

Chaska Police Department

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38.1 Employee Speech

38.1.1 Purpose

To specifically set out employee speech rights and obligations.

To encourage responsible employee criticism.

To preserve managerial prerogatives to maintain order and discipline regarding unprotected speech.

To provide a mechanism to resolve conflicts, to coordinate employee criticisms and, work related concerns.

To provide special protection and guidance for employee "whistle-blowers".

38.1.2 Policy

Law enforcement employees are entrusted with special responsibilities. They must conduct themselves in a professional manner and are subject to discipline for engaging in "conduct unbecoming an officer" or "conduct detrimental to the department". This department recognizes that employees enjoy constitutional protection to engage in reasonable speech activity, including work-related criticism and complaints. This employee speech policy is designated to provide guidelines for employees and management to ensure that employee speech does not unnecessarily harm legitimate law enforcement interests. Specific restrictions on employee speech, set forth below, are necessary to protect the integrity of the department and ensure that efficient and effective police services are delivered to the community. Employees are encouraged to express their views in a responsible and productive manner. Employees contemplating speech activity should carefully review the following rules and procedures.

38.1.3 Speech Unprotected as a Matter of Law

Employees are subject to disciplinary action for speech constituting treason, libel, slander, perjury, incitement to riot, or knowingly making false statements regarding departmental operations or personnel. Employees shall not publicly criticize departmental operations, policies, or personnel by speech, writing, or expression in any other manner when such speech is factually inaccurate or is made with a reckless disregard for its truth or falsity.

38.1.4 Off-Duty Speech Unrelated to Employment

When employees are off-duty and out of uniform, they enjoy the same speech rights as other citizens, except for restrictions on partisan political speech imposed by law or for specific restrictions imposed by departmental policy.

38.1.5 Chain-of-command Grievance Procedures

A departmental chain-of-command grievance system is established to provide for the orderly and effective resolution of employee problems and concerns. Employees are strongly encouraged to express their work-related criticism and complaints to their immediate supervisor. Employees must submit to their immediate supervisor a written summary of any personal internal grievance. Such personal grievances will be processed through the chain-of-command, and employees will receive a written response from the supervisor within 14 working days. Any questions concerning the meaning, or implementation of the department's employee speech policies, should be directed to the supervisor.

38.1.6 Confidential Information/Pre-publication Review

All employees are required as a condition of employment not to disclose or divulge any "confidential" information obtained by virtue of their employment to persons not specifically authorized to receive such information. "Confidential" information includes investigative, informant, internal affairs, personnel files, and any other information relating to departmental operations or personnel that a reasonable person would consider "confidential". Uncertainty over whether particular information is "confidential" should be resolved by consultation with the chief. Employees are required to submit to the chief for review any writing intended for publication relating to law enforcement. This pre-publication review in no way serves to censor an employee's writing; rather, it is designed to prevent the improper disclosure of confidential information and to alert employees to the possible consequences of their intended publication.

38.1.7 Whistle-blower Protection

Employees are required to report immediately any evidence of another employee's criminal wrongdoing to the chief. In the event that the chief is suspected of criminal wrongdoing or of covering up another employee's wrongdoing, employees are required to report such information directly to the city administrator. Employees are subject to termination for any activity that interferes with or hinders the successful prosecution of an employee's criminal misconduct.

Employees are not subject to retaliatory disciplinary action for reporting under this rule. However, employees are subject to discipline for making frivolous reports.

38.1.8 Impartiality Requirement

Employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, a professional service, or a commercial service including but not limited to the services of an attorney, bondsman, funeral director, ambulance service, or towing service. Employees are prohibited while on duty or in uniform from making political endorsements or expressions of favoritism toward a particular political issue or candidate. Employees are prohibited from using their official capacity to influence or interfere with the results of any political election except for a legitimate labor association election. Any exception to the above must be authorized by the chief.

38.1.9 Public Appearances Representing Department

Employees must receive the prior permission of the chief before making any public appearance officially representing the department, or one that gives the impression they are representing the department. Officers in departmental uniform, whether on or off-duty, shall not make any speeches or presentation to any civic club, religious gathering, private or public organization, or any other organized gathering without the prior approval of the chief. The off-duty expression of personal views by employees in their capacity as private citizens is not covered by this rule.

