantage of having a minimum distance between the squad car and subject vehicle is to allow the trooper to see what the driver and any occupants are doing inside the vehicle. If the squad car is positioned too closely to the subject vehicle, there is not sufficient time and/or space to react, if necessary. Having a minimum distance between the squad car and subject vehicle allows the trooper to disengage from the subject vehicle and provides the quickest and safest route back to the squad car.

B. Vehicle Positioning Options

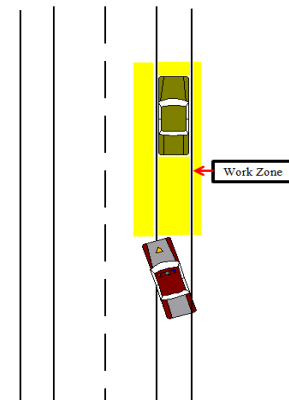
1. Offset Position

Offsetting the squad car (see diagram below) allows a roadside working lane for the trooper's approach. Once the trooper moves beyond the side of the squad car and during most of the contact with the subject, there is still a work zone, however this still exposes the trooper and squad to traffic.



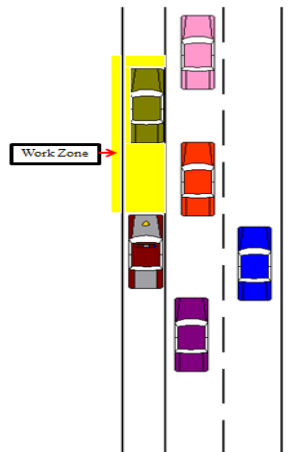
2. Angle Left Position

Angling the squad car to the left (see diagram below) allows for a greater work zone area for the trooper since a portion of the squad car, including the left-front fender, is between the trooper and the subject. This option can protect the trooper when approaching the subject vehicle and also provides a quick means of cover for the trooper.



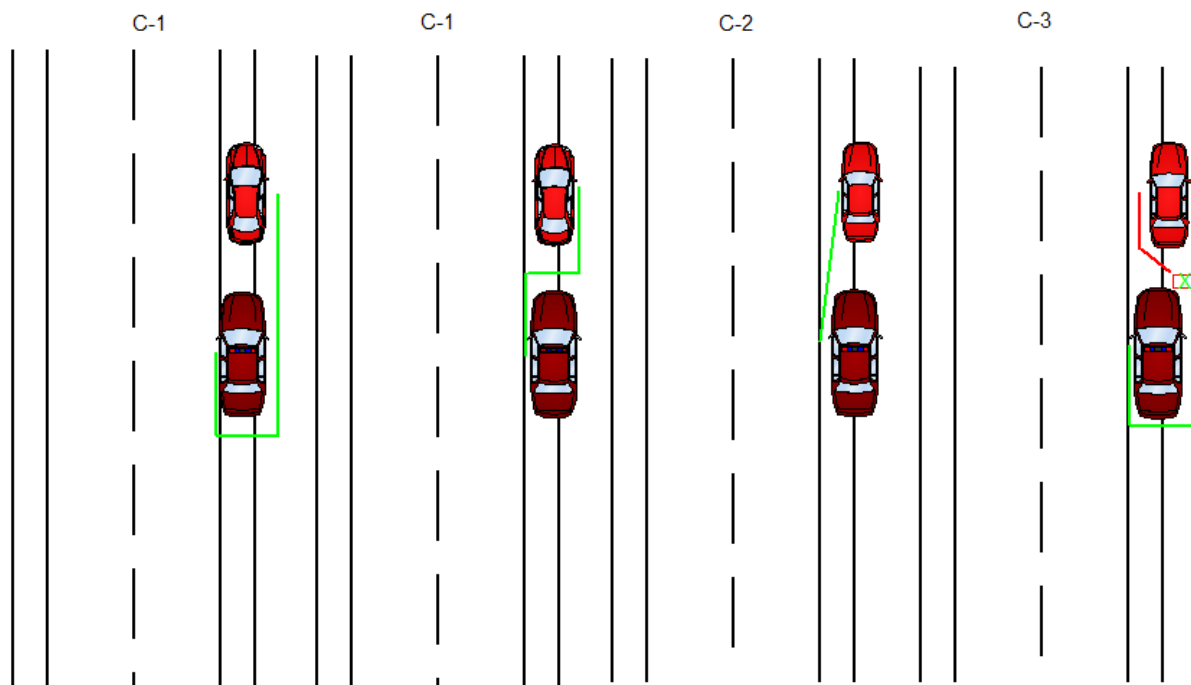
3. In-line Position

Positioning the squad car in an in-line manner provides an option for the trooper in high traffic areas (see diagram below.) This positioning is recommended when stopping or investigating an abandoned vehicle on either the left or right shoulders of the roadway. However, if on the right side, a trooper may want to angle their squad car to the left to provide cover/concealment if necessary. The position will provide the trooper a work zone after positioning the squad car; troopers should illuminate the subject vehicle with the squad car's lights. This will prevent the subject from seeing the trooper approaching the vehicle, and it allows for adequate lighting for the trooper.



C. Determine the Appropriate Approach or Non-Approach Option

1. Trooper to passenger's door (see diagrams below, C1)
2. Trooper to driver's door (see diagram below, C2)
3. Trooper orders occupants from vehicle, non-approach (see diagram below, C3)



D. Squad car positioning

Every effort should be made to use caution and discretion when conducting a traffic stop and to approach from the passenger side whenever possible. When approaching a vehicle, utilize one of the recommended squad positioning procedures. Remember:

1. When vehicle contacts occur on the left or right shoulder of a two-lane or four or more lane highway (i.e. traffic stop, stall), troopers may use the in-line or angled positioning of the squad. These positions allow for a larger work zone area when stopping or investigating vehicles on the shoulder.
2. An exception to any of these recommendations is the location of the vehicle stop, as well as the terrain or other obstacles on the shoulder/roadway.

