



Minneapolis Police Department Policy and Procedure Manual

Number:
9-200

Volume Nine – Enforcement Policies

Search and Seizure

9-201 Stops, Contacts and Weapons Pat-Downs

(xx/xx/23)

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I. Purpose

The purpose of this section is to provide employees with legal guidance in order to conduct lawful contacts and detentions.

II. Definitions

Boilerplate Language: Words or phrases that are standardized, “canned” or patterned and that do not describe a specific event, situation or set of circumstances (e.g., “furtive movement” or “fighting stance”). The use of boilerplate language alone is restricted or prohibited, as described in policy.

Legal Standards:

Reasonable Suspicion: An objective legal standard that is less than Probable Cause but more than a hunch or general suspicion.

1. Reasonable Suspicion, which must be articulable, depends on all of the circumstances which the employee observes and the reasonable assumptions that are drawn based on the employee's training and experience.
2. Reasonable Suspicion can result from a combination of particular facts, which may appear harmless in and of themselves, but taken together amount to Reasonable Suspicion.
 - a. Reasonable Suspicion should be founded on specific and objective facts or observations about how a person behaves, what the person is seen or heard doing, and the circumstances or situation in regard to the person, as either witnessed or known by the employee.
 - b. Accordingly, Reasonable Suspicion must be described with reference to facts or observations about a particular person's actions or the particular circumstances that an employee encounters.
 - c. In accordance with P&P 5-104, the physical characteristics of a person are never, by themselves, sufficient. Instead, employees may take into account the reported

descriptors in P&P 5-104 of a specific suspect or suspects using credible, reliable, recent, locally-based information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals, and when the description also includes other appropriate non-demographic identifying factors (such as clothing or an associated vehicle).

Probable Cause: Where facts and circumstances taken as a whole, known to the employee at the time of the arrest, would lead a reasonable employee to believe that a particular person has committed or is committing a crime. As with Reasonable Suspicion, Probable Cause is based upon an objective assessment of the facts and circumstances presented to or known by the employee.

Types of Contacts:

Detention: If a reasonable person under the circumstances would believe they are not free to leave, a “detention” has occurred. This includes, Arrests, Investigative Stops and Vehicle Stops.

Arrest: The taking, seizing or detaining of a person by any act that indicates an intention to take the person into custody by an employee, and that subjects the person to the actual control and will of the employee making the arrest.

1. An arrest is effected when:
 - a. The arrestee is physically restrained
 - Or
 - b. When the arrestee is told of the arrest and submits.
2. In addition, a person is seized within the meaning of the Fourth Amendment when, “In view of all the circumstances surrounding the incident, a reasonable person would have believed that they were not free to leave.”
3. An arrest requires Probable Cause that a crime was committed or is being committed.

Investigative Stop: An Investigative Stop is the temporary involuntary detention and questioning of a person where the person was stopped based on Reasonable Suspicion that the person is committing, is about to commit, or has committed a crime, petty misdemeanor or traffic offense.

1. An Investigative Stop occurs whenever an employee uses words or takes actions to:
 - Make a person halt.
 - Keep a person in a certain place.
 - Compel a person to perform some act.

2. If a reasonable person under the circumstances would believe that they are not free to leave, a “stop” has occurred.

Pretext Stop: A term for stopping a person for an infraction to investigate other suspected or possible criminal activity for which the employee has neither Reasonable Suspicion nor Probable Cause.

Vehicle Stop: The involuntary detention of a vehicle and the driver or the occupants of the vehicle.

Vehicle Stop- Criminal Investigation: Stopping a vehicle based on Reasonable Suspicion that the driver or occupants are committing, are about to commit, or have committed a crime.

Vehicle Stop- Traffic Violation: Stopping a vehicle for a traffic violation for which the employee has Probable Cause to believe occurred.

Voluntary Contact: A consensual and non-investigative encounter between an employee and a person or people, with the intent of engaging in a casual or non-investigative conversation (e.g., chatting with a local business owner or resident). The person is free to leave or decline any request by the employee at any point.

