


GENERAL ORDER

	Effective: October 5, 2012	Number: 12-80-001
	Subject: AUTO THEFT - IDENTIFICATION AND RECOVERY	
	Reference: General Orders 20-015, 20-017, 20-032, 90-008; Minn. Stat. secs. 609.52, subd. 2 (1) , 609.05 Subd. 1 , and 609.546	
	Special Instructions: Rescinds GO 94-80-001	Distribution: A,B,C,D E

I. PURPOSE

To establish a uniform procedure in identification, processing, recovery, and enforcement of statutes relating to auto theft.

II. AUTHORITY

It is the responsibility of State Patrol Troopers to arrest and act as the prosecuting agency on all individuals apprehended on trunk highways in stolen vehicles. (Minn. Stat. sec. [299D.03](#))

III. ALTERNATIVE PROSECUTIONS TO AUTO THEFT

A. Driver

1. Theft of Motor Vehicle (Minn. Stat. sec. [609.52, subd. 2 \(17\)](#))
2. Motor Vehicle means “any self-propelled device for moving persons or property or pulling implements from one place to another, whether such device is operated on land, rails, water, or in the air.”
3. Elements of theft: taking or driving a motor vehicle without consent of the owner or an authorized agent of the owner, knowing or having reason to know that the owner or an authorized agent of the owner did not give consent.

A. Passengers

1. Liability for crimes of another (Minn. Stat. sec. [609.05, subd. 1](#)).
A person is criminally liable for a crime committed by another if he intentionally aids, advises, hired, counsels, or conspires with or otherwise procures the other to commit the crime.
2. Rides in vehicle knowing it was taken without owner’s permission. (Minn. Stat. sec. [609.546, subd. 1](#))

B. Tampering (Minn. Stat. sec. [609.546, subd. 2](#))

A person intentionally tampers with or enters into or on a motor vehicle without the owner’s permission.

IV. ENFORCEMENT PROCEDURE

The following procedure shall be exercised when an arrest is made by State Patrol personnel for violating Minn. Stat. secs. [609.52, subd. 2 \(17\)](#) (Unauthorized Use of Motor Vehicle); [609.05, subd. 1](#) (Aiding and Abetting) or [609.546](#) (Tampering With a Motor Vehicle):

- A. The Radio Communications Operator (RCO) shall check with the originating agency and confirm that the vehicle is stolen. If the vehicle is a confirmed stolen, the RCO shall immediately notify the Trooper. The RCO shall send a “locate” teletype to the originating agency of the recovery.
- B. Member shall take into custody the driver (and passenger when circumstances warrant) in the county where the vehicle was stopped.
- C. Member shall impound the stolen vehicle. The originating agency which issued the stolen report shall be informed as to the recovery and disposition of the vehicle by the RCO. Notification shall be made as soon as possible.
- D. Member shall request the originating agency to forward a copy of the stolen report as soon as possible to the arresting Trooper. If the originating agency requests copies of the Trooper’s reports, the Trooper shall send the appropriate reports to that agency.

- E. Members shall consult with the county or city prosecutor as soon as possible to have a formal complaint drawn up in compliance with the 36/48-hour rules. Copies of the Field Report, Custody Report, photos, statements and the Offender Tracking Form shall be given to the prosecutor's office. Members shall not issue any citations until the prosecuting attorney has reviewed the facts.
- F. The vehicle shall not be released without consent from the county attorney if charges are to be filed. When the vehicle is released, proof of ownership will be required.

V. REQUIRED REPORTS

- A. A Field Report (1813) shall be completed containing those facts necessary to establish probable cause, identifying facts and information which led to the recovery, and any additional information which could aid in the prosecution.
- B. Photographs shall be taken as required by General Order 20-017.
- C. Suspect/witness statements shall be taken as required by General Order 20-032.
- D. Offender Tracking Form (PS22050-03) shall be completed as required by General Order 20-015.
- E. Vehicle in Custody Sheet (1818-03) shall be completed as required by General Order 90-008.

VI. INVESTIGATION


In the event the suspect is charged by another agency, assistance will be rendered to such agency which will aid them in their investigation. That assistance would normally be in the form of a follow-up Field Report, statement from the individual who purchased the vehicle, or any other pertinent information which would help identify the individuals guilty of a criminal act relative to the original theft.

Approved:

SIGNED 10/5/2012

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

GENERAL ORDER

	Effective: August 7, 2023	Number: 23-80-003
	Subject: FIREARMS – TRANSPORTATION & CIVILIAN CARRY PERMITS	
	Reference: Minn. Stat. secs. 87A.01, 97B.045, 624.714-624.715	
	Special Instructions: Rescinds 10-80-003	Distribution: A,B,C,E

I. POLICY

It is the policy of the Minnesota State Patrol to respect the right of citizens to lawfully carry and transport firearms while enforcing firearms laws.

II. DEFINITIONS

A. Transporting

Conveying an object from one place to another, which would seemingly require that the conveyance be in motion.

B. Pistol

Pistol includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle: Pistol does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun or nail gun used in the construction industry, or children's pop guns or toys.

III. TRANSPORTING AND CARRYING A FIREARM

A. Transporting a Firearm in a Motor Vehicle (Minn. Stat. sec. 97B.045)

1. A person *may not* transport a firearm in a motor vehicle unless it is:
 - a. unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed,
 - b. unloaded and in the closed trunk of a motor vehicle, or
 - c. a handgun carried in compliance with the permit to carry laws (see Section B, below).
2. Exceptions: A person *may* transport an unloaded, uncased firearm, (excluding a pistol as defined above):
 - a. in a motor vehicle while at a shooting range (per Minn. Stat. sec. 87A.01, subd. 3),
 - b. where the person has received permission from the lawful owner or possessor to discharge firearms,
 - c. lawfully hunting on private or public land or traveling to or from a site the person intends to hunt lawfully that day or has hunted lawfully that day, and the firearm is unloaded unless they are:
 - 1) within Anoka, Hennepin or Ramsey counties.
 - 2) within the boundaries of a home rule charter or statutory city with a population of 2,500 or more;
 - 3) on school grounds; or
 - 4) otherwise restricted under other laws