IV. HIGH RISK STOPS

The following is the recommended procedure for high risk stops. However, considerations such as the trooper's experience, specific nature of the event, geography, etc., may warrant changes in the procedure used. Reasons for deviating from this procedure should be noted in the field report.

- A. If the suspect's vehicle is observed on a public road, advise the communications center of location, direction of travel, vehicle description, plate number, number of occupants, availability of others, etc.
- B. If the suspect is observed on foot, notify the communications center of location, description, direction of travel, etc.
- C. If possible, troopers should wait for assistance from a cover officer(s) before attempting a high-risk stop.
- D. The following should be considered in deciding where to initiate a stop:
 1. Potential risk to bystanders;
 2. Secondary hazards due to other traffic, i.e. hills, curves, level of traffic, etc.
 3. Potential for escape;
 4. High risk stops on the freeway should be avoided. However, in cases where there is no immediate alternative, the following areas must be addressed:


- a. The trooper should consider the direction and control of traffic before, during, and after the stop. When possible, the affected lane(s) of traffic will be blocked prior to the high risk stop. This provides a safer environment for the trooper and is a precaution to minimize the hazards for the motoring public that could occur from a sudden halt in the flow of traffic.
 - b. If traffic lanes are blocked as a safety measure during a high risk stop, pursuit or incident, it is the responsibility of the secondary arriving unit(s) not involved in the arrest or incident to ensure the safety of the motoring public. All blockages must be removed as soon as possible.
- E. The stop should be conducted with the trooper's car behind the suspect's vehicle. If possible, the squad should be about four car lengths or 50 feet behind the suspect's vehicle, to provide cover and permit full view of the suspect's vehicle. Additional units should be positioned to provide cover and concealment.
- F. The trooper who initially observed the vehicle and executed the stop is in charge of the scene and the designated contact officer. The following procedure is recommended:
1. Announce that you are a police officer over the public address (P.A.) system and the reason for the stop.
 2. Use the P.A. to direct any suspects to remain in the vehicle with hands in a position where they can be observed.
 3. Use the P.A. to direct the driver to remove the keys to the vehicle and specify what to do with the keys.
 4. Use the P.A. to direct the occupant(s) to exit the vehicle one at a time, with hands visible, preferably through a door which is visible to the contact officer.
 5. Direct the suspect(s) to raise their arms and to walk backwards to the rear of their vehicle.
 6. After reaching the rear of the vehicle, suspect(s) should be ordered to keep their arms raised and slowly turn around. Be alert for any bulges or possible concealed weapons.
 7. The suspects should individually be directed to walk slowly, as directed by the contact officer.
 8. The suspect(s) should be directed to assume a handcuffing position.
- G. At this point, a cover officer, if available, should approach and immediately handcuff the suspect(s). After the suspect(s) are handcuffed, they should be searched for weapons and placed in a squad car.
- H. When all observed suspects have been secured, trooper(s) should cautiously approach the suspect's vehicle. Never assume the vehicle is unoccupied. Listen for sounds from the trunk/storage area, as additional suspects or hostages may be placed there. Be cautious of suspicious wiring, packages, etc. and be careful so that evidence is not destroyed or contaminated.
- I. If suspect(s) refuse to exit the vehicle when ordered, contact a supervisor and consider any special needs such as:
1. Additional troopers or officers;
 2. An interpreter;
 3. Negotiators;
 4. Chemical weapons and/or a local SWAT team;
 5. Canine units.
- J. If the suspect(s) flees in his vehicle, follow the pursuit policy (GO 20-012).
- K. If suspect(s) flees on foot, the trooper in charge will decide whether a foot pursuit is a viable option.
- L. Troopers assisting local officers with a high-risk stop will take direction from the officer in charge.

Approved:

SIGNED 3/24/2017

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER

	Effective: January 13, 2012	Number: 12-20-027 HRLFNDT
	Subject: ARREST/DETENTION OF FOREIGN NATIONALS	
	Reference: General Order 70-058	
	Special Instructions: Rescinds GO 03-20-027; Trooper Memo 02-031	Distribution: A,B,C,D, E

I. PURPOSE

To provide guidance to members of the Minnesota State Patrol (“MSP”) when detaining and/or arresting a foreign national. These instructions are designed to help ensure foreign governments are able to extend appropriate consular services to their nationals in the United States and that the United States complies with its legal obligations to such governments. Instruction is also provided regarding the “status check” entry on the driving record of a foreign national with temporary residency status.

II. DEFINITION

For the purposes of consular notification, a “foreign national” is any person who is not a U.S. citizen.

III. PROCEDURE

The United States is obligated under international treaties and customary international law to notify foreign authorities when foreign nationals are arrested or otherwise detained in the United States.

The following shall be followed upon the custody arrest or detention of a foreign national. **Note:** A traffic citation for which the person is not taken into custody does not require these special measures.

- A. Determine the foreign national’s country. In the absence of other information, assume this is the country on whose passport or other travel document the foreign national travels.
- B. Immediately inform the foreign national of his/her right to have his/her government notified concerning the arrest/detention.
- C. If the foreign national asks that such notification be made, do so without delay by notifying the nearest consulate or embassy.
- D. If the foreign national’s country is on the list of mandatory notification countries:
 1. Notify that country’s nearest consular officials, without delay, of the arrest/detention.
 2. Inform the foreign national that you are making this notification.

Mandatory Notification Countries and Jurisdictions

Albania	Belize
Algeria	Brunei
Antigua and Barbuda	Bulgaria
Armenia	China (including Macao and Hong Kong)
Azerbaijan	Costa Rica
Bahamas, The	Cyprus
Barbados	Czech Republic
Belarus	Dominica

Fiji	Russia
Gambia	Saint Kitts and Nevis
Georgia	Saint Lucia
Ghana	Saint Vincent and the Grenadines
Grenada	Seychelles
Guyana	Sierra Leone
Hungary	Singapore
Jamaica	Slovakia
Kazakhstan	Tajikistan
Kiribati	Tanzania
Kuwait	Tonga
Kyrgyzstan	Trinidad and Tobago
Malaysia	Tunisia
Malta	Turkmenistan
Mauritius	Tuvalu
Moldova	Ukraine
Mongolia	United Kingdom
Nigeria	U.S.S.R.
Philippines	Uzbekistan
Poland (non-permanent residents only)	Zambia
Romania	Zimbabwe

** Contact the United Kingdom consulate or embassy when British nationals of Anguilla, British Virgin Islands, Cayman Islands, Gibraltar, Bermuda, Montserrat, and Turks and Caicos are detained.

