



Minneapolis Police Department Policy and Procedure Manual

Number:
5-100

Volume Five – Code of Conduct and Use of Force

Code of Conduct

5-102 Professional Conduct

(09/26/22) (01/30/23)

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(09/07/05) (05/23/07) (12/14/07) (03/25/08) (04/23/10) (11/15/13) (11/17/15) (01/05/16)
(07/28/16) (06/18/18) (06/16/20)

III. Procedures/Regulations

C. Impartiality (Principle Three)

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

1. Rationale

Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Employees must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, ethnicity, color, national origin, ancestry, immigration status, gender identity or expression, age, creed, religion, sexual orientation, marital status, parental status, disability (including pregnancy), genetic information, veteran's status, status with regard to public assistance, and any other protected class status under state, federal, and local laws.

2. Rules

- a. Employees shall provide every person in our society with professional, effective and efficient law enforcement services.
- a. Employees shall not allow their law enforcement or official decisions to be influenced by race, ethnicity, color, national origin, ancestry, immigration status, gender identity or expression, age, creed, religion, sexual orientation, marital status, parental status, disability (including pregnancy), genetic information, veteran's status, status with regard to public assistance, and any other protected class status under state, federal, and local laws (in accordance with P&P 5-104 Impartial and Professional Policing).
 - i. Employees shall not physically display material that may be considered discriminatory, derogatory, or biased regarding the characteristics described

above, in or on City property. Such materials include, but are not limited to, calendars, cartoons, and posters.

- ii. Employees shall not use any discriminatory, derogatory or biased terms regarding the characteristics described above.
- iii. Digital material is covered by P&P 5-107 and by the City’s Electronic Communications policy.



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Code of Conduct

5-104 Impartial and Professional Policing (06/27/01) (12/24/01) (12/01/08) (07/24/15) (11/17/15) (09/26/22)

I. Purpose

- A. The reality or public perception of racial profiling alienates people from police, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people law enforcement is sworn to protect and serve.
- B. This anti-racial profiling policy is established in accordance with MN Statute section 626.8471 Subd. 4 to govern the conduct of peace officers engaged in stops of citizens and other law enforcement actions.

II. Definitions

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

1. "Racial profiling" means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:
 - a. the behavior of that individual; or
 - b. information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.
1. Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search.
2. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

III. Policy

- A. It is the policy of the Minneapolis Police Department to reaffirm our commitment to impartial policing and to reinforce procedures that serve to assure the public we are providing service and enforcing laws in a fair and equitable manner to all.
- B. It is the policy of the Minneapolis Police Department that every aspect of our professional service must demonstrate our commitment to procedural justice, which means to treat others

with dignity, giving them voice and respect, being neutral in our decision-making and working to build trust.

C. Every employee of this department shall perform their duties in a fair and objective manner.

IV. Procedures/Regulations

A. Impartial Policing

1. Policing impartially, not racial profiling, is standard procedure for the MPD, meaning:

Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by peace officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution and Article 1, Section 10 of the MN Constitution, and peace officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches and property seizures.

2. Except as provided below, peace officers shall not consider race, ethnicity, color, national origin, ancestry, immigration status, gender identity or expression, age, creed, religion, sexual orientation, marital status, parental status, disability (including pregnancy), genetic information, veteran's status, status with regard to public assistance, and any other protected class status under state, federal, and local laws in establishing either reasonable suspicion or probable cause:

- a. Peace officers may take into account the reported descriptors above 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.
- b. This information may be used in the same way officers use specific information regarding age, height, weight, etc. about specific suspects.

B. Professional Policing

In an effort to prevent the perception of biased law enforcement peace officers shall use the following practices when contacting any citizen, regardless of the reason for the contact:

1. Be courteous, respectful, polite and professional.
2. Introduce or identify themselves to the citizen and explain the reason for the contact as soon as practical, unless providing this information will compromise the safety of officers or other persons.
3. Ensure that the length of any detention is no longer than necessary to take appropriate action for the known or suspected offense.

4. Attempt to answer any relevant questions that the citizen may have regarding the citizen/officer contact, including relevant referrals to other agencies when appropriate.
5. Provide their name and badge number when requested, preferably in writing or on a business card.
6. Explain and/or apologize if the officers determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop).
7. If asked, provide the procedures for filing a complaint about police services or conduct, in accordance with P&P 2-104.