B. Permit to Carry (Minn. Stat. sec. 624.714-624.715)

1. A permit holder may carry a pistol on their person (includes in a vehicle) and the pistol does not need to be concealed. There is no limit as to the number of pistols a person may carry.
2. Minnesota recognizes permits from other states; however, the permit holder must follow Minnesota laws in regards to a permit to carry. A complete list of current reciprocal states can be found at: Administrative Services - Permit to Carry Reciprocity (mn.gov)

3. The validity of a permit may be checked by having the Dispatcher run a driver's license check on the individual and then querying the Department of Public Safety's permit database. Note: whether or not a person is a permit holder is private data and may not be communicated over the radio unless by encrypted channel.
4. Permit holders are not obligated to notify law enforcement at traffic stops of their permit and current carrying status unless requested by the Trooper.
 - a. The holder of a permit to carry must have the permit card and a driver's license, state identification card, or other government-issued photo identification in immediate possession at all times when carrying a pistol
5. A private business may prohibit firearms carry by a permit holder by posting a legal sign (Minn. Stat. sec. 624.714), OR tell the permit holder they cannot carry in their business. If a permit holder violates this statute, they are guilty of a petty misdemeanor and are subject to a \$25.00 fine. A violation of this statute is not an offense for which the firearm can be forfeited.
6. Permit holders carrying a firearm may not enter a school facility (or facilities where school functions are hosted, i.e., swim meets at a local YMCA) or a day care center. Parking lots are permissible.
7. While there is no prohibition on consuming alcohol while carrying a firearm, there are strict limitations on blood alcohol content (not limited to driving situations):
 - a. A person who violates this statute (Minn. Stat. sec. 624.7142) is guilty of a misdemeanor. A second or subsequent violation is a gross misdemeanor.
8. Permit holders may not be under the influence of a controlled substance (including cannabis) or any chemical compound or combination of chemical compounds that is considered a hazardous substance.
9. A permit to carry is not necessary in the following instances:
 - a. keeping or carrying a firearm at the person's place of business, house, premises or land owned by the person
 - b. carrying a firearm from a place of purchase to the person's house or place of business, or from the person's house or place of business to or from a place where repairing is done, to have the firearm repaired;
 - c. carrying a firearm between the person's house and place of business;
 - d. carrying a firearm in the woods or fields or upon the waters of this state for the purpose of hunting or of target shooting in a safe area;
 - e. transporting a firearm in a motor vehicle, snowmobile, or boat if the firearm is unloaded, contained in a closed and fastened case, gunbox, or securely tied package.

IV. RESPONSIBILITIES

A. Troopers

1. Permit to Carry
 - a. Be specific to the driver and/or passengers if requesting information about if they are carrying with a permit/have a firearm in their possession.
 - b. If stopping a person carrying in violation of their permit (BAC, carrying where prohibited, revoked/suspended permit), seize the pistol and report the violation to the County Sheriff where the permit was issued. Note: The permit itself does not need to be seized. The permit holder should know they are required to return the permit to the issuing agency within five business days.
 - c. County Sheriffs process all revocations and suspensions of permits.
 - d. The pistol is only subject to forfeiture if it used in the commission of a crime or is illegal to possess.
2. Enforcement
 - a. Violation of permit to carry law absent a crime - issue a citation and prepare a Field Report.
 - b. Violation of permit to carry law, regardless of driving or not, due to under the influence of alcohol/controlled substance/combination or with a blood alcohol content of 0.04 or more – charge driver accordingly while referring to prosecutor expectations in the jurisdiction. See attached flowchart for guidance.

3. Seizures

Anytime a firearm is seized for evidence, a Property Receipt for the firearm must be given to the driver or owner. The Property Receipt must show:

- a. Date
 - b. Name of person from whom firearm taken.
 - c. A brief description of the firearm including serial number if there is one conveniently located. Such other things as make, model, gauge, or caliber or distinguishing marks should be included, especially when there is no serial number.
 - d. Signature of the Trooper seizing the firearm. (Firearm must be returned to the owner following trial unless illegal to possess in the first place like machine gun, altered barrel to illegal length, etc.)
4. With respect to cased firearms and firearms carried in the trunk of a vehicle, Troopers do not have the authority to examine them unless an arrest has been made or legal authority to search exists. A Conservation Officer can search a vehicle and examine firearms prior to arrest provided there is reasonable grounds to believe the parties involved were hunting or going hunting.


B. Radio Communication Operators

Upon request from a Trooper, query the DPS Permit to Carry Database.

Note: whether or not a person is a permit holder is private data under and may not be communicated over the radio unless by encrypted channel.

<p>Approved:</p> <p>SIGNED 8/7/2023</p> <hr/> <p>Colonel Matthew Langer, Chief Minnesota State Patrol</p>

GENERAL ORDER

	Effective: July 31, 2023	Number: 23-80-005
	Subject: FORFEITURES OF PROPERTY: FEDERAL AND STATE PROCEDURES	
	Reference: General Orders 20-018; 25-008; Minn. Stat. §609.02, 609.531–609.5317, 152.01–152.205, 297D.01–297D.14, 151.01–151.40, 169A.63, 169A.20- 169A.26, 169A.52, Addenda	
	Special Instructions: Rescinds GO 22-80-005	Distribution: A,B,C,H

I. POLICY

It is the policy of the Minnesota State Patrol to operate within the constitutional provisions related to seizure of a person's property through forfeiture and without consideration of the value of the object or monetary benefit to the Department. All members shall follow state and federal law pertaining to seizure and forfeiture in applicable DWI offenses, fleeing a police officer in a motor vehicle, criminal vehicular operation, controlled substance possession, and other designated offenses.

II. DEFINITIONS

A. Cash

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

B. Contraband

is property which is illegal to possess under Minnesota law.

C. Controlled Substance

is a drug, substance, or immediate precursor in Schedules 1-V of Minn. Stat. 152.02 and includes Chapter 342 (Adult-Use Cannabis). EXCEPT: cannabis/hemp is specifically excluded from "controlled substance" for purposes of Minn. Stat. sec. 609.5314 (controlled substance administrative forfeiture).