- E. In the event of an accidental death, the diplomat's or foreign nationals nearest consulate or embassy office shall be notified.
- F. A written record of notification and actions taken shall be documented on a paper ICR or in a CAD event.
- G. Foreign consular officials have the right to visit their arrestee or detained nationals unless the person detained objects to such visits.
- H. To expedite this process, a trooper, when detaining or arresting a foreign national, shall immediately notify a Radio Communications Officer ("RCO"). The RCO will make the required call to the foreign national's consulate or embassy office. The trooper shall remain available to the RCO to explain the circumstances surrounding the arrest and/or detention.
- I. If the foreign national's country is not on the mandatory notification list:
 1. Offer, without delay, to notify the foreign national's consular officials of the arrest/detention.
 2. If the foreign national asks that consular notification be given, notify the nearest consular official of the foreign national's country without delay.

IV. RECORDKEEPING

In those situations when a trooper detains and/or arrests a foreign national, all information pertaining to the arrest/detention should be clearly documented in the trooper's report. The report should indicate all notifications made to foreign consular representatives.

In situations in which notification is at the discretion of the detained/arrested foreign national, the report should reflect that the foreign national was informed of the option of consular notification, the date when

the detained/arrested foreign national was so informed, and whether or not the foreign national requested consular officials be notified.

V. FURTHER INFORMATION

Foreign Embassies and Consulates in the United States

The short-form name of the country, followed by telephone and fax numbers as currently available to the Department of State, and is found in Appendix A. Consular notification should be made to the listed location nearest to the place of arrest or detention. Washington, DC information is generally for embassies to the United States; numbers for other locations are for consular offices outside of Washington or, in the case of some countries without embassies or consular offices in the United States, for the country’s mission to the United Nations in New York.

In a few instances, an entity that is not recognized as a country is listed because aliens may be traveling in the United States on travel documents issued by that entity. In addition, some aliens may still be traveling in the United States on documents issued by the former Union of Soviet Socialist Republics (U.S.S.R.), the former Socialist Federal Republic of Yugoslavia, and the former Socialist Federal Republic of Czechoslovakia. The successor states or entities of these three former countries are as follows:

Former U.S.S.R.:

- | | |
|------------|--------------|
| Armenia | Moldova |
| Azerbaijan | Russia |
| Belarus | Tajikistan |
| Georgia | Turkmenistan |
| Kazakhstan | Ukraine |
| Kyrgyzstan | Uzbekistan |

Former Yugoslavia:

- | | |
|---|------------------------|
| Bosnia and Herzegovina | Slovenia |
| Croatia | Former Czechoslovakia: |
| Macedonia, the Former Yugoslav Republic of | Czech Republic |
| Serbia and Montenegro (Passports may indicate | Slovakia |
| “Federal Republic of Yugoslavia.”) | |

Further information or inquiries should be addressed to:

Office of Public Affairs and Policy Coordination for Consular Affairs
CA/P, Room 6831
U.S. Department of State
Washington, D.C. 20520
Telephone: (202) 647-4415
Fax: (202) 736-7559

For urgent telephone inquiries after normal business hours, you may call the State Department Operations Center at (202) 647-1512.

Driving Record Status Checks

During the course of an encounter, Troopers may view the driver records of foreign nationals with temporary residency status in the United States. Temporary residents will have the words "status check" on the front and back of their driver license along with a date of the status check. The status check date (SCD) will also appear on the driver record responses. The status check date indicates when the date of legal residency in the United States will expire.

While the status check date indicates the last date of legal temporary residency that DVS has on file, the actual end date of legal temporary residency can change due to a visa being extended or revoked, or other factors such as criminal convictions by the legal temporary resident. No action should be taken regarding any persons immigration status without the approval of the U.S. Department of Homeland Security, either by having an RCO run an "IAQ" check through the Law Enforcement Support Center, or by contacting a Minnesota-based Homeland Security Investigations agent through their communications center at 1-800-973-2867.

Approved:

SIGNED 1/13/2012

**Colonel Kevin P. Daly, Chief
Minnesota State Patrol**

Fax Sheet for Notifying Consular Officers of Arrests or Detentions
(General Order 20-027)

Date: _____

Time: _____

To: Embassy/Consulate of _____ (Country) in
_____ (city), _____ (State)

Subject: **NOTIFICATION OF ARREST/DETENTION OF A NATIONAL OF YOUR COUNTRY**

From:

Name: _____

Office: _____

Address: _____

City: _____

State: _____

Zip: _____

Phone: _____

Fax: _____

We arrested/detained the following foreign national, whom we understand to be a national of your country, on _____, _____.

Mr./Ms. _____

Date of Birth: _____

Place of Birth: _____

Passport #: _____


Date of passport issuance: _____

Place of passport issuance: _____

To arrange for consular access, please call _____ between the hours of _____ and _____. Please refer to case number _____ when you call.

Comments:

GENERAL ORDER

	Effective: December 28, 2023	Number: 23-20-028
	Subject: ARREST, CUSTODY HOLDS/RELEASE, AND WARRANT PROCEDURES	
	Reference: General Orders 20-015, 30-012, 70-007	
	Special Instructions: Rescinds GO 22-20-028	Distribution: A,B,C,E

I. PURPOSE

To establish a uniform policy regarding arrest and warrant procedures consistent with Minn. Stat. sec. 299D.03 and other applicable rules and laws.

II. GENERAL ARREST PROCEDURES

A. Arrests Without a Warrant (Minn. Stat. sec. 629.34)

1. Felony

Troopers may arrest any person without a warrant when there is probable cause to believe the person has committed a felony.