Field Interview: A consensual, non-hostile Voluntary Contact during which an employee may ask questions or try to gain information about possible criminal activity without indicating or implying that a person is not free to leave or is obligated to answer the employee’s questions.

Weapons Pat-Down: Also known as a “frisk” or “Terry Frisk,” a Weapons Pat-Down is a brief, non-probing running of the hands over the outside of a person's clothing, feeling for a weapon with an open palm.

1. A Weapons Pat-Down is authorized when the employee has Reasonable Suspicion that the person is armed and presently dangerous, and the pat-down is designed to ensure the safety of employees and others while an employee is conducting an investigation.
2. This can include situations in which the employee reasonably suspects that the person has committed, is committing, or is about to commit a violent crime or when the employee observes something on the person that they reasonably suspect is a weapon.
3. A Weapons Pat-Down may not be conducted to discover evidence or the proceeds or instrumentalities of a crime. An employee cannot "pat-down" a bag or item of personal property unless the employee has Reasonable Suspicion that the person is armed and the bag or item could contain a weapon and is within the person's reach.

Search: Sometimes called a “full search,” a Search is an inspection, examination or viewing of people, places, or items in which a person has a legitimate expectation of privacy.

1. A Search need not be visual; it may include grasping, prying into or manipulating persons or objects (e.g., reaching into a purse or pocket, feeling inside of the trunk of a car; physical manipulation of a duffel bag, etc.).
2. In some circumstances, a dog sniff may constitute a Search as well (see P&P 7-807 Authorized Use of Canines).
3. Collecting someone's DNA from their person is a Search.
4. A Search may not involve a physical search: it could include searching of certain types of records or information.

III. Policy

A. Constitutional Stops

Minneapolis Police Department employees shall conduct stops only in accordance with all MPD policies and all the rights given to people under the United States Constitution and the Minnesota State Constitution.

B. Distinct and Separate Actions

1. Voluntary Contacts, Field Interviews, Investigative Stops, Vehicle Stops, Weapons Pat-Downs, Searches, and Arrests are distinct and separate actions, and each is governed by different legal and policy standards depending on the action.
2. Investigative Stops and Voluntary Contacts between the police and the community **do not** automatically justify a Weapons Pat-Down or a Search.
3. The nature of an interaction may change due to the employee's actions during the interaction.

C. Non-Discriminatory Policing

In accordance with P&P 5-104, employees are prohibited from considering any of the classes or descriptors in P&P 5-104 as a factor when establishing Reasonable Suspicion or Probable Cause, except that:

1. Employees may take into account the reported descriptors in P&P 5-104 of a specific suspect or suspects using credible, reliable, recent, locally-based information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals, and when the description also includes other appropriate non-demographic identifying factors (such as clothing or an associated vehicle).

D. Procedural Justice and Professional Policing

1. Employees shall use procedural justice principles during contacts and while effectuating Searches, by treating all people with dignity and giving them voice and respect, being

neutral in their decision making, and working to build trust. Employees shall apply the “LEED” model: Listen, Explain, Equity and Dignity.

2. Employees shall practice professional policing, in accordance with P&P 5-104.
3. Such conduct has the potential for building community trust and confidence in the police, and increasing the community’s willingness to cooperate with police to advance shared public safety goals.

E. Knowledge of Policy

As with other policies, MPD employees shall be responsible for understanding and performing assigned duties in accordance with the MPD’s Search and Seizure policies (P&P 9-200).

IV. Procedures/Regulations

A. Voluntary Contacts

1. Professional manner

Voluntary Contacts, like all other community contacts, shall be conducted in a friendly, professional manner.

2. Documentation and BWC not required

Voluntary Contacts do not require any written documentation or Body-Worn Camera (BWC) recording.

3. Conversion to Field Interview

If the employee seeks information about a suspected crime, the Voluntary Contact becomes a Field Interview.

B. Field Interviews

Although these contacts do not rise to the level of a stop or arrest, community members may interpret them as inherently coercive because they are conducted by law enforcement.