D. Conveyance Device

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

E. Designated Offense

- For impaired driving forfeiture, designated offenses include: a) first-degree impaired driving under 169A.24; and 2) an impaired driving offense within 10 years of the first of two qualified prior impaired driving incidents.
- For other forfeiture actions, designated offenses include, but are not limited to, specified subdivision violations of the following felonies listed: murder, criminal vehicular operation, assault (1st- 4th degree), robbery, kidnapping, false imprisonment, prostitution, criminal sexual conduct, escape from custody, fleeing, theft, receipt of stolen goods, arson, burglary, possession of burglary tools, environmental crimes, check forgery, bribery, drive-by shootings, and for weapons used (any violation of Minn. Stat. Chapters 152, 609 or 624). See Minn. Stat. sec. 609.531.

F. Designated Revocation

A license revocation under 169A.52 or 171.177 (or disqualification under 171.164 resulting from a violation of either) within 10 years of the first of two or more qualified prior impaired driving incidents.

G. District Forfeiture Coordinator

An employee responsible for reviewing all forfeiture cases and is the liaison between the State Patrol and the prosecutor's office.

H. Firearms/Ammunition/Firearm Accessories

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

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

J. **Jewelry/Precious Metals/Precious Stones**

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

K. **Seizure**

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

III. SCOPE AND SUMMARY OF LAW

A. Forfeiture Processes

Forfeiture seizure action should be taken in the following order:

1. State Administrative
2. State Judicial
3. State Summary Forfeiture
4. Federal Forfeiture

B. State Administrative Forfeiture

1. Controlled Substance Offenses (Minn. Stat. §609.5314)

NOTE: “Controlled Substance” does **NOT** include cannabis and hemp products under this specific provision.

- a. Vehicles, other conveyance devices, money, precious stones, or precious metals with a value of less than \$50,000 can be forfeited through civil administrative action when one of the following conditions is present:
 - i. Vehicles or other conveyance devices containing a controlled substance with a street retail value of \$100 or more and there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale;
 - ii. All money found in proximity to controlled substances when there is probable cause to believe that the money was exchanged for the purchase of a controlled substance.
 - iii. All money totaling \$1,500 or more, precious metals, and precious stones that there is probable cause to believe represent the proceeds of a controlled substance offense.
- b. All firearms, ammunition, and firearm accessories found:
 - i. In a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
 - ii. On or in proximity to a person from whom a felony amount of controlled substance is seized; or
 - iii. On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under Minn. Stat. Chapter 152.

2. DWI Offenses (Minn. Stat. §169A.63)

Motor vehicles and motor boats, including their trailers, can be forfeited through civil administrative action when the driver is convicted of a designated impaired driving offense or his/her conduct results in a designated license revocation AND the driver fails to seek judicial review of the revocation as specified by Minn. Stat. §169A.53, subd.2. (Note: If the claimant makes a timely demand for judicial determination of the seized vehicle, the forfeiture proceedings must be conducted as provided under Minn. Stat. §169A.63, subd. 9. This process is detailed on the Notice of Intent form.)

3. Seizure of property not listed above must be approved by the regional Major and coordinated with Statewide Forfeiture Coordinator. Thoroughly document all steps from seizure to disposition.

C. State Judicial Forfeiture

1. Controlled Substance Offenses (Minn. Stat. §609.5311)

- a. All property, real and personal, that was used or intended for use, in the drug business may be forfeited with the following limitations:
 - i. Vehicles and other conveyance devices may be forfeited only if the street retail value of the controlled substance is \$100 or more and the conveyance device was used in the transportation or

- exchange of a controlled substance intended for distribution or sale.
 - ii. Money totaling \$1,500, or more, if there is probable cause to believe that the money was exchanged for the purchase of a controlled substance.
 - iii. Real property may be forfeited only if the street retail value of the controlled substance is \$2,000 or more.
2. Designated Offenses (Minn. Stat. §609.531)
- a. All personal property is subject to judicial forfeiture when it is an instrument or represents the proceeds of a controlled substance offense. This includes money, property, real and personal, that represent proceeds of a designated offense, and all contraband property.
 - b. Members considering forfeiture actions for a designated offense should confer with the prosecuting attorney as soon as possible to ensure that the appropriate timelines are met.

D. State Summary Forfeiture

1. Contraband (Minn. Stat. 609.5316 Sub. 1)
- a. If the property is contraband the property must be summarily forfeited and either destroyed or used by the agency for law enforcement purposes.
 - i. If used by the State Patrol for law enforcement purposes, it must be indicated in the evidence database. The District/Section Commander shall monitor its use and determine when it is no longer needed for these purposes. The item(s) shall then be appropriately destroyed and indicated as such in the evidence database.
2. Controlled substances (Minn. Stat. 609.5316 Sub. 2)
- a. Controlled substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of chapter 152 and 342 (Adult-Use Cannabis), are contraband and must be seized and summarily forfeited.
3. Weapons, ammunition, firearm accessories and bullet-resistant vests (Minn. Stat. 609.5316 Sub. 3)
- a. Weapons, ammunition, and firearm accessories used are contraband and must be summarily forfeited upon conviction of the weapon's owner or possessor for a controlled substance crime, for any offense of chapter 609 or chapter 624, or for a violation of an order for protection under section 518B.01, Sub. 14.
 - i. Weapons seized that were determined to be stolen or abandoned when recovered should be returned to the rightful owner if the owner can be located and can legally possess the weapon (Minn. Stat. 609.5315 Sub. 7).
 - ii. The State Patrol may use summarily forfeited weapons for training purposes as determined by the Firearms Coordinator and approved by the Colonel. These weapons must be tracked by the Firearms Coordinator and destroyed once the weapon is no longer utilized for training purposes. The Firearms Coordinator shall advise the appropriate District Evidence Custodian of the dispositions of the firearm so that it is tracked and labeled correctly in the evidence database (Minn. Stat. 609.5315 Sub. 1).
 - iii. All other weapons summarily forfeited by the State Patrol will be destroyed and shall not be commercially sold as allowed by statute (Minn. Stat. 609.5315 Sub. 1).
 - b. Bullet-resistant vests, as defined in section 609.486, worn or possessed during the commission or attempted commission of a crime are contraband and must be summarily forfeited upon conviction of the owner or possessor for a controlled substance crime or for any offense of chapter 609.
4. A catalytic converter possessed in violation of section 324E.21 is contraband and must be summarily forfeited upon conviction. See Minn. Stat. sec. 609.5316 for further instruction on disposal.

