



Minneapolis Police Department Policy and Procedure Manual

Number:
8-100

Volume Eight - Juveniles – Policies and Procedures

Juvenile Administrative Procedures and Search and Seizure

8-106 Juvenile Search and Seizure (10/07/08) (07/01/11) (10/10/22) (xx/xx/23)

A. DNA Collection from Juveniles

1. Secure search warrant

- a. Search warrants shall be secured for DNA collection from the person of juvenile suspects or arrestees, whenever feasible.
- b. The officer who executes a search warrant for DNA collection from the person of a juvenile suspect or arrestee shall ensure a reasonable attempt is made to notify the parent or legal guardian immediately after executing of the warrant.
 - i. The notification may be made by telephone, in person, or by going to the juvenile's home.
- c. Consent for a DNA collection shall only be sought for suspects in exigent circumstances.

2. Consent for DNA collection

Consent for DNA collection from the person of any juvenile suspect or arrestee, shall adhere to the following requirements.

a. Adult consent required

- i. A juvenile suspect or arrested person cannot waive their rights and consent to a DNA collection from their person without first being allowed to engage in a meaningful consultation with an attorney or an informed parent or guardian.
- ii. Any collection of DNA from the person of a juvenile suspect or arrested person via consent shall require consent from both the juvenile and the adult.

b. No subterfuge

Collecting or directing the collection of DNA from juveniles through subterfuge is prohibited. This includes offering a juvenile a beverage to collect the juvenile's DNA from the beverage container, even if only in part.

c. Documenting consent

- i. Consent from both parties shall be recorded on body worn camera, when applicable (in accordance with P&P 4-223). If body worn camera recording is not applicable, the consent shall be audio recorded.
- ii. Consent from both parties shall be documented in the Police Report.

B. Search of a Premises with Parental Permission

1. A parent/legal guardian may give consent to the search of a room and personal belongings of a minor child living in the home.
2. If the child has an expectation of privacy (because the child is an adult, is paying rent, or for another reason), the parent may not be able to consent to a search of the child's room.

C. Juveniles on Direct Supervised Probation

1. Juveniles on direct supervised probation have a signed agreement in accordance with terms of their probation authorizing their probation officer(s) to perform a warrantless search of the juvenile's person and the area under the juvenile's immediate control at any time.
2. Being in the presence of a Juvenile Probation officer does not provide the same authority to an MPD officer.
3. MPD officers shall not use probation officers as their agent to perform warrantless searches.

D. Searches of School Lockers

1. Lockers may be inspected or searched by school authorities without a search warrant. School authorities may request to have a law enforcement officer present during the search.
2. If a police officer believes it is necessary to search a locker, authorization from the school principal or a warrant signed by a judge shall be obtained.

E. Strip Searches of Juveniles

The strip search of any juvenile shall be done in accordance with P&P 9-201 Search and Seizure.

F. Taking Custody of a Juvenile not Under Arrest

1. Curfew and truancy violations

Curfew and truancy violations shall be handled in accordance with P&P 8-200.

2. Statutory limits on taking custody

MN Statute section 260C.175 Subd. 1 states: “No child may be taken into immediate custody except:

(1) with an order issued by the court in accordance with the provisions of section 260C.151, subdivision 6, or Laws 1997, chapter 239, article 10, section 10, paragraph (a), clause (3), or 12, paragraph (a), clause (3), or by a warrant issued in accordance with the provisions of section 260C.154;

(2) by a peace officer:

(i) when a child has run away from a parent, guardian, or custodian, or when the peace officer reasonably believes the child has run away from a parent, guardian, or custodian, but only for the purpose of transporting the child home, to the home of a relative, or to another safe place, which may include a shelter care facility; or

(ii) when a child is found in surroundings or conditions which endanger the child's health or welfare or which such peace officer reasonably believes will endanger the child's health or welfare. If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, the taking of the child into custody under this clause shall be consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1922;

(3) by a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision; or

(4) by a peace officer or probation officer under section 260C.143, subdivision 1 or 4.”

Note: there are no exceptions for these limits.

3. Protective pat-down searches

When taking custody of a juvenile (child) for a curfew or truancy violation or for one of the other reasons specified in MN Statute section 260C.175 Subd. 1, the following provisions apply (MN Statute section 260C.175 Subd. 3):

a. “Officers may perform a protective pat-down search of the child in order to protect the officer's safety.

- b. A peace officer also may perform a protective pat-down search of a child in order to protect the officer's safety in circumstances where the officer does not intend to take the child into custody, if this section authorizes the officer to take the child into custody.
- c. Evidence discovered in the course of a lawful search under this section is admissible.”

G. Handcuffing, Searching and Transportation of Juveniles in Other Cases

In situations not described in this policy, juveniles shall be handcuffed, searched and transported under the same rules and procedures as adults.

DRAFT