38.1.10 On-Duty Speech Restrictions

The need for esprit de corps, discipline, and harmony in a law enforcement organization necessitates some additional restrictions on employee speech when employees are on duty. Employees on duty or in uniform should refrain from using indecent or profane language. Employees shall be courteous to citizens, maintain command of their temper, and refrain from coarse, boisterous or insolent language.

Upon request, employees are required to provide citizens their name and badge number.

Employees shall treat superiors, subordinates, and associates in a respectful manner. Employees are prohibited from making personal attacks that ridicule, belittle, or defame another member of the department. No employee shall use epithets or terms that tend to denigrate a particular race, religion, sex, or ethnic group.

Management level employees have a duty of loyalty to support and defend management policies when addressing non-management level employees or subordinates. The failure or deliberate refusal to obey a lawful order or command of a superior constitutes insubordination and is ground for termination. Employees who feel a particular order is unfair or unwise are required to obey that order to the best of their ability. Employees are, however, encouraged to express objections to orders to their immediate supervisor for processing as a formal grievance through the appropriate chain of command.

Employees must obtain permission from the chief to circulate while on duty or on department property any petitions, questionnaires, or other material relating to employee grievances or conditions of employment.

38.1.11 Public Criticism

Public criticism of departmental operations or personnel can undermine the public's confidence in law enforcement and adversely affect morale. Accordingly, employees are required to express either orally or in writing any work related criticism to their immediate supervisor prior to expressing that criticism publicly. Constructive criticism is encouraged, and employees will not be disciplined for responsibly expressing their criticism. While it is not possible to list all the factors that will be evaluated in deciding whether an employee should be disciplined for public criticism, the presence of one or more of the following factors will be considered as grounds for disciplinary action:

- The employee personally criticized another person in a way that undermined discipline or a close working relationship.
- The employee ailed without justification to use the chain-of-command grievance procedures prior to engaging in the public criticism.

- The speech related only to a personal internal grievance of the employee and did not concern a matter of significant public interest, such as serious mismanagement, a gross waste of funds, the abuse of authority, or a specific and substantial danger to public health.
- The speech was delivered in an intemperate, offensive, or unprofessional manner.
- The speech violated a specific provision of departmental policy.

38.1.12 Contact with the News Media

All inquiries by the news media concerning information under the control of the department, computerized information or the status of either a closed or pending investigation, should be in accordance with the Press Relations Policy.

38.2 Racial Ethnic Profiling – Impartial Policing

38.2.1 Purpose

The purpose of this policy is to unequivocally state that racial and ethnic profiling in law enforcement are totally unacceptable, to provide guidelines for officers to prevent even the appearance of such a practice, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

38.2.2 Discussion

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is the right to equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by the police. Citizens are free to walk and drive our streets, highways, and other public places without interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to walk and drive our public ways safe from the actions of reckless and careless drivers.

The Chaska Police Department is charged with protecting these rights—for all—regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system.

Police officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon, and that detects and apprehends criminals.

This policy is intended to assist our officers in accomplishing this total mission in a way that respects the dignity of all persons, and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter a Chaska Police officer.

38.2.3 Policy

It is the policy of the Chaska Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit an infraction of the law.

38.2.4 Definitions

Racial-Ethnic Profiling – The detention, interdiction, or other disparate treatment of any person on the basis of their racial or ethnic status, or characteristic.

Reasonable Suspicion – Also known as articulable suspicion. Suspicion that is more than a mere hunch and is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution to believe that an infraction of the law has been, is about to be, or is in the process of being committed.

38.2.5 Procedure

- Officers will patrol the entire city, as assigned, directing their efforts toward those areas where there is the highest likelihood that they can be of service to the community, motor vehicle accidents can be reduced, and/or crimes can be prevented through proactive patrol.
- Officers will receive initial and ongoing training in officer safety tactics, and the laws governing search and seizure applications and functions.
- Officers will be sensitive to and respectful of courtesy, cultural diversity, and interpersonal communication issues.