1. Legitimate purposes
 - a. An employee may initiate Field Interviews for legitimate law enforcement purposes.
 - b. Employees shall not take action intended to create Reasonable Suspicion without previous particularized facts to justify action (such as “jump outs”).
 - c. Employees shall not target treatment facilities and prior arrestees for drug possession, based solely on knowledge of drug addiction.

2. Person is free to leave

- a. The person is free to end the Field Interview at any time and refuse to answer the employee's questions.
 - i. Employees shall inform the person that they do not have to respond to questions and are free to leave.
 - ii. Employees shall reply in the affirmative if asked by the person whether they are free to leave or may decline to answer questions.
 - iii. Employees shall use words, tone, and actions that would inform a reasonable person encounter and responses are voluntary, such as using a non-coercive tone of voice, asking questions, and refraining from giving orders.
 - iv. If a person refuses to answer questions during a Field Interview, they must be permitted to leave.
- b. A person's failure to stop, refusal to answer questions, decision to end the encounter, or decision to walk or run away, cannot be used as the basis for establishing Reasonable Suspicion, or to extend the encounter or further intrude on the person through an Investigative Stop, Weapons Pat-Down, Search, or Arrest of the person.
- c. Because a person is free to end the Field Interview at any time and to refuse to answer the employee's questions, employees shall not engage in conduct that would lead a reasonable person to believe they must comply, provide identification, or respond.
 - i. Field Interviews shall not be conducted in a hostile or aggressive manner, or as a means of harassing any person or attempting to coerce a person to do anything (e.g., leave the area, etc.).
 - ii. Employees shall refrain from using words or actions that tend to communicate that the person is not free to leave or that they must answer questions (e.g., blocking path of person's vehicle, placing hands on shoulder, holding a person's property).

3. Introduce employee

Before asking any questions, employees shall introduce themselves by name and rank unless exigent circumstances require gathering information immediately.

4. Explain the purpose

As soon as possible, after the employee has introduced themselves and informed the person that they are free to leave, the employee shall explain the purpose of the encounter.

5. Identification of the person

- a. If asking a person to identify themselves, employees shall inform the person that providing identification is voluntary.
- b. People are not required to carry any means of identification, nor are persons required to identify themselves or account for their presence in a public place.

6. BWC required

In accordance with P&P 4-223, BWC activation is required for Field Interviews.

7. Initiate a call for service

In accordance with P&P 7-103, a call for service shall be initiated for a Field Interview.

8. Duration

The duration of the Field Interview should be as brief as possible. The success or failure of a meaningful Field Interview rests on the employee's ability to put the person at ease and establish a rapport.

C. Investigative Stops

1. Reasonable Suspicion required

Reasonable Suspicion is required for all Investigative Stops. The following subcategories are factors in establishing Reasonable Suspicion:

a. Articulate facts

- i. The employee must possess specific and articulable facts which, combined with rational assumptions from these facts, reasonably warrant a belief that the person is committing, is about to commit, or has committed a crime, petty misdemeanor or traffic offense.
- ii. One factor alone is typically not sufficient to establish Reasonable Suspicion and circumstances will vary in each case.
- iii. An anonymous tip must be sufficiently detailed, and all facts and circumstances must indicate the tip's reliability to give rise to Reasonable Suspicion.
 - aa. The mere allegation that a person is carrying a gun is not sufficient.
 - ab. Neither is a very general description based on race and clothing.

b. Location

Employees shall not make an Investigative Stop based **solely** on a person's presence in a location known for criminal activity.