DI. Federal Forfeiture

Personal and real property, including currency and motor vehicles, may be subject to federal administrative or judicial forfeiture in connection with federal controlled substance crimes. Minnesota State Patrol personnel should assume all forfeitures will be conducted in accordance with state law, unless they have been advised by a federal law enforcement agency that a particular federal agency will process the forfeiture in federal court. Troopers interested in seeking federal forfeiture should contact the ISS Commander as soon as possible.

NOTE: Minn. Stat. sec. 609.531, subd. 9 prohibits MSP from directly or indirectly transferring property subject to forfeiture under sections 609.531 to 609.5318 to a federal agency for adoption if the forfeiture would be prohibited under state law.

IV. GENERAL REQUIREMENTS

A. Property Seizure Requirements

Property may be seized incident to a lawful arrest, pursuant to a lawful search, by court order authorizing seizure, or when the Trooper has probable cause to believe that delay caused by obtaining the court order would result in the removal or the destruction of the property and that:

1. The property was used or is intended to be used in the commission of a felony; or
2. The property is dangerous to health or safety.

B. Probable Cause

A Trooper may seize property on articulable grounds when the incident involves a violation qualifying under forfeiture action. The purpose of this allows the Trooper to conduct an immediate investigation to determine if there is probable cause to believe that the property is subject to forfeiture action. Upon completion of the investigation, the Trooper shall proceed with forfeiture procedures as soon as possible when probable cause has been established. When probable cause cannot be established, the property shall be returned to the owner as soon as possible.

V. PROCEDURES

A. Trooper Responsibilities

1. All Forfeitures

- a. Serve notice in person at the time of seizure when property seized qualifies for forfeiture under state statutes. For all forfeitures (except fleeing forfeitures which have a separate notice form), use the Notice of Seizure and Intent to Forfeit form. The Notice form contains information regarding the right to obtain judicial review and the procedure pursuant to the applicable statute.
- b. The Notice of Seizure and Intent to Forfeit form must include a list describing each item seized, the name of the individual served with the notice, location, and date of seizure. In addition, the form must be dated and signed by the Trooper conducting the seizure and a case number must be included on the form. The individual from whom property is seized must be given an opportunity to sign the seizure notice form. If the person refuses, the Trooper conducting the seizure must check the appropriate box indicating the refusal to sign. If property is seized from multiple individuals, a separate seizure form must be completed for each individual. A copy of the seizure form must be given to the individual served.
 - i. The driver shall be served with this notice at the time of incident. If the registered owner is a passenger in the vehicle, they must also be served.
 - ii. Administrative forfeitures can be changed to state judicial or federal forfeiture later with no consequences.
- c. A receipt must be given to the person found in possession of the property seized for all forfeitures. In the absence of any person, Troopers must leave a receipt in the place where the property is found, if reasonably possible, and indicate the location where the receipt was left in the Field Report.
- d. Complete all documentation required by district policy or the prosecutor's office, i.e. Field Report, Custody Report, evidence tags, receipt for property seized, etc. within 24 hours after the seizure when practicable.
 - i. The report must include a description of the items seized, where the property is turned in/stored, the name of the individual served, the date that the seizure form was served, the name of the Trooper, and whether or not the individual signed the Notice of Seizure and Intent to Forfeit form.
- e. Notify and submit as soon as practicable, but no later than 10 days after the seizure, a copy of all reports (including both the original and pink copies of the Notice) to the District Forfeiture Coordinator.
- f. Work in conjunction with the District Forfeiture Coordinator to complete the case.
- g. Record any seized currency or contraband items in the district's evidence control system in accordance with the district standard operating procedure on sensitive evidence and General Order 25-008.

2. Vehicles

All vehicles that meet the criteria for forfeiture for DWI offenses shall be seized regardless of value.

- a. Determine the owner of the vehicle.
- b. Determine the driver's interest in the vehicle if the driver is not the registered owner. Whenever possible, obtain a recorded statement from the driver regarding the circumstances of the driver's use of the vehicle.
- c. Whenever possible, obtain a recorded statement from the registered owner(s) regarding the circumstances of the driver's use of the vehicle.
- d. Have the vehicle towed to the designated secure impound area. Send vehicle keys and tow bill to the District Forfeiture Coordinator. Inventory the vehicle in accordance with General Order 20-034.

3. Controlled Substances

- a. Submit the controlled substance to the designated lab for analysis.
- b. Determine current street value of controlled substance seized according to the schedule distributed by the ISS.

4. Cash (See Section II. A for definition)

See also General Order 25-008, Care and Handling of Sensitive Evidence

Note: the following section references "buy funds" that are used in undercover transactions. At this time, this practice is not utilized by the State Patrol, but is included in the mandated statewide policy for law enforcement.

- a. Troopers shall not seize cash having an aggregate value less than \$100 [unless pre-recorded buy funds are included in the cash seized. Examine all cash seized to determine whether it contains any buy funds, document the recovery of all buy funds and deposit those funds with the District Forfeiture Coordinator to be returned to the appropriate unit's account.]
- b. Cash shall be recounted and the amount verified by another employee. The evidence bag/container and/or inventory receipt must be co-signed when cash is involved. If cash cannot be counted immediately due to exigent circumstances (e.g., unsafe location), Troopers shall photograph the cash, place in sealed bag or container (Trooper and witness initialed seal, if possible), and include the exigent circumstances why the cash could not be counted immediately in the report. In addition, the on-call/on-duty supervisor must be notified of the situation.
- c. All forfeitable cash seized, including a copy of the completed property inventory must be turned over to the District Forfeiture Coordinator, federal agency, or turned in as evidence as soon as practicably possible of the seizure.
- d. Troopers seizing cash shall also prepare a property inventory. If cash is seized from multiple individuals, a property inventory receipt will be completed for each individual. The property inventory receipt shall specify the total amount of cash seized from each individual. The agency property inventory shall also contain a detailed description of all checks, money orders, and/or travelers checks, or other financial instruments.