2. Misdemeanor/Gross Misdemeanor

Troopers may arrest any person for a public offense committed or attempted in their presence. This also includes observations in whole or in part by another officer in proximity to the arresting Trooper. There are exceptions to the "in presence" requirement, including but not limited to the following crimes:

- a. Driving while impaired, an alcohol-related school bus/Head Start bus violation, or underage drinking and driving (Minn. Stat. sec. 169A.40).
- b. Carrying a pistol while under the influence of alcohol or a controlled substance (Minn. Stat. sec. 624.7142).
- c. Violating a school bus stop arm requirement or illegally passing on the right of a school bus within the preceding four hours (Minn. Stat. sec. 169.444).
- d. Failing to yield or intentionally obstructing an emergency vehicle or failing to yield the right of way to an oversized vehicle escort within the preceding four hours (Minn. Stat. sec. 169.20).
- e. Trespassing on school property within the preceding four hours (Minn. Stat. sec. 609.605).
- f. Fifth-degree assault on school property within the preceding four hours (Minn. Stat. sec. 629.343).
- g. Violating a railroad stop arm requirement within the preceding four hours (Minn. Stat. sec. 169.26).
- h. Theft from a business (Minn. Stat. sec. 629.366).
- i. Committing domestic abuse within the last 72 hours (Minn. Stat. sec. 629.341).
- j. A Trooper must arrest a person when there is probable cause to believe that the person has violated an order for protection or a restraining order (Minn. Stat. secs. 518B.01; 609.748).
- k. Gross misdemeanor violations of theft, damage to property, check forgery, stalking, credit/check card fraud, or escape from custody as a juvenile (Minn. Stat. sec. 629.34).

B. Custody v. Release

1. It is the policy of the State Patrol to incarcerate persons arrested for felonies, gross misdemeanors and DWI (see General Order 70-007 for exceptions in certain DWI cases). A person arrested without a warrant for a felony or gross misdemeanor may be released pending formal complaint if ordered by a prosecutor or judge.

2. Petty Misdemeanor

Persons charged with a petty misdemeanor shall be released on a citation. Members may ask persons to provide a signature for comparison purposes and, except for juveniles, a photograph to assist in later identification. A signature cannot be required as a condition of release.

3. Misdemeanor

a. Generally, persons arrested for misdemeanors shall be released on a citation with instructions for a court appearance unless one of the following applies:

- i) it reasonably appears that detention is necessary to prevent bodily harm to self or another;
- ii) it reasonably appears that detention is necessary to prevent further criminal conduct;
- iii) there is a substantial likelihood that the accused will fail to respond to a citation. (Minn. R. Crim. P. 6.01)

b. Minn. Stat sec. 609.153 allows custodial arrest for the following misdemeanors if it is established that the person has a prior conviction for any of the following: Minn. Stat. secs. 152.093 (manufacture or delivery of drug paraphernalia prohibited); 152.095 (advertisement of drug paraphernalia prohibited); 609.324 (prostitution); 609.3243 (loitering with intent to participate in prostitution); 609.546 (motor vehicle tampering); 609.595 (damage to property); 609.66 (dangerous weapons); misdemeanor-level violations of section 609.605 (trespass); and violations of local ordinances prohibiting the unlawful sale or possession of controlled substances.

4. Aside from gross misdemeanor or felony level crimes involving personal injury or death, Minn. Stat. sec. 169.91 allows members to take into custody persons cited for a *traffic or registration* violation if the person demands an immediate court appearance or there is probable cause to believe the person will leave the state and the violation is not covered by the Non-Resident Violators (NRV) Compact, which is an agreement between member states to release residents of other member states charged with moving violations which alone do not carry suspension or revocation. (All states are members except for Alaska, California, Michigan, Montana, Oregon and Wisconsin.) Violations not covered by the NRV Compact include:

- i. offenses that mandate personal appearance;
- ii. a violation that alone would result in suspension or revocation of a person's driver's license;
- iii. equipment or inspection violations;
- iv. size or weight violations;
- v. a hazardous material violation;
- vi. driving a motor vehicle without a valid driver's license;
- vii. parking violations.

C. All persons taken into custody shall be fingerprinted as directed in General Order 20-015.

D. Citizen's Complaint

When a Trooper is contacted by a citizen with a complaint of an offense within State Patrol jurisdiction, the Trooper shall: a) interview the complainant/any witnesses/suspect, if possible; b) complete any other investigatory means necessary to sustain the complaint; such as photo line-ups, evidence testing, etc.; and c) prepare a field report.

E. A uniform traffic citation shall be completed if an arrest is made.

F. A field report is required for any custodial arrest.

III. CUSTODY HOLDS/RELEASE

A. 48 Hour Rule

The law requires that a person arrested without a warrant and held in custody must be granted a determination of probable cause by a magistrate within 48 hours of the time of arrest. The 48 hours runs continuously without regard to weekends and holidays. If a probable cause determination is not held within 48 hours the person must be released.

1. The time of arrest is to be noted on all field reports. The time of arrest is the time the decision is made to take a person into custody.

2. The booking agent is to be advised of the time of arrest and a copy of the field report or a Probable Cause to Detain Form is to be left with the booking agent.
3. The member making the arrest must arrange for a probable cause determination using the procedure adopted by the court of jurisdiction. This determination should be made as soon as possible rather than waiting until the 48-hour limit is near.

B. 36 Hour Rule

A person held in custody must be charged within 36 hours of the arrest or they must be released. In computing the 36 hours, the day of arrest, Sundays and legal holidays are excluded. For example; an arrest on a Friday at 2200 hours would have to be charged by 1200 on Monday because you count no time on Friday, 24 hours on Saturday, no time on Sunday, and 12 hours on Monday to total 36 hours.