- Motorists and pedestrians shall only be subjected to stops, seizures, or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction.
- Persons stopped, detained, and/or jailed will, at the appropriate time—allowing for officer safety considerations and investigative needs—be told why they have been stopped, detained, and/or taken into custody.
- Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense.
- Attempt to answer any relevant questions the citizen may have regarding the citizen/officer contact, including relevant referrals to other agencies when appropriate.
- Provide your name and badge number when requested, preferably in writing or on a business card..
- In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest, or reasonable suspicion for a stop.
- For the purpose—only—of data collection, officers will note the race/ethnicity and sex of persons issued written warnings or citations, and those who are the subject of, or are mentioned in police reports. This information will only be collected, if it can reasonably be ascertained by the physical appearance of, or from the driver's license of, or from other documents provided by an individual. Officers are not expected to guess. If the race of an individual is in question, officers should document the contact as unknown.
- The following keys will be used for indicating race/ethnicity:
 - A** – Asian or Pacific Islander
 - B** – Black
 - I** – American Indian or Alaskan Native
 - U** – Unknown
 - W** - White
 - H** - Hispanic
- The deliberate and intentional recording of any false information related to data collection is prohibited and would be cause for disciplinary action.

38.2.6 Complaints of Racial or Ethnic Profiling

Any and all citizen complaints will be handled in accordance with CPD Policy 14.2.5 and General Order 33.

38.3 Disabled, Intoxicated, and Mentally Disabled Persons

38.3.1 Purpose

It is the policy of this department to ensure that a consistently high level of police service is provided to all members of the community including people who may require special consideration in order to access these services. It has been estimated that there are approximately 43 million people with disabilities in the United States. The Americans With Disabilities Act provides that departments of any state or local government may not exclude qualified individuals with disabilities from participation in any program, service, or activity or deny qualified individuals with disabilities the benefits of programs, services, or activities, or otherwise subject them to discrimination on the basis of disability.

No single policy or procedure can address police response to all people with disabilities. It is the intent of this order to guide employees in responding to and assisting people with disabilities with whom they will have the most contact in the performance of their duties. This policy addresses common police interaction with people with disabilities including those who are complainants, victims, witnesses, arrestees, members of the community who desire to participate in department sponsored programs, people seeking information, and uninvolved bystanders.

The Chaska Police Department will ensure that a consistently high level of police service is provided to all members of the community including people who may require special consideration in order to access these services.

38.3.2 Definitions

The term "qualified individual with a disability" means an individual who, with or without reasonable modifications to rules; policies or practices; the removal of architectural, communication, or transportation barriers; or, the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

1. The term "disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

38.3.3 Visual Disabilities

One of the most difficult issues facing people in need who are blind or vision impaired is identifying police officials. Employees should offer detailed information in identifying themselves as members of the Department. If needed, badges may be offered to the individual to verify the officer's identity.

Knowing what not to do is as important as knowing what to do to assist a person who is vision impaired. Employees do not need to raise their voice when speaking. Employees should not grab the person's arm to lead him or her in a particular direction. If needed, the individual will take the officer's arm for guidance.

38.3.4 Mental, Emotional and Psychological Disabilities

The terms "mental illness," "emotional illness," and "psychological illness," describe varying levels of a group of disabilities in thinking, feeling, and relating.

Providing accessibility to police services for people with mental, emotional, and psychological disabilities usually involves providing only general assistance. At times, exceptional police service and safe custodial care may be required.

Employees must ensure that people with mental, emotional, and psychological disabilities are assisted in accessing agency services, which may require time and patience beyond that usually provided. For example, time spent on a call for service may have to be extended in order to reassure the individual, sort facts, interact with family members and others, and bring the call to successful resolution.

If an individual with a mental, emotional, or psychological disability is taken into custody, employees must make reasonable efforts, while taking precautions, to use the least restraint possible and protect the arrestee from self-injury.

Frequently, a family member or friend is of great value in calming an individual exhibiting unusual behavior as a result of mental or emotional impairment. If needed, steps should be taken to gain placement for the individual in an appropriate emergency medical, health care, or shelter facility.

Officers must become familiar with appropriate government agencies, nonprofit agencies, volunteer organizations, and emergency medical services available to provide assistance to people with mental, emotional, and psychological disabilities.

Officers must remain familiar with appropriate emergency commitment/detention procedures to be used when providing shelter care and related support to people with mental, emotional or psychological disabilities.

38.3.6 VITALS

When safe and practical, officers will utilize the VITALS application on a department-issued “smart phone” in an attempt to identify, assess, and assist persons with mental, emotional, and psychological disabilities. The VITALS application is passive, meaning it relies upon the subscriber to carry a beacon that interacts with the Bluetooth connection on the department-issued smart phone. The utilization of the VITALS application is designed to resolve conflict situations by using de-escalation techniques and avoiding use of force when possible.