C. Supervisor Responsibility

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

D. Duty to Report

Employees shall promptly report any suspected or known instances of bias-based policing to a supervisor (in accordance with P&P 2-101).

E. Duty to Intervene

Employees shall intervene, when reasonable to do so, to prevent any biased-based actions by another employee (P&P 2-102).

F. Report Violations to POST

1. Alleged violations of this policy shall be reported to POST in accordance with the reporting requirements in MN Statute section 626.8457.
2. Internal Affairs shall coordinate the required reporting to POST.



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Volume Seven – Field Operations

Persons With Disabilities and Limited English Proficiency

7-1001 Limited English Language Proficiency (LEP)

(02/08/96) (12/18/03) (12/05/08) (05/06/15)

(A-D)

I. Purpose

The purpose of this policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act, for Minneapolis Police Department (MPD) personnel to follow when providing services to, or interacting with individuals who have limited English proficiency.

The MPD recognizes the importance of effective and accurate communication between its employees and the community it serves. Language barriers can impede communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency from accessing and/or understanding important rights, obligations and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, alleged suspects and community members can present the MPD with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interest of both.

II. Policy

It is the policy of the Minneapolis Police Department to take reasonable steps to provide timely, meaningful access to LEP persons with the services and benefits the MPD provides in all MPD conducted programs or activities.

All MPD personnel shall offer language assistance services to individuals whom they encounter and believe to be LEP, or whenever an LEP person requests language assistance services.

All MPD personnel will inform the public they encounter that language assistance services are available free of charge when using contracted City vendors.

III. Definitions

Bilingual: Is the ability to use two (2) languages fluently.

Interpretation: Is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Language Identification Card: Language identification cards are used in face-to-face situations in order to determine which language a person speaks. The language identification card lists the languages most frequently encountered in Minneapolis. Language Identification Cards shall be readily accessible to MPD personnel in squad cars and in MPD areas accessible to the public.

Language Line: The City of Minneapolis Language Line provides phone interpretation services to residents who have questions about City services and functions. The Language Line should not be used for phone interpretation between police and LEP individuals.

Limited English Proficiency (LEP): Designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g. speaking or understanding), but still be LEP for other purposes (e.g. reading or writing). Similarly, LEP designations are context specific. An individual may possess sufficient English language skills to function in one setting, but may find these skills are insufficient in other situations.

Limited English Proficiency (LEP) Coordinator: The LEP Coordinator is an MPD employee who is responsible for coordinating all aspects of the LEP plan for the MPD to ensure meaningful access is available to LEP individuals and, to provide training and direction to MPD employees about when and how to access LEP services for an LEP individual.

Limited English Proficiency (LEP) Guide: The LEP Guide is a document for internal use only, that lists contracted City vendors who provide interpretation and translation services to the MPD. This document contains access codes and information that employees will need to give vendors for billing and can be found on MPD Net under “Manuals and Guides” or “Frequently Used”.

Primary Language: Means an individual’s native tongue or the language in which an individual most effectively communicates.

Translation: Is the replacement of written text from one language (source language) with written text from another language (target language) while retaining the same meaning.

IV. Procedure / Regulations

The language assistance services available to be used by MPD personnel include both in person and phone interpretation, translation, and American Sign Language.

A. Police Personnel in Need of Interpretation Services

1. Responding Police Personnel Responsibilities –

Police personnel in the field in need of interpretation services shall attempt to identify the LEP individual’s primary language by asking the LEP person what language they speak or by using the Language Identification Card. Once the language has been identified, police personnel shall contact a City vendor as outlined in this policy and the LEP Guide which is located on MPD Net under Manuals and Guides.

2. *Exigent Circumstances*

Exigent circumstances may require deviation from the general procedures outlined in this policy. In such situations, MPD personnel are to use the most reliable, temporary interpreter available, such as a bilingual MPD employee, a family member, friend, or bystander. Examples include but are not limited to: the need to obtain descriptive information on a fleeing suspect, or identifying information of an injured person. Once an exigency has passed all personnel shall revert to the general procedures in this directive.