- i. In order to be used as a fact that helps to establish Reasonable Suspicion, a location known for a certain type of criminal activity must be a specific location (e.g., an address, a specific business location, a specific corner, a specific block or blocks, a park, etc.) and must not be a general location (e.g., a district, or an entire neighborhood for a crime that is location-specific (for example, CDS distribution)).
- ii. Employees shall avoid broad, boilerplate phrases such as “high crime area” when articulating Reasonable Suspicion.
- iii. An employee may use the fact that a location is known for a particular type of criminal activity as one fact **among multiple facts** that, in combination, establish Reasonable Suspicion. To conclude that the type of criminal activity in a specific location contributes to establishing Reasonable Suspicion, the employee should be able to articulate how the nature of the criminal activity in that location, its frequency, and its recency are relevant to the suspected crime.
 - For example, the fact that drug dealing is known to occur on a specific corner at a particular time of day within the past two weeks could be one fact that, when considered together with other facts, establishes Reasonable Suspicion that two people exchanging money on that corner at that time of day are engaged in a drug transaction.
 - By contrast, the fact that there has been a recent rash of nighttime, forced rear window burglaries in a particular area does not help to establish Reasonable Suspicion that a person flagging down cars in that area during the daytime is a burglar.

c. Proximity to crime scene

Employees shall not make an Investigative Stop based **solely** on a person's proximity to the scene of a reported or suspected crime.

- i. Employees may use a person's proximity to the scene of a specific reported or suspected crime as a fact in formulating Reasonable Suspicion that the person committed that specific crime, but must explain how close the person was to the scene and why it was reasonable to believe the person was involved in the reported or suspected crime based on their proximity to the scene. Facts to consider include: how long ago the crime was committed and whether a person could have travelled that distance in that time, whether the employee observes the person taking actions that are consistent with someone who just committed that crime, whether the person matches any witness's descriptions or observations of the incident, etc.

- ii. This does not prohibit an employee from “freezing” a crime scene in accordance with P&P 10-100.

- d. Presence in company of others

Employees shall not make an Investigative Stop based solely on the person’s presence in the company of others suspected of criminal activity. The employee must have additional reasonable articulable facts that the person is engaged, has been engaged, or is about to be engaged in criminal activity.

- e. Response to police presence

- i. Employees shall not make an Investigative Stop based **solely** on a person’s response to the presence of police, including a person’s attempt to avoid contact with an employee (e.g., walking away, declining to talk, running away, or crossing the street to avoid contact). People may avoid contact with police for many reasons other than involvement in criminal activity.

- ii. Employees shall not intentionally provoke or attempt to provoke flight to justify an Investigate Stop or a Foot Pursuit.

- For example, an employee may not drive at a high rate of speed toward a group congregated on a corner, aggressively brake, and exit quickly with the intention of stopping anyone in the group who flees.

- f. False information

Employees shall not rely on information known at the time of reliance to be materially false or incorrect in establishing Reasonable Suspicion or Probable Cause.

2. BWC required

- a. In accordance with P&P 4-223, BWC activation is required for Investigative Stops.
- b. If activation was not already required, BWCs shall be activated as soon as the employee observes activity on which they base their Reasonable Suspicion.
- c. When feasible, employees shall state the basis for the stop on their BWC upon initiating a stop.

3. Notify dispatch

Employees shall notify MECC, including the location of the stop, the number of persons being stopped and whether additional units are needed, and when safe to do so, a brief basis for the stop.

4. Backup

Employees shall determine whether the circumstances warrant a request for backup assistance and whether the Investigative Stop can and should be delayed until such backup arrives.

5. Length of detention

- a. An investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the detention.
- b. The investigative detention shall not involve delay unnecessary to the legitimate investigation of the employees.
- c. An investigative detention may turn into an arrest if it lasts for an unreasonably long time.

6. Scope of stop

The scope of the stop must be tied to the basis for it.

a. Limit to relevant questions

Employees shall limit questions to those relevant and necessary to resolve the employee's suspicions.

b. Conversion to arrest

Actions that would indicate to a reasonable person that they are being arrested or indefinitely detained may convert an Investigative Stop into an arrest, which would require Probable Cause or an arrest warrant.

These actions may include displays of weapons, handcuffing the person, other shows of force or uses of force, etc.

c. Further actions

Unless justified by the Reasonable Suspicion for the original stop, employees must have additional articulable justification or for some actions, Probable Cause, for further limiting a person's freedom during an Investigative Stop by doing any of the following:

- i. Taking a person's identification or driver's license away from the immediate vicinity.
- ii. Ordering a driver or occupant motorist to exit a vehicle.