38.3.7 Mobility Impairment

Among the disabilities that are the most visibly identifiable are mobility impairments. People with mobility-related impairments include those who have difficulty walking, those who use a wheelchair or other mobility aid, and those who are immobile.

In a critical or emergency situation, employees should be aware of the safest and most rapid methods for assisting people with mobility impairments to avoid causing them unnecessary strain or injury.

38.3.7 Invisible Disabilities

Many disabilities are difficult to notice. A law enforcement officer's failure to recognize characteristics associated with certain invisible disabilities could have serious consequences for the person with the disability. For example, outward signs of a disability such as epilepsy generally do not exist unless the person with the disability experiences a seizure. People with diabetes may have reactions from either too little insulin or too much insulin. Low blood sugar reactions are common and are usually treated by ingesting sugar. Detaining someone and preventing them from getting sugar could have serious health implications for the individual and liability consequences for the officer and department.

Officers should realize that involuntary behavior associated with some invisible disabilities may resemble behavior characteristically exhibited by intoxicated or, less frequently, combative individuals. For example, a person experiencing a mild seizure may appear incoherent and physically imbalanced. The response is temporary.

An officer's patience and understanding of the characteristics commonly associated with invisible disabilities will lead to a successful outcome. An inaccurate assessment may lead to unnecessary confrontation, injury, and denial of needed medication and/or medical treatment.

As with all types of disabilities, an employee's first obligation is to protect the individual from unnecessary harm. When aiding a person experiencing a seizure, protection from obstacles, a calm reassuring manner, and patience are important responses. Family members and friends should be sought to provide information and assistance. Their presence may prove invaluable in understanding the needs of the person with the disability and guiding the officer's actions.

38.3.8 Speech and Hearing Disabilities

Like other invisible disabilities, officers may confuse the behavior of individuals with hearing and speech disabilities with those of people who intentionally refuse to cooperate or those who abuse illegal substances. Officers should be aware that an individual's failure to comply with or respond to verbal orders does not always constitute defiance, but may be the result of that individual's inability to hear the officer or respond verbally. Before committing themselves to a course of action, officers should attempt to identify whether or not they are dealing with a person who has a communication-related disability.

It is essential that officers take extra measures to protect the rights of suspects who are deaf and hard of hearing, as well as others who may not have educational or communications comprehension levels sufficient to fully understand the basic Miranda rights. Simply reading the rights to someone with a hearing disability and having the individual acknowledge that they are understood is insufficient.

38.3.9 Officer Responsibility

In providing police service to the public, it is incumbent on every employee to ensure that people with disabilities are afforded all rights, privileges, and access to the Department provided to those without disabilities.

People with disabilities may also be suspects or arrestees and require detention, transport, and processing. Employees must familiarize themselves with the proper methods of transport, arrest, and detention to ensure officer safety while providing all reasonable support to an arrestee with a disability.

Employees must develop the ability to recognize the characteristics of various disabilities, including symptoms, and physical reactions.

Employees must recognize that responses of people with certain disabilities may resemble those of people who have abused substances such as alcohol or drugs. At times, such traits may be exhibited by people with diabetes, epilepsy, multiple sclerosis, hearing impairments, and other disabilities.

Employees should be able to identify and apply appropriate responses, such as emergency medical aid, protecting and/or calming the individual, securing professional medical attention, locating and enlisting support of family and friends, and rendering proper physical support.

Officers should be able to identify and apply appropriate restraint to a person with a disability, if needed to facilitate an arrest. When affecting an arrest of a person with a disability, officers should be able to access the support systems necessary to secure the rights of the individual. This may include use of interpreters, attorneys, and legal guardians.

In all cases, officer safety must prevail. No employee should jeopardize his or her safety or that of others in an attempt to accommodate a person with a disability.

38.3.10 Arrest and Incarceration

Employees should employ appropriate precautions and safety techniques in arresting and incarcerating all people, whether or not they have a disability. Officers should follow all policies and standard techniques for arrest and incarceration when taking a person with disabilities into custody.