3. *Family, Friends and Bystanders*

In other than exigent circumstances, MPD personnel should only use family, friends or bystanders for interpreting in informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP person. Note the following:

- a. Using family, friends or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.
- b. Barring exigent circumstances, police personnel should not use minor children to provide interpreter services.
- c. An exception to this practice: Anyone of the LEP individual's choosing may represent him/her when filing a citizen complaint. If the LEP individual chooses someone other than a City vendor, the LEP individual is responsible for any charges incurred for the interpreter.

4. *Contracted Telephone Interpretation Services*

Contracted telephone interpretation services shall be available to assist all MPD personnel when interacting with LEP individuals.

- a. Police personnel in need of interpretation services shall attempt to identify the LEP individual's primary language through the use of the Language Identification Card, and shall notify the LEP individual that free interpretation services are available when using a City of Minneapolis vendor.
- b. Police personnel who believe they need to use interpreting services over the telephone shall contact a supervisor to make arrangements for use of a cell phone, if one is needed. If no cell phone is available for use, police personnel may transport the LEP individual to the precinct or other police facility to use a phone.
- c. Police personnel in need of interpretation services shall refer to the LEP Guide located on MPD Net under Manuals and Guides for specific contracted City vendors to use and to obtain necessary access codes.

- d. Police personnel shall record the interpreter's name, company affiliation, and date and time contacted in the investigative report and specifically note if the interpreter used is not a contracted City vendor.

5. *Contracted In-Person Interpretation Services*

Contracted in-person interpretation services shall be available to assist all MPD personnel when needed for interacting with LEP individuals. While contracted in-person interpreting services are available to all police personnel, it is best suited for investigative units operating under non-emergency situations, such as victim/witness interviews and criminal interrogations.

- a. Police personnel in need of interpretation services shall attempt to identify the LEP individual's primary language through the use of the Language Identification Card, and shall notify the LEP individual that free interpretation services are available when using a City of Minneapolis vendor.
- b. An authorized list of contracted in-person interpreters available shall be used by police personnel to obtain in-person interpreting services. Refer to the LEP Guide located on MPD Net under Manuals and Guides for the list of contracted vendors. The contracted in-person interpreter should be on location no more than two (2) hours from the time of the service's notification.
- c. Upon arrival of the interpreter, the officer/investigator shall record the interpreter's name and company affiliation in the investigative report along with the interpreter's arrival and departure times and the note the language being interpreted.
- d. Police personnel will ask all questions and/or give direction through the interpreter.
- e. Under no circumstances shall an interpreter independently question an LEP individual. The interpreter's role is to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.
- f. If the officer/investigator believes that there is any conflict of interest with the assigned interpreter, bias or any other reason why the interpreter should be excused, the highest ranking supervisor on location shall be consulted.
 - i. If that supervisor agrees that the concern is warranted, the interpretation service will be notified for another interpreter.
 - ii. Any time there may be a conflict of interest or bias on the part of the interpreter, the consulted supervisor shall forward a memorandum to the Division Commander and LEP Coordinator for the department.

6. *Translation of Documents*

- a. Investigators shall secure translation services through a contracted City vendor, noting in the investigative report the date, name of the vendor used and the document translated.
- b. Units having documents that need to be translated shall contact the LEP Coordinator who will secure translation services through a contracted City vendor. Refer to section E. 2.

B. Interrogation, Interviews and Complaints

1. *Criminal Interrogations*

A failure to protect the rights of LEP individuals during an interrogation risks the integrity of any investigation. Police personnel must recognize that miscommunication during interrogations may have a substantial impact on the evidence presented in any related criminal prosecution, and may adversely affect a suspect's legal rights. Therefore, qualified interpreters shall be used for all interrogations of LEP individuals.

- a. Because of the dual role a bilingual law enforcement officer may have when conducting interrogations and acting as an interpreter, bilingual officers shall not be used as interpreters during investigation.
- b. A contracted, in-person interpretation service shall be used as outlined in the LEP Guide available on MPD Net under Manuals and Guides.
- c. Vital written materials will be available to the suspect, victim or witness in his or her primary language. If needed forms are not available in the individual's primary language and in the case of illiteracy, forms will be read to the suspect, victim or witness in his or her primary language using the contracted interpretation services.

2. *Crime Witness Interviews*

Accuracy is a priority as these scenarios potentially involve statements with evidentiary value by which a witness may be impeached in court. Accordingly, a certified interpretation service may be used when taking any formal statement or conducting any interview, as outlined in the LEP Guide available on MPD Net under Manuals and Guides.