- iii. Directing a person to stand (or remain standing), or to sit any place not of their choosing.
 - iv. Directing a person to lie or sit on the ground.
 - v. Applying handcuffs.
 - vi. Transporting a person any distance away from the scene of the initial stop (including for the purpose of witness identification).
 - vii. Placing a person into a police vehicle.
 - viii. Pointing a firearm.
 - ix. Performing a Weapons Pat-Down.
 - x. Any use of force.
7. Introduce employee
- a. Before asking any questions, employees shall introduce themselves by name and rank unless exigent circumstances require gathering information immediately.
 - b. Upon request, employees conducting a stop shall provide their business card or similarly accessible identification, which must include their first name, last name and badge number, to any member of the public.

8. Inform person of stop

Employees shall inform the person stopped that they are **not** free to leave, and shall explain the reason for the stop if safe and practicable to do so.

9. Transport

- a. Employees shall not transport a person who is the subject of an Investigative Stop to another location (including a precinct) for fingerprinting, questioning, or other investigatory purpose, unless:
 - i. The employee has probable cause to make an arrest of the person.
 - ii. The person requests to speak with employees in a different location and is transported for questioning.
 - iii. For the safety of the employee or the person who was stopped for questioning.
- b. If a person will be transported, employees shall transport the person no farther than necessary, to minimize the duration and intrusiveness of the stop.

- c. Where a transport is requested or necessary, employees shall notify a supervisor of the request or the intent to transport.
- d. Where a transport is requested or necessary, employees shall document the transport in the Police Report and via body worn camera.

10. Release of the person

- a. No continuing justification

Employees shall immediately release a person from an Investigative Stop if the employee no longer has Reasonable Suspicion that the person is committing, is about to commit, or has committed a crime, and the employee has not developed Probable Cause to arrest within a reasonable time.

This may occur when, upon stopping the person, the employee learns that the person is not a specific suspect being sought or that the person's actions or behaviors are justified and do not indicate a violation of law.

- b. Explain reasons

If releasing a person from an Investigative Stop, the employee shall explain the reason for the Investigative Stop and the reason for the release.

- c. Provide record of the stop

When employees complete completed an Investigatory Stop that does not result in a citation or arrest, the employee shall provide a card to the individual or individuals involved in the interaction with the employee's first and last name, and the case control number that corresponds to the police interaction and corresponds to the underlying documentation that may exist.

- d. Transport back to initial location

If the person was taken to another location, provide return transportation to the scene of the initial stop. If the conditions at the original scene are dangerous for the employee or the person, the person should be returned as close as possible to the location.

11. Weapons Pat-Downs

- a. Justification

- i. For a Weapons Pat-Down, an employee must have specific and articulable facts, combined with rational assumptions from these facts, that the person is armed, and the pat-down must be designed to ensure the safety of the employee and others while the employee is conducting a legitimate investigation. Employees should consider the following factors:

- aa. The type of crime suspected, particularly when it is a crime of violence where the use or threat of deadly weapons is involved.
- ab. The hour of the day and the location where the stop takes place.
- ac. The number of employees present at the time of the stop.
- ad. Prior knowledge from dispatch or another source, that indicates the person may be armed and dangerous.
- ae. Visual indications that suggest the person is carrying a firearm or other deadly weapon, such as a bulge under the person's clothing, although employees shall be mindful that most people carry mobile phones, wallets, or other personal items in their pockets and a bulge could indicate such personal items.
- af. Whether the person is engaging in erratic, suspicious or nervous behavior.
- ag. Whether the person is acting in a threatening manner or refusing to cooperate, comply or follow instructions.
- ii. Employees are prohibited from automatically engaging in a Weapons Pat-Down during an Investigative Stop for "officer safety."
- iii. Weapons Pat-Downs shall not be used to conduct full Searches designed to produce evidence or other incriminating material. See the section below for more information on the Plain Feel exception.
- iv. Employees shall not request the consent of a person to conduct a Weapons Pat-Down.