Consideration should be given to the special needs of some people with disabilities in an arrest situation. Response in these situations requires discretion and will be based, in great part, on the officer's knowledge of characteristics and severity of the disability, the level of resistance exhibited by the suspect, and immediacy of the situation. In arrest and incarceration situations, employees may encounter the following:

0. A person whose disability affects the muscular and/or skeletal system may not be able to be restrained using handcuffs or other standard techniques. Alternative methods (transport vans, seat belts) should be sought.
1. Some people with disabilities require physical aids (canes, wheelchairs, leg braces) to maintain their mobility. Once the immediate presence of danger has diminished and the suspect is safely incarcerated, every effort should be made to return the device. If mobility aids must be withheld, the prisoner must be closely monitored to ensure that his or her needs are met.
2. Prescribed medication may be required at regular intervals by people with disabilities (diabetes, epilepsy). Medical personnel (the suspect's physician, on-call medical staff, emergency room medical staff) should be contacted immediately to determine the importance of administering the medication, potential for overdose, etc.

3. Some people with disabilities may not have achieved communications comprehension levels sufficient to understand their individual rights in an arrest situation. (For people who are deaf, there is no sign language for the term "waive" in regard to the Miranda rights. Yet, in an effort to be cooperative, a suspect who is deaf may acknowledge that he or she is willing to give up his or her rights.) Officers must take extra care to ensure that the rights of the accused are protected.

4. The booking officer shall be notified of an arrestee's disability, and medicine or aids shall be given to the booking officer.

38.3.10 Translators

A qualified translator will be used when appropriate for someone involved in a serious offense where there is a communication barrier. This includes language barriers as well as the hearing impaired.

1. The mere stopping and issuing of a misdemeanor summons or traffic citation to an individual does not require a translator.

2. Translators are not required when an individual is arrested on a traffic or misdemeanor ticket, when no attempt is made to interrogate or take a statement from such person.

3. If possible, have a qualified translator available to advise the suspect party of his or her rights pursuant to the Miranda decision. As soon as the suspect has been advised of his or her rights and acknowledges understanding of same, proceed with the investigation along normal lines with the exception of using a translator.

Qualification of Translators

1. No one shall be appointed to serve as a translator for a person if he or she is married to that person, closely related to that person, living with that person, or is otherwise interested in the outcome of the proceeding, unless the appointing authority determines that no other qualified translator is available to serve and that hearing impaired person wants that individual as a translator.

2. No person shall be appointed as a translator unless the appointing supervisor makes a preliminary determination that the translator is able to readily communicate with the person in his or her primary language, or who is deaf and is able to accurately repeat and translate the statement of said person.

38.3.11 Consulate

Officers will advise a foreign citizen that he or she has the right to contact their consulate for advice when that person is the custody of an officer.

38.3.12 Intoxicated Individuals

Officers who are exposed to a person who is believed to be incapacitated by alcohol or other substances must weigh the obligation to protect the individual from harm against the individual's immediate personal liberty.

Officers should consider the apparent level of intoxication or impairment as well as any other available information when deciding the method most effective in rendering assistance.

Officers shall exercise one of the following two options when dealing with intoxicated persons, who are taken into custody, when no crime has occurred:

- Placement of the person in a “detox” facility, or
- Contacting a sober adult, who will pick up* the intoxicated person and sign the department Inebriate Person Release Form. (*Officers will not deliver intoxicated persons to a private residence)

38.4 Naloxone/NARCAN Use

38.4.1 Purpose

To establish guidelines for the carrying and use of nasal Naloxone – AKA NARCAN – by Chaska Police Department personnel to assist in the care of unresponsive patients, as a result of opioid overdose, or by accidental contact/inhalation/absorption/ingestion of opioids and/or opioids that have been combined with other substances.

38.4.2 Policy

The authorized training and carrying of NARCAN, by CPD personnel, will be voluntary unless a member is directed to be so trained and equipped by a member of the Senior Command Staff (Chief of Police, Deputy Chief or Lieutenant).

The appropriate hospital/medical entity and medical doctor(s) will provide CPD with Naloxone – NARCAN – and training in the use of it. A member may not carry or use NARCAN unless they have been trained in accordance with this policy. CPD personnel will undergo training as frequently as is deemed appropriate by CPD designated medical professionals.