3. *Complaint Procedures for LEP Persons*

Any LEP individual who wishes to file a complaint with the MPD or Office of Police Conduct Review (OPCR) regarding language access or the discharge of Departmental duties, shall be provided with translated complaint forms in their primary language. Police personnel may obtain an electronic copy of the translated forms from MPD Net

under “Forms”, or direct the LEP individual to the MPD public website where the forms can be found under “On-line Services – Translated Forms”.

- a. The assigned Internal Affairs or OPCR investigator shall use the contracted, in-person interpretation service, as outlined in this policy and the LEP Guide.
- b. Internal Affairs or OPCR shall provide written notice of the disposition of any LEP complaint in the complainant’s primary language.

C. Notifying the Public About Departmental Language Services

(05/06/15)

1. Signs shall be posted in the most commonly spoken languages at each police building with direct public access or lobby, stating that interpreters are available free of charge to LEP individuals, when using a contracted City vendor.
2. Language Identification Cards and Notice of Free Interpretation Services shall be readily accessible to MPD employees working at public access points and in any MPD vehicle used for transporting individuals to or from an MPD office, facility or crime scene.
3. The commanding officers of all precincts and units with direct public access shall ensure that the signs are posted and visible to the general public.
4. Each MPD Division or Unit shall maintain and have available hard copies of translated public forms and documents for LEP individuals. These documents and forms along with available languages shall be listed on the MPD public website under Forms>Translated Forms.

D. Training – Language Assistance Policy and Interpreter Skills

(05/06/15)

1. The MPD will provide periodic training to personnel about the Department’s LEP policies, including how to access departmentally authorized telephonic and in-person interpreters.
2. The MPD shall conduct such training for new recruits and at in-service training and Roll Call for officers at least every two (2) years.
3. Training shall initially be conducted within 180 days of the effective date of this Directive.

E. Monitoring And Updating Language Assistance Efforts

(05/06/15)

1. LEP Coordinator:

The Chief of Police will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the MPD's LEP policy. The LEP Coordinator will serve as the contact person for MPD employees with questions about or issues related to providing language assistance to LEP individuals.

2. Documents:

- a. The LEP Coordinator shall be responsible for initially reviewing, identifying and classifying all MPD documents as vital or non-vital for each unit, then annually reviewing all new documents issued by the MPD to assess whether they should be considered vital documents and be translated.
 - i. New and updated forms or documents shall be submitted electronically to the LEP Coordinator who will assign an MPD form number, maintain the electronic original and process the request to get the forms translated.
 - ii. Updates to and creation of the forms shall be the responsibility of the Unit who primarily uses the forms
- b. All translated documents and forms shall be available electronically on the public MPD website.
- c. Divisions or Units with forms that have been identified as vital documents shall have paper copies of the translated forms available for the public.
- d. The LEP Coordinator is responsible for working with contracted vendors to create additional access codes.

3. Training:

The LEP Coordinator will assist Leadership and Organizational Development with developing a lesson plan for training MPD employees on the LEP policy and how to access and use language assistance services.

4. Collection of LEP Contact Data:

The LEP Coordinator will be responsible for collecting information on the LEP individuals that have come in contact with the MPD. This data may be collected through the review of billing statements submitted by the contracted telephonic and in-person service providers.

5. Tracking and Analysis of LEP Data:

The Chief or his/her designee shall be responsible for assessing demographic data to ensure that the MPD is providing meaningful access for LEP persons to the services and

benefits that MPD provides in all MPD-conducted programs or activities. This assessment and consultation shall be conducted in coordination with the LEP Coordinator.



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Persons With Disabilities and Limited English Proficiency

7-1002 Communicating With Deaf or Hard of Hearing Individuals

(02/08/96) (12/05/08) (05/06/15)

(A)

It is the policy of the Minneapolis Police Department that American Sign Language interpreters will be provided to deaf or hard of hearing individuals who request them. Upon becoming aware that a person may be deaf or hard of hearing, MPD employees must inform the person that sign language interpreters are available at no cost and that it may take up to an hour for an interpreter to arrive. Employees should also ask the deaf or hard of hearing person what kind of interpreter or auxiliary aid he/she needs to communicate.