b. Distinct actions

An Investigative Stop and a Weapons Pat-Down are two distinct actions, and both require independent Reasonable Suspicion (e.g., to stop a person there must be Reasonable Suspicion of criminal activity, but to stop a person and perform a Weapons Pat-Down there must be Reasonable Suspicion of criminal activity for the Investigative Stop and Reasonable Suspicion that the person is armed and presently dangerous for the Weapons Pat-Down).

c. Two employees

Whenever possible, Weapons Pat-Downs should be conducted by at least two employees, including one who performs the Weapons Pat-Down and another who provides protective cover.

d. Gender identity preference

- i. Absent exigent circumstances, when conducting a Weapons Pat-Down, employees shall honor the person's preference about the gender identity of the employee conducting the search.
- ii. In the absence of a stated preference, the gender identity of the employee conducting the search shall be consistent with the gender identity of the person being searched.

e. Outer clothing only

Employees are permitted only to pat the outer clothing of the person.

- i. Employees shall not place their hands in pockets or reach into an article of clothing unless the employee feels an object they reasonably believe is a weapon, such as a firearm, knife, club, or other item, that could be used to harm the employee or others.
- ii. The employee **may not** manipulate an object underneath clothing in an effort to determine the nature of the object.

f. Other objects being carried

Employees **shall not** open an object that a person is carrying, such as a handbag, suitcase, briefcase, sack, or other object that may conceal a weapon. Instead, the employee should place it out of the person's reach.

- i. The employee **may not** manipulate the exterior or Search the interior of the object the person is carrying.
- ii. If the employee reasonably suspects that harm may result if the unsearched object is returned to the person, the employee may briefly feel the exterior of the object in order to determine if the object contains a weapon or other dangerous item.

g. Suspected weapon felt

- i. If, during a Weapons Pat-Down, the employee feels an item which is the shape and size of a weapon that could be used to harm the employee or others, the employee may reach into or disturb the article of clothing and remove the item.
- ii. If the person stopped is arrested because a weapon was found, a Search Incident to Arrest may be conducted in accordance P&P 9-202.

h. Plain Feel

If, during a permissible Weapons Pat-Down, or during the process of removing a suspected weapon found during a permissible Weapons Pat-Down, the employee

discovers other items which are immediately apparent to be contraband or evidence of a crime, the employee may lawfully seize those items, and the items may be considered when establishing Probable Cause to make an Arrest or to conduct a Search of the person.

i. Release of the person

If the person stopped is to be released because no weapon was found, and there is no Probable Cause for an Arrest, the employee shall immediately release the person in accordance with the related sections under Investigative Stops.

12. Documenting the stop

a. No boilerplate language

- i. Employees shall not use boilerplate language alone when describing the basis for an Investigative Stop.
- ii. Employees shall use specific and descriptive language individualized to the person stopped and the circumstances of the stop to describe the basis of the contact. The amount of detail required depends on the complexity of the encounter.

b. Report required

Following an Investigative Stop, the employee shall complete a Police Report, and shall include the following information:

- i. A detailed description of the circumstances that led to the Investigative Stop, including the facts that established Reasonable Suspicion for the stop (prior to the stop being made).
- ii. Approximate duration of the stop.
- iii. A complete description of the person, including height, weight, hair color, eye color, skin tone, identifying features (e.g., tattoos, scars, etc.), clothing type and color, and any other notable features or descriptors relevant to Reasonable Suspicion.
- iv. The location of the stop, including the address or nearest intersection.
- v. The outcome of the stop, including whether a citation was issued, an Arrest was made, a warning was issued, or the person was released due to the lack of continuing Reasonable Suspicion.
- vi. Whether a Weapons Pat-Down was done, and if so, the facts establishing Reasonable Suspicion that the person was armed and that the pat-down was necessary, and whether the Pat-Down detected anything.