38.4.3 Training

Areas of training will include:

- Storage
- Carrying
- Indications for use
- Contra-Indications for use
- Protocol for use
- Transmission of information to other first responders
- Disposal of syringe, glass vial and related apparatus
- Resupply
- Report documentation

38.4.4 Protocol**I. Background**

- A. Recent trends suggest a dramatic increase in prescription drug abuse and deaths from drug overdose.
- B. Opioids includes prescription pain relievers and heroin.
 - 1. These types of drugs all produce altered mental status that may progress to respiratory arrest in a dose dependent fashion.
- C. Naloxone (Narcan) is an easy to administer antidote that can quickly reverse the adverse effects of opioids.
- D. In conjunction with aggressive airway management and ventilation, this drug can promote a return of spontaneous respiration and airway protection in the setting of opioid overdose.

II. Indications

- A. Known or suspected opioid overdose
- B. Unconsciousness
- C. Decreased or ineffective respiratory effort

III. Contra-Indications

- A. Alert (conscious) patients
- B. Known allergy or hypersensitivity to naloxone

IV. Protocol

- A. Ensure scene safety and use of appropriate PPE
- B. Note clues for drug overdose (pill bottles or paraphernalia)
- C. Assess level of consciousness (AVPU)
 - 1. Verbal or painful stimulation may improve mental status
- D. Assess Breathing (Look, Listen, Feel)
- E. Check for pulse
 - 1. If no pulse utilize cardiac arrest guidelines and do not administer naloxone
- F. Assist ventilation
 - 1. Insert oral (preferred) or nasal airway
 - 2. Ventilate with Bag-Valve-Mask and high flow oxygen
 - a. Or pocket mask and rescue breathing
 - 3. Suction airway as needed
- G. If suspicion for opioid overdose, administer naloxone
 - 1. Assemble plastic syringe and glass vial
 - 2. Attach nasal atomizing device
 - 3. Insert in nostril at about 45 degree angle
 - a. If nasal airway in place, temporarily remove for medication administration
 - 4. Briskly inject 1ml of naloxone in each nostril
- H. Continue ventilatory assistance, supplemental oxygen and suction as needed
- I. Reassess for signs of increased respiratory effort and improved mental status
- J. If spontaneous breathing occurs, place in recovery position
- K. Remove airway if the patient starts gagging
 - 1. Be prepared for vomiting and suction as needed
- L. Ensure adequate personnel, should patient become agitated

V. Precautions

- A. The administration of naloxone may result in the rapid onset of opioid withdrawal
 - 1. Signs and symptoms include agitation, tachycardia, pulmonary edema, nausea/vomiting, seizure
- B. Prior to administration of naloxone all patients should receive the appropriate medical treatment to support their airway, breathing and circulation (ABC's)
- C. Prior to administration of naloxone all patients should be assessed for other causes of altered mental status and/or respiratory depression such as hypoxia, hypoglycemia, head injury, shock and stroke.
- D. The adverse effects following naloxone administration, especially in chronic opioid users may place the patient, bystanders and EMS personnel at risk on injury.
- E. Narcan and the delivery system should be disposed of in a sharps container, preferably on an ambulance, at a hospital, or at the Carver County government center.

VI. Special notes

- A. All patients who receive naloxone must be transported to an ED.
- B. All patients who receive naloxone must be monitored closely for recurrent symptoms including altered mental status, respiratory depression and shock.

38.5 Mental Illness Commitments

38.5.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person qualifies under the Minnesota Commitment and Treatment Act for taking the person into custody for admission to a treatment facility pursuant to Minn. Stat. § 253B.05. The detention of a person under Minn. Stat. § 253B.05 does not constitute an arrest. If an officer believes that a person falls within the provisions of Minn. Stat. § 253B.05 and requires admission to a treatment facility, he/she shall transport or arrange transportation for that person to the nearest suitable treatment facility for evaluation.

38.5.2 AUTHORITY OF AN OFFICER

When any person, because of mental illness, chemical dependency or public intoxication, is likely to harm him/herself or others if allowed his/her liberty, an officer may, upon probable cause, take or cause to be taken, the person to a treatment facility for 72-hour evaluation by facility staff (Minn. Stat. § 253B.05 Subd. 2(b)).

38.5.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a suspected mentally disabled individual or an involuntary mental illness commitment should consider utilizing available resources, as time and circumstances reasonably permit. These include:

- a) Any information that might assist in determining the cause and nature of the mental illness or developmental disability.
- b) Conflict resolution and de-escalation techniques.
- c) Language that is appropriate for interacting with a mentally disabled person.
- d) If circumstances reasonably permit, alternatives to deadly force.
- e) Any community resources that can assist in dealing with a mentally disabled individual.