C. Emergency Admission/72 Hour Hold

Minn. Stat sec. 253B.051 authorizes a peace officer to take a person into custody and transport the person to a licensed physician or treatment facility if the officer has reason to believe, either through direct observation of the person's behavior or upon reliable information of the person's recent behavior and, if available, knowledge or reliable information concerning the person's past behavior or treatment that the person:

- (1) has a mental illness or developmental disability and is in danger of harming self or others if the officer does not immediately detain the patient, the peace officer or health officer may take the person into custody and transport the person to an examiner or a treatment facility, state-operated treatment program, or community-based treatment program;
- (2) is chemically dependent or intoxicated in public and in danger of harming self or others if the officer does not immediately detain the patient, the peace officer or health officer may take the person into custody and transport the person to a treatment facility, state-operated treatment program, or community-based treatment program; or
- (3) is chemically dependent or intoxicated in public and not in danger of harming self, others, or property, the peace officer or health officer may take the person into custody and transport the person to the person's home.
- (4) A copy of the examiner's written statement and officer's application shall be made available to the person taken into custody.

D. PROCEDURE FOR EXECUTING A WARRANT

E. Hours of Service

Petty misdemeanor and misdemeanor warrants cannot be served on Sundays or holidays, or between 2200 and 0800 hours unless the warrant is night capped or the person is found on a public street or highway. Felony and gross misdemeanor warrants may be executed at any time. (Minn. Stat. sec. 629.31)

F. Felony Warrants

Whenever possible, felony warrants are to be executed by at least two members with notification made to a supervisor prior to the event.

G. Petty Misdemeanor Warrants

Custody arrests are generally not permitted for petty misdemeanor offenses. Warrants issued on petty misdemeanor cases are bench warrants issued for contempt of court, which permit an arrest for what started as a petty misdemeanor offense. Many jurisdictions however, will not allow arrests or incarcerate persons arrested on a petty misdemeanor warrant. Troopers are to follow the dictates of the local court jurisdiction. Where arrests are not allowed, the subject of the warrant is to be advised of the warrant and directed to appear at the next regular court date.

H. Forcible Entry

1. Pursuant to Minn. Stat. sec. 629.33, after giving notice of the authority and purpose of entry, a peace officer may break open an inner or outer door/window of a dwelling to execute a warrant if: (a) the officer is refused entry; (b) entry is necessary for the officer's own liberation; or (c) entry is necessary for liberating another person who is being detained in the dwelling after entering to make an arrest.
2. A supervisor shall immediately be notified in any forcible entry situation.

3. Forcible entry is not permitted in petty misdemeanor cases.

E. Confirmation

Verification must be made with the issuing agency in all instances where the existence of a warrant is indicated.

F. Probable Cause

Information received through a police communication network or record system that an arrest warrant exists is sufficient probable cause to arrest the subject of the warrant. The arresting Trooper does not have to possess the warrant.

G. Disposition

Arrested persons are to be booked in the local jail, required to post the specified bail, or brought before a judge. If a person is arrested on a State Patrol initiated warrant, and the person cannot post bail, the person should be transported to the county of issuance. Troopers are not to personally accept bail.

H. Gender Concerns

1. Whenever possible, an arrest warrant shall be executed by a person of the same gender. If it cannot reasonably be accomplished, two persons should make the arrest.
2. Whenever possible, detainees should be transported by a person of the same gender if the distance to be traveled is more than 100 miles and a restroom break can be anticipated. Prior to any transport, the Trooper must enter starting and ending mileage in CAD along with notifying radio communications of the transport.

I. Transporting Prisoners

1. Prisoners are to be searched and handcuffed in accordance with General Order 30-012 before transport.
2. Prisoners are to be transported in the rear seat of vehicles equipped with a protective barrier.
3. Prisoners may be transported in the front seat of vehicles not so equipped.
4. Troopers shall make every effort to ensure that prisoners abide by safety belt laws.
5. Troopers are to see that prisoners in transport are properly fed at reasonable intervals. The Trooper shall be reimbursed in accordance with the terms of the work agreement. Prisoner meals will be reimbursed via the Employee Expense Report.
6. If the squad car transporting the prisoner is equipped with video and audio recording devices, both shall be utilized to document the transport. Members shall ensure that their body worn cameras are activated during interactions with the prisoner while at detention facilities and during the transfer process while engaged in prisoner transport relays.

J. Reporting

1. The arresting Trooper shall assure that the issuing agency is notified of the arrest and location of the detainee. Radio communications may make this notification.
2. The arresting Trooper should obtain an ICR number, which shall be used on all related documents.
3. For each person arrested, the arresting Trooper shall issue a uniform traffic citation.
4. The arresting Trooper shall prepare a field report including at least the following information: a) reason for initial contact; b) offense upon which the arrest was made; and c) disposition of person arrested.

K. SIGN AND RELEASE WARRANTS

- A. Minn. Stat. sec. 629.415 requires the court to issue "Sign and Release" warrants in certain cases in lieu of arrest warrants for failing to appear. If a peace officer encounters a person subject to a Sign and Release warrant, this provision states that the officer must:
- inform them of the missed court appearance and provide a new notice that includes a date and time to appear;
 - provide the notice in writing which must include the court file number or warrant number;
 - release them at the scene after providing notice (if not the subject of a separate lawful arrest);
 - submit a form that can be e-filed that includes the court case number, updates the subject's personal contact information, and indicates the subject received notice of the new time to appear.

B. Member Responsibilities

Members who encounter a subject with a Sign and Release warrant should:

1. Contact State Patrol dispatch in order for them to connect with the county dispatch where the warrant originated to obtain a new court date for the subject.
2. Request that the subject verify their current address.
3. Complete all form fields in the *Sign and Release Warrant Information* form and print two (2) copies.
 - Provide one copy to the subject and explain that they are being provided with a new court date and that they are required to appear. Obtain the subject’s signature on the agency copy unless refusal, safety or other circumstances hinder the ability (if so, check the “refusal” or “unable to sign” box.)
 - Release the defendant, unless they are being arrested for other charges or other warrants. (This process/form should still be completed for each Sign and Release warrant regardless of other charges/warrants/arrest.)
4. Scan the agency’s copy of the *Sign and Release Warrant Information* form or use Axon Capture to import a picture of the form into Evidence.com.
5. Complete a Field Report in TraCS and attach the agency’s copy (or denote in the narrative that a picture of the form was uploaded to Evidence.com).
6. Notify the District Commander or designee by the end of your shift that a *Sign and Release Warrant Information* form was issued and is ready to file with the court.