- vii. Whether a Search was conducted based on Probable Cause, and if so, the facts establishing Probable Cause for the Search.
 - viii. Whether a Search returned any unlawful weapons, narcotics, or other contraband, and the nature of the contraband.
 - ix. Whether the Investigative Stop began as a Voluntary Contact or Field Interview.
 - x. Whether the person was moved from the initial stop location, and if so, where they were taken to, and why they were moved from the stop location.
 - xi. If the employee receives information during the call or the facts that the employee observes indicate that a person has or is experiencing behavioral health disabilities.
- c. Clear form

Employees shall document the following information in the Clear Call Disposition/Comments screen of their MDC:

- i. The specific facts and circumstances that established the Reasonable Suspicion or Probable Cause basis for the stop.
- ii. The categorized cause of the stop (Reason).
- iii. The location of the stop.
- iv. The assumed race of the person prior to the stop being made, based on information known to or provided to the employee.
- v. The actual or perceived race of the person stopped.
- vi. The age of the person stopped.
- vii. The gender of the people stopped suspicious person.
- viii. Whether a Weapons Pat-Down or Search was done, and if so, the type and the facts establishing the required Reasonable Suspicion or Probable Cause.

D. Consent Searches Prohibited During Stops

In accordance with P&P 9-202, employees shall not conduct a Search based on consent during a pedestrian or vehicle stop. Employees may **only** conduct a Search during a pedestrian or vehicle stop if there is a basis for the Search other than consent.

E. Vehicle Stops

In addition to the other requirements for Investigative Stops, the following additional requirements specific to Stops involving vehicles apply:

1. Limitation regarding questioning passengers

While employees may professionally greet passengers in a vehicle, employees shall not question or require identification from passengers during a vehicle Stop for a traffic violation or violations unless:

- a. The employee has Reasonable Suspicion or Probable Cause regarding the passenger.
- b. The employee has a basis to believe that the passenger is being trafficked, experiencing domestic violence, is at risk from the driver or another person in the vehicle, or otherwise appears to require immediate medical assistance.
- c. The employee is ascertaining if the passenger is willing and able to drive the vehicle away to avoid impounding the vehicle.

2. Vehicle Stops limited for certain types

a. Prohibited offenses

Employees shall not initiate a traffic stop when the only offenses are those listed below unless it is a commercial vehicle:

- i. Failure to display registration tabs.
- ii. Driving with expired registration tabs.
- iii. Failure to illuminate license plate.
- iv. Rim or frame obscuring license plate, except for the plate letters and numbers.
- v. Driving with only one functioning and visible headlight, brake light, or taillight.
- vi. Driving with only one functional sideview mirror present.
- vii. Driving without a rearview mirror, with the rearview mirror obstructed, or with an item dangling from the rearview mirror.
- viii. Driving without working windshield wipers.
- ix. Failure to signal a lane change or a turn, unless the driver is operating a vehicle in an unsafe manner or creating an imminent safety hazard.
- x. Cracked windshield unless it substantially obscures the driver's view.

xi. Window tint does not comply with Minnesota law, unless it creates an imminent hazard to safety.

b. Mail a notice

Employees may mail a notice of repair issues to a vehicle owner when the only offenses are in the prohibited list.

c. Unsafe operation

Employees may lawfully stop or detain a driver for operating a vehicle in an unsafe manner or creating an imminent hazard to safety, even if they are engaged in one or more of the prohibited offenses.

i. The employee shall document on their body worn camera (BWC) and in the Police Report the unsafe operation or imminent safety hazard.

ii. Simply because a driver is engaging in one or more of the prohibited offenses does not necessarily mean that they are operating the vehicle in an unsafe manner or creating an imminent hazard to safety. The employee must determine if the driver is operating the vehicle unsafely or creating an imminent safety hazard based on the totality of the circumstances.