If a deaf or hard of hearing person suggests a mode of communication, MPD employees should try to accommodate the suggestion. Employees shall not require the deaf or hard of hearing person's friend or family member to interpret on his/her behalf.

If it is determined that an interpreter is needed, employees shall refer to the LEP Guide located on MPD Net under Manuals and Guides for specific contracted City vendors to request the interpreter service. If no immediate police action is required, employees may offer to schedule an interview or appointment to include an interpreter, for a later mutually agreeable date and time.

Before an interpreter arrives, employees should not take a suspect's statement, give Miranda warnings or have any other conversation which may be used in a court of law. During exigent circumstances, an interpreter will be offered after the exigency ends.

Officers assigned to 911 response cars have the discretion to determine whether to stay with the deaf or hard of hearing person while waiting for an interpreter to arrive. If there is no immediate threat of danger and the person has requested an interpreter, officers should direct them to go the nearest precinct where the interview will take place upon arrival of the interpreter. Officers shall return to the precinct when the deaf or hard of hearing person and the interpreter are present.

Upon encountering a deaf or hard of hearing person, officers should note the person's deafness in the CAPRS report. Any actions taken to accommodate suggestions made in order to facilitate communication should also be noted. If an interpreter was requested, the CAPRS report should include the time the interpreter was requested and the time the interpreter began interpreting. In addition, issues or problems that arise as a result of attempts to provide a qualified interpreter should be documented in the CAPRS report, if applicable, and the LEP Coordinator shall be notified via phone (673-2338), memo, or email.

MPD employees should direct questions and concerns regarding communication with deaf or hard of hearing individuals to the LEP Coordinator.

Communication Guidelines

In general, when communicating with deaf or hard of hearing individuals in the absence of an interpreter, employees should be aware of the following:

- Face the person; get his/her attention. Face the light.
- Communicate with the deaf or hard of hearing person directly; maintain eye contact.
- Use gestures and facial expressions. Do not restrict the use of both arms (unless necessary for officer safety).
- Offer the person a pencil and paper, or if available, use a computer. (02/08/96) (12/05/08)
- Written communications may require more effort to understand. American Sign Language is a language with different sentence structure and word usage than the English language. (02/08/96) (12/05/08)



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Persons With Disabilities and Limited English Proficiency

7-1002.01 Arrest or Detention of Person Handicapped in Communication

(05/06/15)

(A)

Minn. Stat. 611.32 subd.2 requires law enforcement agencies to immediately make contacts to obtain a qualified interpreter whenever a person who is handicapped in communication is apprehended or arrested for a crime. An arrested person has the right to an interpreter to explain all charges filed against the person and to explain all procedures relating to the person's detainment and release. The interpreter will also assist with any other necessary communications (arrangements for medical attention, etc.).

When arresting a person who is deaf or hard of hearing who communicates through sign language, the officer shall immediately refer to the LEP Guide located on MPD Net under Manuals and Guides for specific contracted City vendors and arrange for a sign language interpreter to interpret for the arrestee at the place of detention. Upon arrival at the place of detention, detention center personnel shall be informed that the person is deaf or hard of hearing and that a sign language interpreter will arrive to communicate with the arrestee. This notification shall be recorded on the arrest report. Officers do not have to wait at the detention center for the interpreter to arrive, however should request that they are notified when the interpreter has arrived. (02/08/96) (05/06/15)



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Persons With Disabilities and Limited English Proficiency

7-1003 Transportation of Persons With Disabilities in Wheelchairs

(06/19/94) (11/06/07) (05/06/15)

Special consideration is required when transporting a person with a disability who is in a wheelchair. When disabled persons in wheelchairs are arrested, are taken to Detox, or require placement on a health and welfare hold at HCMC, such persons will be transported by squad car whenever possible. However, prior to transport officers shall ask the disabled person if there is any medical reason they cannot be removed from their wheelchair for transport by squad.