5. Other Property

- a. Although allowable by law, jewelry, precious stones, or precious metals should not be seized unless the Trooper has reasonable, articulable suspicion that the subject is engaged in narcotics trafficking. Indications of narcotics trafficking may include, but are not limited to possession of more than personal use quantities of narcotics, multiple cell phones, narcotics packaged separately in smaller quantities, scales, large amounts of cash, unused drug packaging material, drug notes, etc. These items must be described in detail on the inventory receipt and photographs should be taken if possible. (Note that these "indicators" should be seized as well when reasonable articulable suspicion of trafficking exists.)
- b. Determine if the suspect is the owner of the property. When a subject denies ownership or knowledge of large amounts of cash or other valuables, the Trooper shall determine if the subject is willing to waive their rights to it. The Transfer of Any Property Interest and Waiver of Any Right to Challenge Forfeiture (PS-1896) should be completed and signed by the subject before the property is seized by the Trooper.
- c. Notify the District/Section Commander when this form is used so that they can notify the Statewide Forfeiture Coordinator. Continue with the forfeiture process as described above.

- d. Firearms, weapons, - body armor, and other property used or intended for use during a crime, or any contraband may also be seized.
Refer to Minn. Stat. §609.5312, 609.5314, 609.5316 for additional information.
- e. All forfeitable property seized, including a copy of the completed property inventory, must be turned over to the District Forfeiture Coordinator or turned in as evidence as soon as practicably possible after the seizure.

24-Judicial Forfeitures

Any property, weapons used, money, vehicles, proceeds, etc., shall be forfeited according to the following procedure: A separate complaint shall be filed against items to be forfeited through the local county attorney's office. The Attorney General's Office may be used as an alternative in cases that would be significant where the county attorney has declined forfeiture proceedings. Some counties require the arresting officer to complete their county form for Fleeing Police in a Motor Vehicle Forfeitures. These forms are available through their District Forfeiture Coordinator, but must be served on the suspect at the time of the vehicle seizure.

B. District Commander/Forfeiture Coordinator Responsibilities

The District/Section Commander may appoint a District Forfeiture Coordinator or other designee whose responsibility shall include, but is not limited to the following:

1. **All Forfeitures** (Includes instances when Transfer of Any Property Interest and Waiver of Any Right to Challenge Forfeiture form is used)
 - a. Review forfeiture case initiated by investigating Trooper to ensure all forfeiture notices have been properly served. If service was not provided by the Trooper, serve all owners, co-owners, lien holders, and/or insurance companies with the notice of forfeiture within 60 days of the seizure. When statutorily required, arrange civil service by district field Trooper.
 - i. Record any conversations with interested party(s) to alleviate any innocent ownership claim; submitting transcribed statement to prosecutor authority.
 - ii. Record all cases where the forfeiture notices were served in the forfeiture database.
 - b. After the designated day of service, contact the local prosecuting attorney. In those instances where the prosecuting attorney has not been served with a complaint contesting the forfeiture, the District Forfeiture Coordinator shall have the prosecuting attorney sign the Administrative Forfeiture Certificate. The District Forfeiture Coordinator shall proceed with disposing of the vehicle once the Administrative Forfeiture Certificate has been received. The designated day of service for Minn. Stat. §169A.63 and §609.5314 is 60 days.
 - c. Notify the Statewide Forfeiture Coordinator any time a Transfer of Any Property Interest and Waiver of Any Right to Challenge Forfeiture form is used.
 - d. Compile and submit a complete forfeiture case to the prosecutor or contract attorney.
 - e. Retain vehicle and/or cash as evidence until further notification from prosecutor.
 - f. Monitor district forfeiture cases through criminal and civil court proceedings, and attend or testify at civil forfeiture proceedings when appropriate.
 - g. Upon case completion:
 - i. Return vehicle and/or assets to innocent owner or interested third party organization, following the procedures as outlined in the State Patrol Forfeiture Manual.
 - ii. Deposit cash and if not already done so, request disbursements.
 - iii. Return the assets to the subject if ordered by the court.
 - iv. Coordinate sales of district forfeited assets pursuant to General Order 20-018.
 - v. Work with the District Investigator on transferring summarily forfeited weapons to the Firearms Coordinator.
 - h. Forward all field reports of any narcotics or cash seizures to ISS that meet the criteria of C, 1 (below).
 - i. Confer with the prosecuting attorney to determine if the suspect is subject to the taxation of controlled substances under Minn. Stat. Chap. 297D. Contact the Department of Revenue for assistance.
 - j. Track all time spent on each individual case. Report this to the Statewide Forfeiture Coordinator at the time of case closure.

- k. Upon case completion send a case closure request to the Statewide Forfeiture Coordinator.
- l. Enter all required data into the statewide forfeiture database.
- m. Follow State Patrol procedures as outlined in the State Patrol Forfeiture Manual.

24-Vehicles

- a. The District Forfeiture Coordinator shall serve notice via certified mail on all parties with a security interest, enclosing a copy of the Notice of Seizure and Intent to Forfeit form. They shall retain a copy of the mailing receipt. Notice shall be served as soon as possible.
- b. Complete a vehicle inventory on seized vehicles as soon as possible, utilizing all available Personal Protective Equipment (PPE) as deemed necessary. Take digital photographs of the vehicle/property seized, create and maintain inventory records, record and store personal property, and arrange for the return of personal property to the rightful owners.
- c. Flag the vehicle title using the Forfeiture Flag Title Request Form. This form shall be emailed to DVS (dvs.impounds@state.mn.us). Once the forfeiture action is closed the flag should be removed with the Flag Removal Request Form.
- d. Schedule and meet with insurance adjuster to obtain an estimate on all crashed vehicles subject to applicable forfeiture, with the exception of DWI cases.
- e. Coordinate towing services with vendors; reviewing and/or processing tow invoices to ensure payment is satisfied with vendors within required timelines.
- f. On any vehicle release, follow the applicable procedures as outlined in the State Patrol Forfeiture Manual.

25-Cash

- a. The seizure shall be entered into the State Patrol forfeiture database by the District Forfeiture Coordinator.
- b. If cash is needed for evidence, it shall be processed in accordance with General Order 25-008 (Care and Handling of Sensitive Evidence).
- c. The funds shall be deposited by the district in the appropriate account designated by the State Treasurer's Office within five business days after the following occurs:
 - i. The prosecutor has determined that the currency is not needed for evidence; or
 - ii. The funds are released by the prosecutor or are awarded to the state by the court.
- d. All deposit documentation with original deposit slip shall be processed per FAS Operating Procedure for Forfeiture Deposits.
- e. Ensure that all cash, including abandoned cash, is deposited in the appropriate accounts. - A copy of the SWIFT deposit form should be included in the forfeiture electronic case file
- f. Notify the Statewide Forfeiture Coordinator of case closures and abandoned cash so that disbursements can be completed.