C. District Commander Responsibilities

Ensure that a completed *Sign and Release Warrant Information* form is e-filed with the court within 2 business days of issuance. If the form is in Evidence.com, a download link can be requested from Patrol.MSP.DataRequests@state.mn.us.

<p>Approved:</p> <p>SIGNED 12/28/2023</p> <hr/> <p>Colonel Matthew Langer, Chief Minnesota State Patrol</p>
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GENERAL ORDER



Effective:	December 20, 2017	Number:	17-20-031
Subject:	SERVICE CONTRACTS		
Reference:	Minn. Stat. sec. 299D.03 , DPS Policy 2015 and MMB Operating Procedure 0504-01.01		
Special Instructions:	Rescinds GO 16-20-031	Distribution:	A,B,C,F,N

I. POLICY

The Minnesota State Patrol (MSP) is authorized by Minn. Stat. sec. [299D.03](#) to enter into contracts to render services in excess of regularly scheduled duty hours. In accordance with this, the MSP enters into a service contract with a contractor, or an agreement with a state agency, to provide services. A fixed fee per hour of service has been established pursuant to statute to recover the cost of the service. The MSP will invoice contractors and state agencies on a timely basis. If fees are not paid within 30 days, the MSP will make every reasonable effort to collect the fees.

I. PROCEDURES

- A. District/Section Commander or Designee
 1. Receive request for services.
 2. Ensure that all contractors who enter into an agreement with the MSP to provide service complete and sign a service contract prior to service being provided.
 - a. Individual clients must provide the following information:
 - i. A photo copy of his/her driver's license
 - ii. Social Security number
 - iii. Complete address; if a client gives a Post Office box, a street address is also required
 - iv. Land line phone number and fax number
 - v. Accounts payable contact
 - b. Business clients must provide the following information:
 - i. Federal Tax ID number and/or MN Tax ID number
 - ii. Complete address; if a client gives a Post Office box, a street address is also required
 - iii. Accounts payable contact
 - iv. Land line phone number and fax number

Note: People and/or companies cannot be tracked by cell phone numbers or Post Office box numbers, therefore the above information is pertinent when processing delinquent accounts.
 3. Verify that the contract vendor is not past due on the notices sent out by Headquarters. There is no obligation by the State Patrol to enter into any contract for services and the State Patrol reserves the right to refuse service to any contractor as outlined below.
 4. Use the current contract shell provided by Headquarters. This may not be modified or changed.
 5. Assign a number to the contract based on the district number and fiscal year (e.g., 16-32-001 for the first contract in 2016 for District 3200).
 6. Ensure that every attempt is made to assign contract services to members in a fair and equitable manner.
 7. Inspect the trooper's self-time entry (STE) and ensure the hours agree with Schedule Anywhere.
 - a. If the contract originated in another district, submit a copy of the STE payroll worksheet to the originating district. The worksheet must contain the correct earning code and funding strings.

- b. There is a two hour minimum per contracted service. If the contracted service was cancelled after a Trooper signed on, they may claim the two hour minimum.
8. Prepare a service contract packet assembled as follows: the original signed (or facsimile) service contract, STE payroll worksheets (which must contain the appropriate hours, earning code, and funding string), and all miscellaneous supporting documents must be included.
 - a. The total number of trooper hours should be indicated on the invoice cover sheet.
 - b. The agreement must be signed by the district/section commander.
9. Forward the complete service contract packet to agency Headquarters within eight days of the end of the pay period in which the contract service occurred.

B. Members

1. Complete STE entries for each contract service worked (one STE line per contract), reporting only those hours for the contract or project. STE comments shall be entered and include, at a minimum, the contract number and a brief description of the services provide (e.g. "wide load escort from Duluth to Moorhead," "MNDOT construction zone Isth 94 at Mnth 280").
 - a. Violations/incidents encountered prior to or after the scheduled service should be reported per GO 90-006. These non-contracted hours will be compensated by the State and entered into STE as such (i.e. not billed to the contractor.)
 - b. For stationary assignments (e.g., traffic direction, visibility for road construction projects), members may claim up to 1/2 hour travel time to and from the contracted location in their Weekly Time Report. For moving assignments (e.g., load escorts), members may claim up to 1/2 hour travel time to the designated start location, and may claim the entire return travel time in their Weekly Time Report.
2. When working any contracted services shift, troopers shall utilize the appropriate CAD dispatch group (e.g. 21OT, 22OT, etc.).

C. Headquarters

1. Enter the contract into the Accounts Receivable system, and prepare an invoice within five days of receipt of the service contract packet.
 - a. The invoice will be assigned a sequential number.
 - b. Each invoice will include the name and address of the contractor, date and description of the services provided, rate charged, number of hours being charged, and the total amount due.
 - c. Invoice will clearly state that amount is due within 30 days.
2. Invoices shall be maintained on file for at least four years.
3. When payment is received by the MSP, the amount received and date is recorded in the receivable ledger. All daily receivables totaling \$250.00 or more will be deposited on a daily basis.
4. Complete the quarterly Accounts Receivable Report within 30 days after the end of the quarter.
5. Review the statutory contract and escort rates on a regular basis and recommend changes to the Major in charge of legislative initiatives when appropriate.
6. The Headquarters individual assigned responsibility for maintaining the Accounts Receivable will monitor the overdue invoice report on a weekly basis for delinquent accounts.
 - a. If an account is 30 days past due from the date of invoice, a Dunning letter will be sent along with the invoice copy. Further service shall be denied until the past due invoice has been paid. An interest fee may be added to the invoice.
 - b. If an account is 60 days past due, a Dunning letter and will be resent clearly marked "Copy - Second Notice." An interest fee may be added to the invoice.
 - c. If the account is 90 days past due, the final severe Dunning letter will be sent informing the contractor that the amount due, including the additional late fee, will be referred to a collection agency. The letter will also state that the contractor is liable for the cost of collection, which will be added to the total amount due.