38.5.4 TRANSPORTATION

When transporting any individual on a Minn. Stat. 253B.05 admission, the handling officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether any special medical care is needed.

Violent patients or those who are medically unstable may be restrained and transported by ambulance and ambulance personnel. An officer should accompany a violent patient when transported by ambulance.

38.5.5 RESTRAINTS

If the officer reasonably believes the patient is violent or potentially violent or that restraints are otherwise appropriate, the officer may apply appropriate restraints to the person. If reasonably practicable, the officer should communicate with facility staff as to whether specific restraints, if available, should be used. If a patient is to be transferred from one facility to another and specific restraints are desired, the officer should permit their application by staff and may assist in physical control of the patient, if needed (Minn. Stat. § 253B.03 Subd. 1 (a)).

38.5.6 WRITTEN DOCUMENTATION

The officer will complete an application for admission and provide it to the staff member assigned to that patient. The officer will retain a copy of the application for the emergency admission form for inclusion in the case report.

Officers shall provide an application for admission in writing, including the circumstances under which the person's condition was called to the attention of the officer, the circumstances under which the person was taken into custody, and describing probable cause to believe that the person, because of mental illness, chemical dependency or intoxication, is likely to harm him/herself or others if allowed his/her liberty. If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person may be informed that he/ she may be liable in a criminal and/or civil action for intentionally giving a statement which he/ she knew to be false.

If danger to specific individuals is a basis for the emergency hold, the statement must include identifying information of those individuals to the extent practicable.

A copy of the statement shall be made available to the person taken into custody (Minn. Stat. § 253B.05 Subd. 2 (a)).

The officer shall also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

38.5.7 SECURING OF WEAPONS

If a receiving facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

38.5.8 SAFEKEEPING OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or taken into custody pursuant to Minn. Stat. § 253B.05 and is found to own, have in his/her possession or under his/her control any firearm whatsoever or any other deadly weapon, the firearm or other deadly weapon shall be taken for safekeeping if so requested by the subject or other person occupying the premises. The firearm or other deadly weapon shall be booked into property.

Officers are cautioned that a search warrant may be needed before entering a residence to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

The handling officer shall further advise the person of the procedure for the return of any firearm or other deadly weapon that has been confiscated.

38.5.9 RETURN OF FIREARMS AND WEAPONS

- a) Whenever the handling officer has cause to believe that the future return of any weapon(s) taken into custody might endanger the person or others, the officer shall detail those facts and circumstances in a report.
- b) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and satisfactory evidence of ownership, or authorization by the owner is established.
- c) A firearm may not be released until it has been verified that the person receiving the weapon, who may or may not be its owner, is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d) or Minn. Stat. § 624.713 Subd. 1.
- d) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal pursuant to Minn. Stat. 345.15.
- e) In each case the return of firearms is subject to approval of the Chief of Police.

38.6 HATE OR PREJUDICE CRIMES

38.6.1 Purpose and Scope

The Chaska Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

38.6.2 Federal Jurisdiction

The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

38.6.3 Definitions

Hate or Prejudice Crime - Conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (see generally Minn. Stat § 611A.79 Subd. 1).

38.6.4 Preventing and Preparing For Likely Hate or Prejudice Crimes

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

- a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- c) Educating community and civic groups relating to hate crime laws.

38.6.5 Procedure For Investigating Hate or Prejudice Crimes

Whenever any member of this department receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

- a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

- b) A supervisor should be notified of the circumstances as soon as practicable.
- c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.
- d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.
- e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- f) The assigned officers will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant report(s). All related reports will be clearly marked as "Hate or Prejudice Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- g) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts, prosecuting attorney or City Attorney.

38.6.6 Investigation Unit Responsibilities

If a case is assigned to the Investigation Unit, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

- a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies, as appropriate.
- b) Maintaining contact with the victim(s) and other involved individuals as needed.

38.6.7 State Hate Crime Reporting

This department shall report hate or prejudice crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the designee of the Chief of Police (Minn. Stat § 626.5531 Subd. 1).

38.6.8 Federal Hate Crime Reporting

Records personnel should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Unit procedures and in compliance with (28 USC § 534 (a)).

38.6.9 Training

All members of this department will receive training on hate and prejudice crime recognition and investigation (Minn. Stat § 626.8451 Subd. 1 and 4).