26-Firearms

- a. Work in conjunction with the District Investigator to track all district seized firearms, ammunition, and accessories that will be summarily forfeited upon conviction and enter the items into the statewide forfeiture database.
- b. Once an Administrative Forfeiture Certificate for the items has been received from the prosecutor, or a verified conviction has occurred against the weapons owner or possessor for a crime as outlined in MN Statute 609.5316, complete the State Patrol Notice of Summary Forfeiture of Weapons and notify your District Investigator that the firearms, ammunition, or firearm accessories may be turned over to the Firearms Coordinator.
 - i. Weapons seized that were determined to be stolen or abandoned when recovered should be returned to the rightful owner if the owner can be located and can legally possess the weapon (Minn. Stat. 609.5315 Sub. 7).
- c. Once the firearms, ammunition, or firearms accessories are turned over to the Firearms Coordinator, notify the Statewide Forfeiture Coordinator. The Statewide Forfeiture Coordinator will follow the reporting requirements as outlined in Minn. Stat. 609.5315, subd. 6.

24-Investigative Services Commander

1. Submit information and liaison with allied agency and partnership organizations (e.g. HIDTA, Desert Snow, EPIC, COBIJA) for seizures of any of substances exceeding the required thresholds for each program.
2. Prepare a street value of controlled substances schedule and distribute it at least annually.
3. Review the forfeiture policies of task force groups to which Troopers are assigned to verify the task force follows state and federal laws.

25-Statewide Forfeiture Coordinator

1. Ensure that any legal disbursements are made.
2. Serve as a central management information point for all recordkeeping.
3. Submit reports to the State Auditor as required by Minn. Stat. §609.5315, subd. 6.
4. Coordinate the forfeiture program for the State Patrol.

26 PROPERTY DISPOSAL


- A. The District Forfeiture Coordinator shall arrange for the disposition of property per General Order 20- 018 (Disposal of Acquired Property). All sales of forfeited vehicles shall be conducted in a commercially reasonable manner.
- B. In cases where a vehicle was administratively forfeited under Minn. Stat. sec. 169.63 and no demand for judicial determination was made, the District Forfeiture Coordinator shall provide the prosecuting authority with a copy of the forfeiture of evidence receipt, the notice of seizure and intent to forfeit, a statement of probable cause for forfeiture, and a description/estimated value of property. Upon review and certification by the prosecuting authority that:
 1. The agency provided a proper receipt.
 2. The agency served proper notice.
 3. Probable cause for forfeiture exists based on the officer's statement, the vehicle may be disposed of as provided for in law. Minn. Stat. sec. 169A.63, subd. 10(e).
- C. All requests for district or task force use of property, including any request to retain a vehicle for State Patrol use, shall be brought forward through the chain of command to the Statewide Forfeiture Coordinator for approval by the Chief.
- D. Troopers are to follow guidelines set forth on lost, abandoned, or seized property for disposal of items seized within the vehicle. Each evidence tag (DPS-1813) shall be retained in the district file with a note detailing facts of the disposal/final disposition of each item seized.
- E. Minn. Stat. sec. 169A.63, subd. 10(c) clarifies that forfeited property may not be sold to: a) an officer/employee of the agency that seized the property, a person related to the officer/employee by blood or marriage or b) the prosecuting authority/individual working in the same office or a person related to the authority by blood or marriage. Any sale to a person who could reasonably be perceived as creating a conflict of interest (see GO 10- 018) should be avoided.

APPROVED:

SIGNED 7/31/2023

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

GENERAL ORDER

	Effective: December 4, 2015	Number: 15-80-006
	Subject: DOMESTIC ABUSE ARRESTS	
	Reference: Minn. Stat. secs. 299D.03,subd. 1(b)(12) ; 609.224 , 609.2242 ; 609.748 ; 629.34-.342 ; 629.72	
	Special Instructions: Rescinds GO 12-80-006	Distribution: A,B,C,E

I. PURPOSE

Domestic abuse situations may arise anywhere at any time, including on our roadways. The Minnesota State Patrol recognizes domestic abuse is a serious problem and strives to ensure victims are protected and its members understand the laws governing this area.

II. SCOPE

Minn. Stat. sec. [299D.03, subd. 1\(b\)\(12\)](#) requires that non-traffic arrests made by troopers be referred to local authorities for further investigation or disposition.

III. PROCEDURE

A. DISPATCHING THE CALLS

- 1. Receiving a Call:** Upon receiving a domestic assault or abuse call, the dispatcher will assign the call a high priority and should assign at least two troopers to the call. If only one trooper is available, all reasonable attempts should be made to obtain a second trooper or allied agency officer to assist.
- 2. Information to be Obtained:** The dispatcher receiving a domestic abuse call should attempt to elicit from the caller and should communicate to the responding troopers as much of the following information as possible:
 - the nature of the incident,
 - the location of the incident,
 - the telephone numbers where the caller can be reached,
 - whether weapons are involved or present,
 - whether someone is injured and the nature of the injury,
 - information about the suspect including whether the suspect is present, description, direction of flight, mode of travel, etc.,
 - the relationship between the caller and the suspect,
 - whether there are prior calls involving these individuals,
 - whether there is an order for protection, harassment restraining order (HRO) or criminal pre-trial or probationary no contact order (NCO),
 - whether children are present at the scene, and
 - whether there are non-English speaking people, or people with mobility impairments or hearing impairments at the scene.

Dispatchers should keep troopers informed regarding the incident as they are responding.