If the person says they cannot be removed from their wheelchair, then special transportation by lift-van shall be made. A vehicle with a hydraulic lift is available through the Traffic Control Office, weekdays before 1530 hours. Officers shall contact the Traffic Control Street Supervisor at (612)335-5932, who will transport the wheelchair/arrested person. The officer requesting the Traffic Control lift-van shall give the Traffic Control Supervisor their name, badge number, squad number, and address where the arrested person/wheelchair is to be taken. One officer is required to accompany the person in the lift-van if the person is under arrest. Officers are not required to accompany the transport of just the wheelchair. (11/06/07) (12/14/07)

After 1530 hours and on weekends officers may obtain use of the hydraulic lift vehicle through the 1st Precinct. The key for the vehicle along with specific instructions for locating the van and operating the hydraulic lift are available at the 1st Precinct. Questions should be directed to 1st Precinct personnel, who have been trained in the procedure for transporting wheelchairs. 1st Precinct personnel will provide assistance to officers regarding use of the equipment, but are not responsible for transporting the arrested persons for other precincts. (11/06/07) (12/14/07)

If the person says they can be removed from their wheelchair, Officers will assist the disabled person into the squad, using care and caution. (08/27/95) (11/06/07)

When officers have had recent contact with the disabled person to be transported and have knowledge that there is no medical reason the person is not able to be removed from their wheelchair, the person may be transported by squad.

All wheelchairs shall be taken to the transport location of the disabled person, with collapsible wheelchairs transported in the trunk of the squad. When a person with a motorized wheelchair is transported by squad, the lift-van shall be called and directed to transport the wheelchair to the disabled person's location.

Officers may contact MECC to make arrangements for the arrival of the disabled person at the appropriate detox or detention facility, or they may contact the facility on their own. (03/18/96) (11/06/07)

Transport of Arrestee - When transport is needed to the detention facility, officers should contact or request that MECC contact the Jail Intake Supervisor for arrangements to book the arrestee as soon as possible. The Jail Intake Supervisor can be contacted at (612)596-8010. (03/18/96) (11/06/07)

Transport to Detox - When transport is needed to a detox facility, officers should request that MECC contact a supervisor at 1010 Currie for admission of the person. 1010 Currie is the preferred location because it is more wheelchair accessible. If 1010 Currie cannot accept the person, their staff supervisor should be able to direct the transport to another appropriate shelter facility. Ideally these arrangements should be made prior to the arrival of the lift-van service. The lift-van driver can then be directed to the pre-arranged facility. The phone number for 1010 Currie is 379-3646. (03/18/96) (11/06/07)

Officers shall follow department searching and restraining procedures when dealing with disabled persons in wheelchairs. Extra care shall be exercised during these procedures due to the arrestee's physical and/or medical conditions.



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Number:
7-3000

Volume Seven – Field Operations

Interactions With Transgender and Gender Non-Conforming Individuals

7-3001 Interactions With Transgender and Gender Non-Conforming Individuals (06/16/16)

(A-D)

I. Purpose

The purpose of this policy is to establish guidelines for the appropriate treatment of transgender and gender non-conforming (TGN) individuals who come into contact with the Minneapolis Police Department.

II. Policy

It shall be the policy of this department to treat all individuals with the courtesy and dignity inherently due to every person. Employees shall act, speak and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property. Employees shall maintain a courteous, professional attitude in all contacts with the public, and shall not exhibit any bias, prejudice or discrimination against a TGN individual or group of TGN individuals.

III. Definitions

Adopted/Chosen Name: Non-birth name that a TGN individual uses in self-reference (this may or may not be the individual's legal name).

Gender Identity or Expression: A person's actual or perceived self-image or identity as expressed through dress, appearance, behavior, speech or similar characteristics, whether or not traditionally associated with the person's physical anatomy, chromosomal sex, or sex at birth.

Gender Non-Conforming: A term for individuals whose gender expression does not fall within traditional expectations of masculine or feminine gender.

Sex: The anatomical qualities that determine whether one is male or female.

Sexual Orientation: Having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment.

Transgender Individual: A person who expresses a traditional gender that differs from that person's sex assigned at birth.

Female-to-Male (FTM): A person who transitions from female to male, meaning a person who was assigned female at birth, but identifies and lives as a male (also known as a transgender man). An FTM individual should be addressed using masculine pronouns (e.g. he, him, his), regardless of surgical status.

Male-to-Female (MTF): A person who transitions from male to female, meaning a person who was assigned male at birth, but identifies and lives as a female (also known as a transgender woman). An MTF individual should be addressed using feminine pronouns (e.g. she, her, hers), regardless of surgical status.