- d. If payment is not received within two weeks, the account will be referred to the Minnesota Collection Enterprise (MCE) pursuant to DPS Policy 2015.
- e. Accounts with no collection receipts will be returned to the MSP.
- f. If the debt is deemed uncollectible, the account will be written off according to the Department of Finance policy, and the contractor will be denied any future contracted services.
- g. Send overdue invoice reports to the district staff at least biweekly to reflect changes to account status.
- h. Contractors that repeatedly fail to pay for contracted services, resulting in a past due status, should be refused future services. Emergency contracted service situations can be taken into consideration as well as steps taken by the contractor to resolve future late payment issues.

Approved:

SIGNED 12/20/2017

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER

	Effective: June 6, 2008	Number: 08-20-032
	Subject: STATEMENTS, INTERVIEWS, INTERROGATIONS	
	Reference: General Order 10-025, 30-023 and 70-007, CALEA 1.2.3	
	Special Instructions: Rescinds Trooper Memos 07-001 and 94-013	Distribution: A,B,C

I. POLICY

It is the policy of the Minnesota State Patrol to respect the strict constitutional guidelines that exist to protect both the civil rights of citizens and the rights of members to obtain information in conducting interviews and interrogations.

II. DEFINITIONS

A. Electronic Recording

An audio or video recording whether using video tape, cassette tape, digital means, or other recording media.

B. Custodial Situations

A custodial situation exists when a member tells a suspect that they are under arrest. A functionally equivalent situation exists when a "reasonable person" in the suspect's position would feel that his freedom of action has been restricted to the same degree as a formal arrest.

C. Non-Custodial Situations

A non-custodial situation exists when a member's contact with a citizen in which the member's words and/or actions would cause a reasonable person to believe that they are free to refuse to participate in the contact. The subject clearly understands that they are not under arrest, are not in custody, and that they may leave at any time without interference or hindrance.

III. PROCEDURES – NON-CUSTODIAL INTERVIEWS

A. Interviews at the Scene

1. Conduct interviews of all available witnesses at an incident.
2. A brief summary of each witness statement shall be included in the member's Field Report.
3. In the event a recorded statement becomes necessary, the member shall accomplish this in accordance with this General Order.

B. Individual Rights

1. Individuals need not be advised of their rights if members are engaged in general, on scene questioning about a crime or other general questioning of witnesses or victims during the fact finding process, as long as:
 - a. The individual has not been taken into custody; and
 - b. The individual has not been restrained from exercising full freedom of movement and action, such as a person who can leave the scene at any time they so desire.
2. The best way to ensure that an individual understands this is to verbally indicate that they are not under arrest and may leave at any time.

3. Drivers or other suspects should not be placed inside the patrol unit as a matter of practice or convenience. Persons should only be placed inside the patrol unit when there is a specific, articulable reason to do so. In those cases it is important to remember that information gathered from the suspect may not be admissible unless the suspect was advised they were free to leave.

IV. PROCEDURES – CUSTODIAL INTERVIEWS

A. Recording Requirements

1. Ensure custodial interrogations conducted at a place of detention are recorded. All custodial interrogations conducted at locations other than detention facilities should also be recorded, if possible (*State v. Scales*, 518 N.W.2d 587 (Minn. 1994)).
2. Nothing in this General Order prohibits the recording of other circumstances at the discretion of the member. For example, various portions of a DWI offense are routinely recorded for documentation (see General Order 70-007).

B. Recording Limitations

Once recording begins, members shall record the incident or statement until the incident or statement has been concluded, except that members may not record during the time when a suspect is actually conferring with an attorney. Other than those situations, members are not required to cease recording for anyone except at the member’s own or a supervisor’s discretion.

1. If there is any reason the recorder is shut down during the course of the interrogation, it must be documented in the resumed recording or in the member’s Field Report.

C. Miranda Warnings


1. Members shall advise arrestees of those rights prescribed in *Miranda v. Arizona*, 384 US 436 (1966) prior to any effort to interrogate. Interrogation may proceed only if the arrestee waives their Miranda Rights.
2. When suspects invoke their right to counsel, all interrogation shall cease immediately. Suspects may not again be interrogated about the crime for which they are charged, other crimes, or by other members (from this or other agencies) unless:
 - a. the suspect's attorney is present at the questioning; or
 - b. the suspect initiates new contact with the police. In this later case, Miranda Rights must again be administered and a waiver obtained before any questioning may take place.
3. Miranda warnings will be given each time the suspect is questioned.
4. Spontaneous utterances, when an arrestee blurts out a confession or information concerning a crime and this information is not in response to any questioning, do not require Miranda warnings. Questions by the member subsequent to a spontaneous utterance are not permitted.

D. Evidence and Data Practices

All recordings shall be governed by General Order 30-023 (Audio/Video Recording and Equipment) and 10-025 (Data Practices).

Approved: Signed 06/06/2008 _____ Colonel Mark A. Dunaski, Chief Minnesota State Patrol	I have read and understand this General Order. _____ Signature
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GENERAL ORDER

	Effective: June 6, 2008	Number: 08-20-033
	Subject: EMERGENCY VEHICLE OPERATIONS	
	Reference: Minnesota Statutes § 169.03 , 169.17 , 169.20 ; General Order 20-012 (Pursuits)	
	Special Instructions: Rescinds Trooper Memos 06-002 and 02-003	Distribution: A,B,C

I. POLICY

The operation of police vehicles during emergencies presents a danger to the lives of the public, members, and suspects involved in the incident. It is the policy of the Minnesota State Patrol to protect all peoples' lives to the extent possible when enforcing the law, and to assist members in the safe performance of their duties. To effect these obligations it shall be the policy of the Patrol to regulate the manner in which emergency operation of police vehicles is undertaken and performed.