B. RESPONDING TO THE CALLS

1. **Driving to the Scene:** Troopers should respond directly/without unreasonable delay to the scene.
2. **Initial Contact with Occupants:** Upon arriving at the scene of a domestic call, troopers should identify themselves and explain their presence. Troopers should ask to speak with the person who is the alleged victim. If the reporting caller is someone other than the victim, troopers should not reveal the caller's name.
3. **First Aid:** After securing the scene, troopers shall provide the necessary first aid.
4. **Primary Aggressor and Dual Arrests:** Dual arrests are discouraged. Where there are allegations that each party assaulted the other, a trooper shall determine whether there is sufficient evidence to conclude that one of the parties is the primary aggressor based on the following criteria:
 - comparative extent of any injuries inflicted,
 - fear of physical injury because of past or present threats,
 - actions taken in self-defense or to protect oneself,
 - history of domestic abuse perpetrated by one party against the other, or the existence or previous existence of an order for protection.
5. **Victim Request not to Prosecute:** If the trooper finds probable cause to believe a domestic abuse offense has been committed and intends to arrest but the victim requests no arrest or prosecution, the trooper should inform the victim that the decision to arrest is the trooper's and the decision to prosecute lies with the prosecutor.
6. **Probable Cause Felony Arrests for Other Crimes:** At a domestic call, troopers shall consider whether other felonies have been committed including but not limited to, burglary, felony assault, terroristic threats, kidnapping, false imprisonment, and witness tampering.

C. AUTHORITY AND TYPES OF ARREST

Troopers shall make arrests when appropriate and/or required by law. After arrests are made, troopers shall comply with Minn. Stat. sec. 299D.03, subd. 1(b)(12) and consult with the local police department and/or county sheriff's office in an effort to refer the case over to them for further investigation or disposition as soon as reasonably possible. If another agency is unavailable or unable to take the case, troopers should process the case in consultation with district supervision.

1. **Warrantless Probable Cause Arrest for Fifth Degree Assault or Domestic Assault:** Although the general rule is that peace officers may not make probable cause arrests for misdemeanors unless the offense occurs in their presence (or a citizen who saw the crime requests an arrest), domestic assault is an exception. A peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person has, within the preceding 72 hours, assaulted, threatened with a dangerous weapon, or placed in fear of immediate bodily harm any person who is "family or household member," even if the assault did not take place in the presence of the peace officer (Minn. Stat. sec. 629.341). A peace officer acting in good faith and exercising due care in making an arrest pursuant to this statute is immune from civil liability that might result from the officer's action. **NOTE:** An officer may not issue a citation in lieu of arrest and detention to an individual charged with assaulting the individual's spouse or other individual with whom the charged person resides (Minn. Stat. sec. 629.72).

2. **Level of Arrest for 5th Degree Assault and Domestic Assault: Misdemeanor, Gross Misdemeanor and Felony:** Assault in the Fifth Degree and Domestic Assault are misdemeanor offenses. However, there is potential for arrests at the gross misdemeanor and felony levels.

- a. **Gross Misdemeanors:** Minn. Stat. sec. 609.224, subd. 2(a), Assault in the Fifth Degree, provides for an enhancement to a gross misdemeanor when it is committed against the same victim within ten

years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. If a person commits 5th Degree Assault against any victim within three years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency, enhancement to a gross misdemeanor shall occur.

Minn. Stat. [609.2242](#), Domestic Assault, provides for enhancement to a gross misdemeanor when the person violates this provision within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency against a family or household member.

b. Felonies: If a person commits Assault in the 5th Degree against the same victim within 10 years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency, it is a felony. The same enhancement applies to Assault 5 against any victim occurring within three years of the first of two or more of these convictions/adjudications. Domestic Assault (against a family or household member) is also enhanceable to a felony under the same circumstances except that the prior convictions may be against any family or household member. Pursuant to Minn. Stat. sec. [609.2247, subd. 2](#), assaulting a family or household member by strangulation is a felony.

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

a. Order for Protection (OFP): A peace officer shall arrest and take into custody without a warrant a person who the peace officer has probable cause to believe has violated the restraint or exclusion section of an order for protection granted pursuant to Minn. Stat. sec. 518B.01, subs. 6, 7, and 8. Such an arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, if the officer can verify the existence of the order.

NOTE: There are three key points related to the Order for Protection: (1) the law requires an arrest regardless of whether or not the excluded party was invited back to the residence, (2) there is no hour limitation for a warrantless arrest, and (3) if there is evidence that an individual has violated another provision of an Order for Protection, other than the restraint or exclusion clauses, a police report should be submitted to the prosecutor indicating specifically how the order was violated.

* A violation of an Order for Protection is a misdemeanor but is enhanceable to a gross misdemeanor if the offense occurs within 10 years of a previous qualified domestic violence-related conviction or adjudication of delinquency. It can be a felony if it occurs within 10 years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency OR while possessing a dangerous weapon as defined in Minn. Stat. sec. [609.02, subd. 6](#).

* Troopers shall use all resources available to determine whether there is an existing OFP between or involving the parties.

b. Harassment Restraining Order: A peace officer shall arrest and take into custody a person who the peace officer has probable cause to believe has violated a harassment restraining order pursuant to Minn. Stat. sec. [609.748](#), subs. 4 and 5, if the officer can verify the existence of the order. **NOTE:** A person who violates a harassment restraining order is guilty of a misdemeanor if the violator knows of the order. This offense is enhanceable to a gross misdemeanor if it occurs within 10 years of a previous qualified domestic violence-related offense conviction or adjudication

of delinquency. It is enhanceable to a felony if the suspect violates the order: a) within 10 years of the first of two or more previous qualified domestic-related offense convictions or adjudications of delinquency; b) because of the victim's race, color, religion, sex, sexual orientation, disability, age or national origin; c) by falsely impersonating another; d) while possessing a dangerous weapon; e) with an intent to influence/tamper with a juror or judicial proceeding or with intent to retaliate against a judicial officer, prosecutor, defense attorney or officer of the court because of that person's performance of official duties in connection with a judicial proceeding; OR f) against a victim under the age of 18, if the respondent is more than 36 months older.

c. No Contact Order: A trooper may arrest without a warrant any person who s/he has probable cause to believe has violated the provisions of a no contact or restraining order issued by a court. Minn. Stat. sec. 629.34, subd. 1(6).

DI. ASSISTANCE, STAYING AT THE SCENE, CRIME VICTIM RIGHTS, AND SERVICES FOR DOMESTIC CALLS NOT REFERRED TO ALLIED AGENCIES

1. Staying at the Scene: If no arrest is made, troopers should remain at the scene of the disturbance until they believe that the likelihood of further imminent abuse has been eliminated. If a domestic abuse intervention program is available the peace officer should make contact for immediate intervention. **NOTE:** Minn. Stat. sec. 629.342 provides that when a peace officer does not make an arrest, the peace officer must provide immediate assistance to the victim including obtaining necessary medical treatment and providing the notice of rights (as outlined in No. 3 below).