3. Issuing a Lights On! Coupon

All MPD employees conducting motor vehicle Stops for equipment violations shall issue a Lights On! Coupon in Lieu of traffic citations, when available and applicable. If a Coupon is issued, then the employee shall advise the driver or recipient of the location in which the repair can be made.

a. Applicable violations

Lights On! Coupons can be issued for the following equipment violations;

- Headlights.
- Turn signals.
- Rear lights.
- Rear license plate lights (subject to the conditions in section [c]).
- Parking lights.

b. Coupons not available

If Lights On! Coupons are not available, but the incident meets the Lights On! Criteria, the employee shall:

i. Advise the driver of the equipment violation,

- ii. Provide a Blue Card (P&P 4-608) to the driver, and
 - iii. Advise the driver to bring the Blue Card to the nearest precinct to get a Lights On! Coupon.
 - c. Inoperable license plate light
 - i. Employees may not initiate a traffic Stop for an inoperable license plate light to provide the driver with a Lights On! Coupon or a Blue Card.
 - ii. If a vehicle with an inoperable license plate light is stopped for an independent, permissible reason, employees shall issue a Lights On! Coupon for the inoperable license plate light or a Blue Card if the coupon is not available, in lieu of a traffic citation.
 - d. MDC Clear-Form

Employees shall complete the coupon section of the MDC Clear Form by selecting Yes, No or Not Available.
 - e. Coupon supply

Lights On! Coupons will be stocked at each precinct.

 - i. If no coupons are available, employees shall request more coupons through their chain of command.
 - ii. The Chief's office will coordinate delivery of additional coupons.
- 4. Other equipment violations
 - a. If the incident does not meet the criteria of the Lights On! Program, the employee shall advise the driver of any equipment violation, subject to the following exception:
 - i. The driver may be cited or charged by complaint in incidents where an equipment violation on a motor vehicle resulted in a motor vehicle crash or harm to another.
 - b. If the employee feels the equipment issue poses an unreasonable risk to public safety, the employee shall advise the driver to park the vehicle and get the issue resolved prior to driving the vehicle again. This does not permit employees to initiate a Stop for one of the prohibited offenses.
- 5. Non-equipment violations
 - a. This policy does not limit the ability of officers to arrest individuals who have committed a criminal offense or have any outstanding warrants.

- b. If the incident involves a non-equipment violation, the officer shall still advise the driver of the equipment violation and issue a Lights On! Coupon when applicable, in addition to any other actions taken during or in relation to the stop.

6. Initiating a traffic Stop

When making a traffic law enforcement (TLE) Stop, the initiating squad shall:

- a. Notify the dispatcher of the location of the stop and the license number of the vehicle being stopped and initiate a call for service in accordance with P&P 7-100 Communications.
- b. Request a back-up unit or roll-by assist from the dispatcher, if one is needed or desired.
 - It is no longer an MPD procedure to automatically start a roll-by or back-up to a TLE if the stop is made by a one officer (able) squad.

F. Supervisory Review of Stops

1. Supervisors shall review all Police Reports for Stops for completeness and adherence to MPD policy and law.
2. This review shall be completed within 72 hours of the Stop unless the review finds deficiencies and additional investigation, or corrective action is required.
3. The supervisor conducting the review shall document and report:
 - a. Stops that appear unsupported by Reasonable Suspicion, including circumstances where employees purport to justify the Stop based on information or evidence discovered after the stop was initiated, or that are otherwise in violation of MPD policy or law.
 - b. Stops or searches that, while comporting with law and policy, indicate a need for corrective action or review of agency policy, strategy, tactics, or training.
 - c. Arrests that are unsupported by Probable Cause, or are otherwise in violation of MPD policy.
 - d. “Boilerplate” or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indications that the reports or forms may contain information that was not accurate at the time it was reported.
 - e. Lack of clarity with respect to the specific role and involvement of each MPD employee, including specifying which employee saw or heard information or engaged with or observed a person engaging in a particular manner or completing a particular activity.

4. If necessary to properly assess one of the required elements, the supervisor or Lieutenant shall review relevant body worn camera (BWC) video.
5. If necessary based on the review, the supervisor or Lieutenant shall make a referral to Internal Affairs.

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