II. EMERGENCY RUNS

A. General Requirements

1. While on emergency runs at least one lighted red light to the front of the State Patrol unit must be activated.
2. At least one lighted red light to the front of the State Patrol unit must be activated whenever a member wishes to assume emergency vehicle right-of-way. Discretion may be exercised on whether to activate a siren depending upon the circumstances, including but not limited to, traffic conditions, type of roadway, weather, etc.
3. When responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety, but may proceed cautiously past such red or stop signal or stop sign and shall sound the siren and display at least one lighted red light to the front of the State Patrol unit.
4. This policy does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the highways.


B. Opticom Systems

When activated, the Opticom system sends a signal that interrupts and overrides the normal cycle of select semaphores the trooper is approaching, giving the approaching emergency vehicle priority. Members utilizing the Opticom system:

1. Shall not assume they have a protected left turn.
2. Shall drive with due regard for the safety of persons using the street (Minn. Statutes §[169.17](#)).
3. Should check the system regularly to verify that there are no objects obstructing the transmitting capability of the emitter.
4. Are responsible for cleaning the lens of the emitter on a regular basis to ensure the system operates properly.

Approved: Signed 06/06/2008 _____ Colonel Mark A. Dunaski, Chief Minnesota State Patrol	I have read and understand this General Order. _____ Signature
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GENERAL ORDER

	Effective: December 14, 2009	Number: 09-20-034
	Subject: INVENTORY OF IMPOUNDED VEHICLES	
	Reference: CALEA 61.4.3; General Orders 20-006, 20-007, 20-018, and 80-005	
	Special Instructions:	Distribution: A,B,C,F,H

I. POLICY

It is the policy of the Minnesota State Patrol to conduct inventories of lawfully impounded vehicles in order to fulfill a caretaking function of the person's property and to protect the Trooper from subsequent claims of loss or stolen property and from dangerous instrumentalities.

II. RESPONSIBILITIES

A. Inventory of a Lawfully Impounded Vehicle

1. Troopers shall conduct a detailed inspection and inventory of all impounded vehicles that will include the opening of all containers and the listing of their contents. This shall include the opening of any sealed, locked, or otherwise closed containers. (*Colorado vs. Bertine*).
2. An inventory will not be valid if a court finds that the impound itself was unauthorized, so Troopers should thoroughly document the details that led to the impoundment.

B. General

1. All seized property/things shall be identified and properly inventoried, using the Custody Report (Form PS 01818).
2. Storage and disposal of seized items shall be conducted in accordance with General Order 20-018.

Approved:

Signed 12/14/2009

Colonel Mark A. Dunaski, Chief
Minnesota State Patrol

GENERAL ORDER



Effective:	January 22, 2021	Number:	21-20-036
Subject:	EYEWITNESS IDENTIFICATION		
Reference:	Minn. Stat. sec. 626.8433		
Special Instructions:	Distribution: A,B,C		

I. POLICY

Troopers 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.

II. 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.

III. 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.

Blind Presentation: The administrator of the line-up or photo array does not know the identity of the potential suspect.

Blinded Presentation: The administrator may know the identity of the suspect, but does not know which photo in the photo array 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.

IV. PROCEDURE

A. 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:

1. Document the witness's description of the perpetrator prior to conducting the show-up.
2. Do not use a driver's license photo of the suspect roadside with witnesses.
3. Conduct a show-up only when the suspect is detained within a reasonable time frame after the commission of the offense and within a close physical proximity to the location of the crime.
4. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.

5. 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.
6. 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.
7. Do not conduct the show-up with more than one witness present at a time.
8. Separate witnesses and do not allow communication between them before or after conducting a show-up.
9. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.
10. Do not present the same suspect to the same witness more than once.
11. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.
12. Members should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.
13. Ask the witness to provide a confidence statement.
14. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.
15. Videotape the identification process using an in-car camera or other recording device when feasible.
16. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

B. Line-up and Photo Array Procedures

Basic Procedures for Conducting a Line-up or Photo Array:

1. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. If there is more than one suspect, include only one in each line-up or photo array.
8. 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.
9. Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.
10. Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.
11. The witness shall be given a copy of the instructions on the MSP Photo Array Form prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.
12. The line-up or photo array should be shown to only one witness at a time; members should separate witnesses so they will not be aware of the responses of other witnesses.
13. Multiple identification procedures should not be conducted in which the same witness views the same suspect more than once.

14. Troopers 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.
15. Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.
16. The administrator shall ask the witness to complete and sign the form.
17. 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.

C. Photographic Arrays

1. Creating a Photo Array
 - a. Use contemporary photos.
 - b. Do not mix color and black and white photos.
 - c. Use photos of the same size and basic composition.
 - d. Do not mix mug shots with other photos when it can be avoided and ensure consistent appearance of photograph backgrounds and sizing.
 - e. Do not include more than one photo of the same suspect.
 - f. 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.
 - g. 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.
 - h. Fillers should not be reused in arrays for different suspects shown to the same witness.
2. Conducting the Photo Array
 - a. 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.
 - b. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures.
 - i. 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).
 - ii. 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.
 - iii. The administrator should position himself or herself so that he or she cannot see inside the folders as they are viewed by the witness.
 - c. 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.
 - d. 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.

D. Line-ups

1. Conducting the Line-up
 - a. Live line-ups shall be conducted using a blind administrator.
 - b. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
 - c. The primary investigator is responsible for the following:
 - i. 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.
 - ii. 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.
 - iii. Making arrangements to have persons act as fillers.
 - iv. 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.
 - v. 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.

V. REPORTING

Any identification method used after the initial event (and not previously documented in a TraCS report) must be completed in a supplemental TraCS report. These should be completed by the person compiling the photo array or line-up and by the administrator of the photo array or line-up.

Approved:

SIGNED 1/22/2021

**Colonel Matthew Langer, Chief
Minnesota State Patrol**