2. Notice of Crime Victim's Rights: Pursuant to Minn. Stat. sec. 629.341, subd. 3, troopers shall give the victim of a domestic incident a copy of the crime victim notification form and provide any additional information consistent with General Order 10-052, Section IV(D).

3. Services: The trooper should contact a local domestic abuse program by phone as soon as possible in all arrest situations and provide the name and address of the victim and a brief factual account of events associated with the action unless prohibited by Minn. Stat. sec. 13.82, subd. 10. The trooper shall also submit the victim data form prescribed by the Commissioner of Corrections (Minn. Stat. sec. 611.36, subd. 2.)

DI. CHILDREN

If a child is present at the scene of a domestic disturbance or is the victim of domestic abuse, the trooper should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, and comply with the requirements of Minn. Stat. sec. [626.556](#), Reporting of Maltreatment of a Minor. Troopers shall also attempt to verify whether there has been an Order for Protection (Minn. Stat. sec. [260C.201](#)). If the child has been injured, the trooper should escort the child to the nearest hospital for treatment.

DII. REPORTS AND FORMS

Troopers shall make a written report after responding to a domestic call. If an arrest was made, the trooper shall then refer the report/matter to either local law enforcement or the appropriate prosecutor for a thorough investigation of defendant's criminal record and whether there are previous convictions or any enhanced criminal sanctions available. If there was no arrest, the trooper shall provide a written detailed explanation of the reasons for the decision not to arrest and turn it over to the appropriate prosecutor. The report should include the following:

- detailed statements from the victim, suspect and witnesses;
- description of injuries;
- information about past abuse;
- description of the scene;
- primary aggressor;

- existence of language barriers;
- presence of elderly victims or those with disabilities; and
- documentation of evidence.

Approved:

SIGNED 12/4/2015

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

GENERAL ORDER



Effective:	September 3, 2019	Number:	19-80-007
Subject:	SEXUAL ASSAULT INVESTIGATIONS		
Reference:	Minn. Stat. secs. 13.82, subd. 17(b); 299D.03; 518B.01, subd.2b; 595.02, subd. 1; 609.341; 609.342-609.3451; GOs 80-006 and 20-014		
Special Instructions:	Distribution: G		

I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. Although the Minnesota State Patrol (MSP) does not have the statutory authority to conduct investigations into allegations of sexual assault, its members may still initially respond to reports or assist other agencies in such cases. In doing so, MSP will strive to:

- afford maximum protection and support to victims of sexual assault or abuse through coordination with local law enforcement authorities, with an emphasis on a victim centered approach;
- reaffirm peace officers' responsibility to conduct thorough investigations and to make arrest decisions in accordance with established probable cause standards;
- increase the opportunity for prosecution and victim services.

II. POLICY

- A. Although MSP has limited jurisdiction to investigate these cases, it is the policy of MSP to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its members understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.
- B. All employees should take a professional, victim-centered approach to sexual assaults and cooperate and coordinate with the lead law enforcement agencies to ensure that these crimes are thoroughly investigated and prosecuted in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.
- C. All members will utilize this policy in response to sexual assault events discovered by or reported to this agency. MSP will aggressively respond without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

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

- A. Sexual Assault: A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- B. Family and Household Member: As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:
 - (1) spouses or former spouses;
 - (2) parents and children;
 - (3) persons related by blood;
 - (4) persons who are presently residing together or who have resided together in the past;
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
 - (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

- (7) persons involved in a significant romantic or sexual relationship
- C. Victim Advocate: A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- D. Victim Centered: A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

IV. PROCEDURES

- A. Initial Response
 - 1. Minn. Stat. sec. 609.3459 allows a sexual assault victim to contact *any* law enforcement agency to initiate an investigation, regardless of where the crime occurred. The agency must then prepare a summary of the allegations and provide a copy to the alleged victim. The agency also must either begin an investigation into the facts or refer the matter to the agency with jurisdiction for an investigation into the facts.
 - 2. Given the limited jurisdiction of MSP under Minn. Stat. sec. 299D.03, MSP members shall determine the jurisdiction of any alleged sexual assault and refer the investigation, with a summary of the allegations, to the appropriate authorities as soon as possible. Members shall also confirm that the agency with jurisdiction has received the referral.
 - 3. Evidence Preservation
 - Radio personnel and/or troopers should inform the alleged victim of ways to ensure critical evidence is not lost after an assault, and include the following:
 - a. Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
 - b. Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
 - c. Ask the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
 - d. Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.
 - 4. Additional Initial Response Considerations
 - a. Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.
 - b. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Work with local authorities to provide the victim with contact information for the local victim advocate. Upon victim request, a member can offer to contact local victim advocate on behalf of the victim.
 - c. Ask about and document signs and symptoms of injury, to include strangulation.
 - d. Ensure that the victim knows he/she can go to a designated facility for a forensic medical exam and offer to arrange for transportation for the victim if need be.
 - e. Secure the crime scene if possible and any suspected evidence at the scene, including evidence of drug and alcohol use that may have been used to facilitate the sexual assault.
 - f. Identify and attempt to interview any witnesses who are present or otherwise immediately available. The investigating agency with jurisdiction should conduct any in-depth interview with the victim.
 - g. If the suspect is present, photograph/document any injuries and preserve clothing worn with consideration of any evidence that might still be collected.
 - h. Members responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in MSP's domestic abuse policy (GO

80-006), in addition to the guidelines in this policy.

- i. For sexual assaults involving strangers, members should assist with immediate investigative efforts regarding the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator.

B. Protecting Victim Rights

1. Members should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b).
2. Members should provide to the victim the ICR number and contact information for the reporting member and/or the member handling any follow up.
3. Language access: All members shall follow MSP policy (GO 20-014) regarding limited English proficiency.

C. Interviews/Medical Exams

Although members should take opportunities and diligently work to gather information upon initial response to any allegation of sexual assault, the investigating agency with jurisdiction and specialized training shall conduct the in-depth interviews of any alleged victim/suspect/witnesses and arrange for any forensic medical exams.

V. REPORTING REQUIREMENTS

All members who respond to an allegation of sexual assault shall complete a Field Report in TraCS.

Approved:

SIGNED 9/3/2019

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