IV. Procedures/ Rules/ Regulations

A. Forms of Address

1. Employees shall address TGN individuals by the individual's adopted name, even if the individual has not received legal recognition of the adopted name.
2. In addressing or discussing a TGN individual, employees shall use the pronouns appropriate for that person's gender identity (e.g. she/her/hers, he/him/his, they/them/theirs, etc.). If an employee is uncertain about which pronouns are appropriate, the employee should respectfully ask the individual.
3. Employees shall not use language that a reasonable person would consider demeaning or derogatory; in particular, language aimed at a person's actual or perceived gender identity, gender expression or sexual orientation.
4. Employees shall not disclose an individual's TGN identity to any other person or group absent a proper law enforcement purpose.

B. Calls for Service

1. Calls for service or complaints generated by TGN individuals shall be addressed and investigated in a manner consistent with all departmental policies.
2. Employees shall not consider a person's gender or gender identification as reasonable suspicion or prima facie evidence that the individual is or has engaged in a criminal act, including prostitution.
 - a. Employees may only consider gender or gender identification in accordance with the Impartial Policing policy (P/P 5-104).

C. Transportation

Whenever possible, a TGN suspect or arrestee shall be transported alone. Officers shall ensure that additional units are called in order to assist with transporting additional TGN individuals.

D. Searches

1. Officers shall not stop, detain, frisk or search a person in whole or in part for the purposes of determining that person's gender or in order to call attention to the person's gender expression.
2. Officers shall continue to use standard practices and procedures when conducting field interviews, Terry stops and frisks/pat downs.
3. Whenever possible, a search of a TGN suspect that goes beyond a frisk/ pat down shall be conducted by an officer of the gender requested by the suspect.
 - a. All other aspects of the search shall be conducted in accordance with standard MPD practices and procedures.

E. Medical Attention

1. TGN individuals requiring medical attention shall be handled as any other individual requiring medical attention.

F. Name and Gender Classification of TGN Individuals for Data Purposes

1. The reporting system used by MPD (CAPRS) uses the label "sex" and offers the options of "Male" and "Female." This section will use the term "gender" in reference to the classification in the reporting system.
2. A person's name and gender will be classified for data purposes as it appears on the individual's government-issued identification card.
3. In the event a government-issued identification card is unavailable:
 - a. If the officer has established identification through appropriate databases (such as DVS) or if the individual was identified at the Hennepin County Jail, the name and gender from that identification shall be used.
 - b. If no government identification is established the following procedure shall be used:
 - i. The officer shall respectfully ask the individual whether they most closely identify with male or female and use that for the CAPRS report data classification.
 - aa. If the individual is not comfortable with either option or refuses to answer, the officer shall select one.
 - ii. The officer shall ask the individual for their legal name to use in the report.

4. If there is uncertainty regarding the appropriate data entry of an individual's name or gender, a supervisor should be consulted for further guidance.
5. This section relates to data classification only, and shall not alter the transportation, searching or processing of individuals.



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Volume Nine – Enforcement Policies

Adult Arrests

9-114 Police Authority in Immigration Matters

(05/29/02) (04/02/18)

- A. The United States Code, 8 U.S.C. §1101, empowers the U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE), Department of Homeland Security, as the sole authority in immigration matters.
- B. The MPD works cooperatively with all federal agencies, but the MPD does not operate its programs for the purpose of enforcing federal immigration laws. In addition, City of Minneapolis Ordinance §19.30 prohibits undertaking “any law enforcement action for the purpose of detecting the presence of undocumented persons, or to verify immigration status,” except for a narrow exception for enforcing criminal laws such as relating to human trafficking and smuggling where immigration status is an element of the crime.
- C. Officers shall not undertake any law enforcement action for the purpose of detecting the presence of undocumented persons, or to verify immigration status, including but not limited to questioning any person about their immigration status.
 - 1. The **only exception** to this prohibition is when immigration status is an element of a crime. This is a very limited exception and applies only to the types of federal crimes prohibited under 8 U.S.C. §1324, that relate to the crimes of human trafficking and smuggling.
 - 2. When questioning, arresting, or detaining any person under this exception, the officer must articulate and document the reason the officer believes the exception applies.
- D. Officers will take reports for missing, lost or stolen identification cards for foreign nationals in accordance with P&P 4-600 Specific Report Policies and Procedures.